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 6 **Glendale, CA 91203-1445**
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7 Attorneys for Plaintiff
 TAPATIO FOODS, LLC
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 9

10 UNITED STATES DISTRICT COURT
 11 CENTRAL DISTRICT OF CALIFORNIA

12 TAPATIO FOODS, LLC, a California
 13 Limited Liability Company,

14 Plaintiff,

15 vs.

16 INGRID VERONICA PONCE;
 17 MARIO MENDIZABAL; DORIAN
 HUERTA, Individuals; and TCG
 18 INDUSTRIES, LLC d/b/a PAYASO
 GROW, a California Limited Liability
 19 Company,

20 Defendants.

Case No. 2:17-cv-07530

COMPLAINT FOR:

1. **FEDERAL TRADEMARK INFRINGEMENT;**
2. **FEDERAL UNFAIR COMPETITION;**
3. **UNFAIR COMPETITION UNDER CAL. BUS. CODE § 17200; and**
4. **DILUTION**

DEMAND FOR JURY TRIAL

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 23 Plaintiff Tapatio Foods, LLC (“Tapatio” or “Plaintiff”) by and through its
 24 attorneys, asserts this Complaint against Defendants Ingrid Veronica Ponce,
 25 Mario Mendizabal, Dorian Huerta, and TCG Industries, LLC d/b/a Payaso Grow
 26 (“Defendants”) as set forth below.
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THE PARTIES

1. Plaintiff Tapatio Foods, LLC is a limited liability company organized under the laws of California with its principal place of business at 4685 District Blvd., Vernon, California 90058.

2. On information and belief, Defendant Ingrid Veronica Ponce is an individual and resident of California with her primary residence in South Gate, California.

3. On information and belief, Defendant Mario Mendizabal is an individual and resident of California with his primary residence in South Gate, California.

4. On information and belief, Defendant Dorian Huerta is an individual and resident of California with his primary residence in South Gate, California.

5. On information and belief, Defendant TCG Industries, LLC d/b/a Payaso Grow is a limited liability company organized under the laws of California with its principal place of business at 11128 Hadley Street, Whittier, California 90606.

JURISDICTION AND VENUE

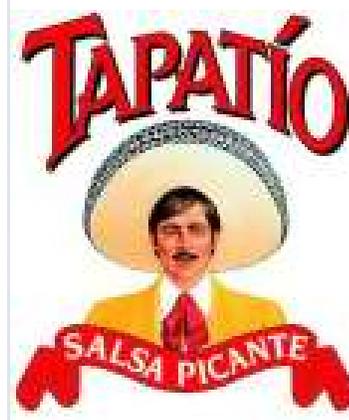
6. This is an action for trademark infringement under the Lanham Act, 15 U.S.C. § 1114 et seq., unfair competition and dilution under the Lanham Act, 15 U.S.C. § 1125 et seq., and California state statutory unfair competition under California Business and Professions Code § 17200 et seq.

7. This Court has jurisdiction over the subject matter of this lawsuit pursuant to, *inter alia*, 28 U.S.C. §§ 1331 and 1338(a). The state law claims in this action arise from the same common nucleus of operative facts and transactions, such that they form part of the same case or controversy and a plaintiff would ordinarily be expected to try them all in a single judicial proceeding. Accordingly, this Court has supplemental jurisdiction over Tapatio’s state law claims pursuant to 28 U.S.C. § 1367.

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13. The subject marks of the '964, '043, and '981 Registrations are referred to herein as the TAPATIO Marks

14. The TAPATIO Marks are the subject of extensive advertising by Tapatio, including but not limited to use of the marks on billboards, in magazines, on the internet and social media, in commercials, and in tradeshow.

15. Products bearing the TAPATIO Marks are available for sale in grocery stores and specialty goods retailers nationwide, and are featured as the hot sauce of choice for a number of restaurants.

16. The TAPATIO Marks are strong marks that, through Tapatio's continuous use of the marks on high quality meatless hot sauce and other goods, have come to acquire significant secondary meaning and goodwill in the mind of the consuming public who associate the TAPATIO Marks with Tapatio.

17. The TAPATIO Marks are "famous" marks within the meaning of the term as defined in the Federal Trademark Dilution Act 15 U.S.C. § 1125(c)(2)(A).

Defendants' Infringing Tapatio Marks

18. On information and belief, Defendants have begun to manufacture, sell, offer for sale, advertise, and/or distribute meatless hot sauce and other related products under a variety of marks that are confusingly similar to the TAPATIO Marks as depicted below:

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Infringing TRAPATIO Stylized Mark



Infringing TRAPATIO Sombbrero Mask Mark

Infringing TRAPATIO Bandito Mark

19. On information and belief, the above identified marks along with several variations (collectively, the “Infringing Marks”) are advertised to the same class of consumers as goods sold by Tapatio under the TAPATIO Marks.

20. On information and belief, the Infringing Marks are advertised in the same marketing channels as goods sold by Tapatio under the TAPATIO Marks.

21. On information and belief, Defendants use the word TRAPATIO in connection with the sale, advertising, offer for sale, manufacturing and distribution of meatless hot sauce.

