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Filing date: **04/09/2025**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding no.	92082310
Party	Plaintiff Matos Insurance Agency, Inc. and Armando J. Matos
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Submission	Plaintiff's Notice of Reliance
Filer's name	Marc Alexander Rapaport
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Signature	/Marc Alexander Rapaport/
Date	04/09/2025
Attachments	Notice of Reliance - Matos v Mattos.pdf(136251 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Registration No.: 6209276
Mark: MATTOS INSURANCE
Registered: December 1, 2020
Class: 036
Cancellation: 92082310

MATOS INSURANCE AGENCY, INC., ARMANDO JOSE MATOS	)
	)
Petitioner,	)
	)
v.	)
	)
MATTOS INSURANCE, INC.	)
	)
Respondent.	)

PETITIONERS' NOTICE OF RELIANCE[1]

Petitioners Matos Insurance Agency, Inc., and Armando Jose Matos, file their Notice of Reliance in anticipation of final briefing.

1. Nonfinal Office Action dated April 30, 2020, regarding U.S. Trademark Application Serial No. 88794831;
    a. Relevance – confirms USPTO's determination that "MATTOS" is primarily merely a surname and the word "INSURANCE" is generic.
2. Response to Nonfinal Office Action dated August 7, 2020, regarding U.S. Trademark Application Serial No. 88794831;
    a. Relevance – confirms deficiency with Respondent's response to Nonfinal Office Action because the Declaration submitted in connection with the response, is, on

[1] Petitioners will submit the listed documentation under separate cover/filing.

its own, insufficient to show secondary meaning for Respondent's mark. The USPTO should have required the provision of additional evidence because of the extreme descriptive and/or generic nature of Respondent's mark.

3. Respondent's trademark registration for MATTOS INSURANCE, U.S. Reg. 6209276;
    a. Relevance – to simply establish Respondent's mark was registered and in furtherance of Petitioners' attempt to rebut the rebuttable presumption of validy assigned to marks registered on the Principle Register.
4. Petitioners' Petition to Cancel (Cancellation: 92082310);
    a. Relevance – to establish Petitioners' argument in furtherance of cancellation of Respondent's mark.
5. Respondent's Answer to Petition (Cancellation No. 92082310);
    a. Relevance – to establish Respondent's failure to assert any affirmative defenses to Petitioners' Petition to Cancel.
6. Extensive Third Party Usage of "MATTOS" (internet evidence);
    a. Relevance – internet evidence to show extensive third-party use of the "MATTOS" (or substantially similar marks) mark in conjunction with the provision of insurance services.
7. Expert Report of Brian M. Sowers dated April 12, 2024 (previously disclosed);
    a. Relevance – to prove Petitioners' position Respondent's mark has not acquired the requisite secondary meaning
8. Declaration of Brian M. Sowers in Support of Petitioners' Trial Period Submission and Final Briefing;
    a. Relevance – to support Mr. Sowers's expert report.

9. Discovery Deposition of Corporate Representative for Mattos Insurance, Inc., Tiago Macedo Mangueira.
    a. Relevance – to contest any "circumstantial" evidence of secondary meaning Respondent seeks to introduce as part of its final briefing.
10. Copy of Verified Complaint in *Mattos Insurance, Inc. v. Jose Matos Armando and Matos Insurance Agency, Inc.*, Case No.: 0:22-cv-62075, U.S. District Court Southern District of Florida;
    a. Relevance – to establish the source of Petitioners' harm by Respondent seeking to enforce its mark.
11. Copy of Answer and Affirmative Defenses in *Mattos Insurance, Inc. v. Jose Matos Armando and Matos Insurance Agency, Inc.*, Case No.: 0:22-cv-62075, U.S. District Court Southern District of Florida
    a. Relevance – to establish Petitioners raised affirmative defenses regarding the validity of Respondent's mark.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of April 2025, a true and correct copy of the foregoing was filed via the Electronic System for Trademark Trials and Appeals (ESTTA), with a courtesy copy sent via e-mail to counsel of record for Respondent, together with the documents listed in this Notice.

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By: /s/ Marc A. Rapaport
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