

ESTTA Tracking number: **ESTTA880255**

Filing date: **02/28/2018**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Michael Rodriguez		
Entity	Individual	Citizenship	UNITED STATES
Address	3131 Maple Avenue 10B Dallas, TX 75201 UNITED STATES		

Attorney information	Richard P. Bobowski Friedman & Feiger, L.L.P. 5301 Spring Valley Road Suite 200 Dallas, TX 75254 UNITED STATES Email: rbobowski@fflawoffice.com Phone: 972-788-1400		
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Applicant Information

Application No	87385164	Publication date	01/30/2018
Opposition Filing Date	02/28/2018	Opposition Period Ends	03/01/2018
Applicant	Mesero Restaurant Group LLC 5495 Belt Line Rd, Suite 390 Dallas, TX 75254 UNITED STATES		

Goods/Services Affected by Opposition

Class 043. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Restaurant services

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Applicant not rightful owner of mark for identified goods or services	Trademark Act Section 1

Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	"Mesero" and "Mr Mesero"		
Goods/Services	Restaurant services		

Attachments	Notice_of_Opposition_with_Exhibits.pdf(1004036 bytes)
Signature	/Richard P Bobowski/
Name	Richard P. Bobowski
Date	02/28/2018

NOTICE OF OPPOSITION TO REGISTRATION

1. The Application of Mesero Restaurant Group, LLC (“Applicant”), Serial Number 87385164 (the “Applicaton”), for the registration of “MESERO” (the “Mark”) in connection with restaurant services should be refused registration because (i) Applicant does not have exclusive ownership of the Mark in connection with restaurant services, as Michael “Mico” Rodriguez (“Opposer”) claims such ownership, and (2) the Mark is confusingly similar to the trademark used by Opposer since November 11, 2011.
2. As stated in the Affidavit of Opposer, attached hereto as Exhibit “A”, Opposer has continuously used “Mesero” in connection with his restaurant business since November 11, 2011, and, therefore, prior use by Opposer.
3. As further set forth in Opposer’s Affidavit, Opposer has not assigned his rights in the trademark “Mesero” to Applicant or any other person.
4. Opposer continues to use “Mesero” in connection with his “Mr. Mesero” restaurant in Dallas, Texas, as evidenced by the image from the restaurant’s website, attached hereto as Exhibit “B”.
5. Opposer would be damaged by the registration of the confusingly similar use of “Mesero” by Applicant in similarly-styled restaurants.
6. Based upon the foregoing, Opposer asks that the United States Patent and Trademark Office refuse registration of the Mark under the Application.

AFFIDAVIT OF MICHAEL "MICO" RODRIGUEZ

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

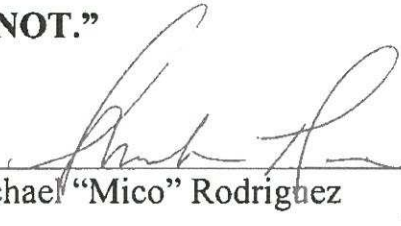
BEFORE ME, the undersigned Notary Public, on this day personally appeared Michael "Mico" Rodriguez, who having been by me first duly sworn according to law, upon his oath deposed and stated as follows:

1. "My name is Michael "Mico" Rodriguez. I am over 18 years of age. I am of sound mind, have never been convicted of a crime involving moral turpitude, and I am fully competent to make this Affidavit. The statements contained in this Affidavit are true and correct.

2. I first used "Mesero" in connection with restaurant operations when I opened "Mr. Mesero" in Dallas, Texas on November 11, 2011. I subsequently participated in several other restaurants incorporating the "Mesero" name.

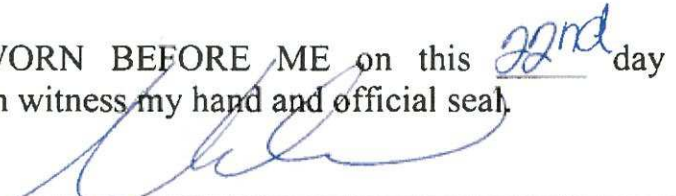
3. Although "Mesero" appears in the names of Texas limited liability companies with whom I am or have been associated, I have never conveyed, licensed, transferred or otherwise disposed of my common law rights in the trademark/service mark "Mesero" to any person or entity, including, without limitation, Mesero Restaurant Group, LLC, in connection with restaurant operations. I continue to operate "Mr. Mesero" in Dallas, Texas.

FURTHER AFFIANT SAYETH NOT."



Michael "Mico" Rodriguez

SUBSCRIBED AND SWORN BEFORE ME on this 22nd day of February, 2018, to certify which witness my hand and official seal.



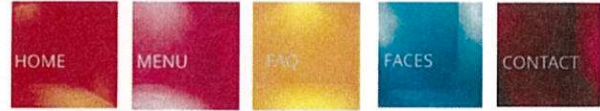
Notary Public in and for the State of Texas



EXHIBIT

MR MESERO

american+mexican



WELCOME TO MESERO

After creating a wardrobe of successful restaurant concepts and being part of very special projects with a collection of very talented people, please enjoy my latest creation. Mr. Mesero features American Standards + Mexican Classics, which has become highly regarded by our old friends and new. I've got a table for you.

See You In The Restaurants,



space. Enjoy the food. Enjoy each other."



"Enjoy the



LOCATION

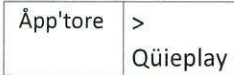
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