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

Proceeding no.	91253283
Party	Defendant Cheema Properties LLC
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Dishoom Limited,

Opposer and Counterclaim Registrant

v.

Cheema Properties LLC,

Applicant and Counterclaim Petitioner

Opposition No. 91253283

APPLICANT AND COUNTERCLAIM PETITIONER'S TRIAL BRIEF

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I. PRELIMINARY STATEMENT

Applicant and Counterclaim Petitioner Cheema Properties LLC (“Cheema”) submits this combined trial brief:

- (1) in support of Cheema’s Counterclaim seeking to have the trademark registration of Counterclaim Respondent Dishoom Ltd. (“Dishoom”) cancelled, based upon a Dishoom’s lack of bona fide intent to use the mark in the United States at the time its application was filed; and
- (2) in response to Dishoom’s opening trial brief opposing Cheema’s trademark DISHYUM.

Because cancellation of Dishoom’s registration would render Dishoom without standing to bring its statutory opposition claim to Cheema’s mark, and thereby obviate the need to address Dishoom’s opposition claims, Cheema will begin by addressing why Dishoom’s registration should be cancelled, before replying to Dishoom’s opposition.

II. THE RECORD

Dishoom submitted testimony from its co-founder, Kavi Thakrar, by testimonial declaration dated March 22, 2022, which includes Exhibits A through T referenced therein. 22 TTABVUE.

Dishoom also submitted during its testimony period Dishoom’s Notice of Reliance on Discovery Responses dated March 22, 2022, which includes Exhibit 1 referenced therein. 23 TTABVUE.

Applicant submitted testimony of its CEO, Ramandeep Cheema, by testimonial declaration dated May 21, 2022, which includes Exhibits 1-6 referenced therein. 24 TTABVUE.¹

¹ Cheema notes for explanatory purposes that Cheema has tendered both 24 TTABVUE and 25 TTABVUE which overlap for technical purposes. Specifically, for purposes of providing the Board with filings that can be searched in their entirety. For purposes of ease of reference, and consistency Cheema will reference the more complete 24

III. STATEMENT OF FACTS

A. Dishoom's Application for its DISHOOM Mark

Dishoom owns and operates a regional Indian food chain of restaurants under the mark DISHOOM which are modeled after the old Iranian cafes of Bombay, in an old-world atmosphere. 22 TTABVUE 1-2, ¶¶ 2, 4. As of March 2022, there were eight DISHOOM restaurants all of which are located in United Kingdom, with no U.S. locations. 22 TTABVUE 2, ¶ 5.

On November 7, 2016, Dishoom applied to register the DISHOOM mark, for all of the following uses:

Services for providing food and drink; take-out restaurant services, namely, food and drink takeaway services; self-service restaurants; snack bars; bar services, namely, public house services, micro pub services, cocktail bar services, wine bar services, and bar services; restaurant services; canteen services; cafeteria services; catering; catering services, namely, the catering of banquets; banqueting services, namely, providing banquet and social function facilities for special occasions; provision of conference and meeting facilities; provision of banquet and social function facilities for special occasions, namely, weddings; providing facilities for events, namely, exhibitions; arranging temporary housing accommodations; making reservations and bookings for meals in taverns in the nature of public houses, and for meals at restaurants and hotels; hotel services; tavern services, namely, public house services; provision of conference and meeting venues; provision of banquet and social function venues for special occasions, namely, weddings; providing venues for events, namely, exhibitions

with such application being granted on April 10, 2018. 22 TTABVUE 5, ¶ 22 & Ex. S.

TTABVUE which includes searchable Exhibits, but notes that the testimony itself is in searchable format in 25 TTABVUE for the Board's convenience.

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