22. TRAPATIO and TAPATIO contain the same letters and sound similar, the only difference being the addition of the “R” in TRAPATIO.

23. The word TRAPATIO appears on Defendants’ products in a red arching font in a confusingly similar manner to Tapatio’s use of TAPATIO.

24. On information and belief, in some instances, the font used by Defendants for TRAPATIO is the same as the font used by Tapatio for the

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1 TAPATIO Marks. In other instances, the font used by Defendants for
2 TRAPATIO is similar to the font used by Tapatio for the TAPATIO Marks.

3 25. The use of the mark TRAPATIO by Defendants is likely to cause
4 confusion as to the source, origin, sponsorship, and/or affiliation of Defendants'
5 goods, on the one hand, and Tapatio's goods on the other hand.

6 26. The man in the sombrero, yellow shirt, and red tie that appears in the
7 TAPATIO Marks is a Charro.

8 27. On information and belief, many of the Infringing Marks that
9 Defendants use in connection with the sale, advertising, offer for sale,
10 manufacturing and distribution of meatless hot sauce also contain a Charro with
11 an iconic sombrero, yellow jacket, and red tie, and is confusingly similar to the
12 Charro used by Tapatio on its products.

13 28. On information and belief, many of the Infringing Marks that
14 Defendants use in connection with the sale, advertising, offer for sale,
15 manufacturing and distribution of meatless hot sauce also include a curled red
16 banner under the Charro.

17 29. The use of the Charro in connection with the word TRAPATIO by
18 Defendants is likely to cause confusion as to the source, origin, sponsorship,
19 and/or affiliation of Defendants' goods, on the one hand, and Tapatio's goods on
20 the other hand.

21 30. On information and belief Defendant Mario Mendizabal advertises
22 and offers for sale products that bear the Infringing Marks on various social
23 media platforms, including Instagram.

24 31. On information and belief, Defendant Dorian Huerta is one of the
25 distributors of products bearing the Infringing Marks and has sold products
26 bearing the Infringing Marks within this district.

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Defendants’ Tarnishment of the TAPATIO Marks

32. As is demonstrated below, Defendants claim that one or more of the products produced by them or manufactured on their behalf that bear the Infringing Marks are infused with marijuana (cannabis) and contain THC.



33. Defendants claim that one or more of the products produced by them or manufactured on their behalf that bear the Infringing Marks are infused by Defendant TCG Industries, LLC d/b/a Payaso Grow.



34. On information and belief, marijuana is a Schedule 1 drug under U.S. Federal Law.

35. On information and belief, other Schedule 1 drugs include, but are not limited to heroin, ecstasy, and LSD.

36. On information and belief, the sale, distribution, advertising for sale, and consumption of marijuana is illegal under U.S. Federal Law.

37. On or about July 24, 2017, Defendant Ponce filed a trademark application in the United States Patent and Trademark Office, Serial No. 87/539,264 for the Infringing Tapatio Stylized Mark displayed above (the “264

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1 Application”). Defendant Ponce is listed as the applicant on the ’264
2 Application. In the ’264 Application, Defendant Ponce claims that she has been
3 using the mark in commerce since February 9, 2015. A copy of the ’264
4 Application is attached as Exhibit D.

5 38. The ’264 Application identifies the following goods: “Medicinal
6 drinks; Medicinal herb extracts; Medicinal herbal extracts for medical purposes;
7 Medicinal herbs; Medicinal oils; Medicinal roots; Herbs for medicinal purposes;
8 Sweets for medicinal purposes.”

9 39. On information and belief, the “medicine” and specifically the
10 “Medicinal herbs” that the ’264 Application is referring to is marijuana.

11 40. By using a mark that evokes the TAPATIO Marks in conjunction
12 with the sale of products that illegally contain a Schedule 1 controlled substance,
13 Defendants have tarnished the reputation of the TAPATIO Marks.

14 **COUNT I**

15 **(Trademark Infringement of a Registered Trademark**

16 **Under the Lanham Act 15 U.S.C. § 1114)**

17 41. Tapatio repeats and realleges the allegations of paragraphs 1 through
18 40 of the Complaint as if fully set forth here.

19 42. The above-cited acts by Defendants constitute infringement of a
20 registered trademark in violation of 15 U.S.C. § 1114.

21 43. Tapatio has been damaged by Defendants’ trademark infringement
22 by reason of the likelihood that customers, potential customers, businesses,
23 retailers, and vendors are likely to be confused as to the source or affiliation,
24 sponsorship, or approval of products offered under the TAPATIO Marks and
25 Defendants’ Infringing Marks.

26 44. By reason of Defendants’ actions alleged herein, Tapatio has
27 suffered and continues to suffer irreparable injury to its goodwill.
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1 45. On information and belief, Defendants’ acts of trademark
2 infringement have been willful and taken without regard to the established rights
3 of Tapatio.

4 **COUNT II**

5 **(Unfair Competition Under the Lanham Act 15 U.S.C. § 1125)**

6 46. Tapatio repeats and realleges the allegations of paragraphs 1 through
7 45 of the Complaint as if fully set forth here.

8 47. The above-cited acts by Defendants constitute unfair competition in
9 violation of 15 U.S.C. § 1125.

10 48. Tapatio has been damaged by Defendants’ unfair competition by
11 reason of the likelihood that customers, potential customers, businesses, retailers,
12 and vendors are likely to be confused as to the source or affiliation, sponsorship,
13 or approval of Defendants’ products that bear the Infringing Marks.

14 49. By reason of Defendants’ actions alleged herein, Tapatio has
15 suffered and continues to suffer irreparable injury to its goodwill.

16 50. On information and belief, Defendants’ acts of unfair competition
17 have been willful and taken without regard to the established rights of Tapatio.

18 **COUNT III**

19 **(Unfair Competition Under Cal. Civ. Code § 17200 et seq.)**

20 51. Tapatio repeats and realleges the allegations of paragraphs 1 through
21 50 of the Complaint as if fully set forth here.

22 52. The above-cited acts by Defendants constitute unfair competition in
23 violation of California Civil Code § 17200.

24 53. Tapatio has been damaged by Defendants’ unfair competition by
25 reason of the likelihood that customers, potential customers, businesses, retailers,
26 and vendors are likely to be confused as to the source or affiliation, sponsorship
27 or approval of Defendants’ products that bear the Infringing Marks.
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1 54. By reason of Defendants’ actions alleged herein, Tapatio has
2 suffered and continues to suffer irreparable injury to its goodwill.

3 55. On information and belief, Defendants’ acts of unfair competition
4 have been willful and taken without regard to the established rights of Tapatio.

5 **COUNT IV**

6 **(Dilution by Tarnishment Under The Lanham Act**

7 **15 U.S.C. § 1125(c)(2)(C))**

8 56. Tapatio repeats and realleges the allegations of paragraphs 1 through
9 55 of the Complaint as if fully set forth here.

10 57. The above-cited acts by Defendants constitute dilution by
11 tarnishment in violation of the Lanham Act, 15 U.S.C. § 1125(c)(2)(C).

12 58. Tapatio has been damaged by Defendants’ dilution by tarnishment
13 by reason that the similarity between the TAPATIO Marks and the Infringing
14 Marks harms the reputation of the TAPATIO Marks by virtue of the association
15 of the Infringing Marks with marijuana which is a Schedule 1 controlled
16 substance and is illegal to sell or use under federal law.

17 59. By reason of Defendants’ actions alleged herein, Tapatio has
18 suffered and continues to suffer irreparable injury to its goodwill.

19 60. On information and belief, Defendants’ acts of dilution by
20 tarnishment have been willful and taken without regard to the established rights
21 of Tapatio.

22 61. On information and belief, Defendants’ acts have been willful and
23 were done with the intention to tarnish the reputation of the TAPATIO Marks.

24 **PRAYER FOR RELIEF**

25 WHEREFORE, Tapatio prays for:

26 1. A permanent injunction restraining Defendants, any companies or
27 business that they own, their officers, directors, agents, employees,
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1 representatives and all persons acting in concert with Defendants, from engaging
2 in any further trademark infringement, unfair competition and dilution;

3 2. An order commanding Defendant Ponce to abandon the '264
4 Application;

5 3. An order commanding the United States Patent and Trademark
6 Office to deny registration to the mark that is the subject of the '264 Application;

7 4. A monetary award for corrective advertising in an amount to rectify
8 all the harm and damages to Tapatio, including, but not limited to, the confusion
9 caused by willful actions of Defendants, including Defendants' willful trademark
10 infringement of the TAPATIO Marks;

11 5. Disgorgement of any profits Defendants enjoyed as a result of the
12 infringement of the TAPATIO Marks;

13 6. All damages sustained by Tapatio as a result of Defendants'
14 infringement and unlawful actions;

15 7. Treble damages under the Lanham Act as a result of Defendants'
16 willful trademark infringement and/or dilution by tarnishment;

17 8. Recovery of any gains, profits and advantages Defendants have
18 obtained as a result of their unlawful actions;

19 9. An award to Tapatio of its costs in this action, including its
20 reasonable attorneys' fees under at least 17 U.S.C. § 1117, and any other
21 applicable authority; and

22 10. Such other and further relief as the Court deems proper.

23 Dated: October 13, 2017

Respectfully submitted,
LEWIS ROCA ROTHGERBER
CHRISTIE LLP

24 By /s/Drew Wilson
25 Gary J. Nelson
26 Anne Wang
27 Drew Wilson

28 Attorneys for Plaintiff
TAPATIO FOODS, LLC

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JURY DEMAND

Tapatio demands a jury trial on all issues for which a jury trial is permitted.

Dated: October 13, 2017

Respectfully submitted,

LEWIS ROCA ROTHGERBER
CHRISTIE LLP

By /s/Drew Wilson
Gary J. Nelson
Anne Wang
Drew Wilson

Attorneys for Plaintiff
TAPATIO FOODS, LLC

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Exhibit A

Int. Cl.: 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 1,228,964

Registered Mar. 1, 1983

**TRADEMARK
Principal Register**

“TAPATIO”

José Luis Saavedra (United States citizen), d.b.a.
Empacadora “Tapatio”
3634 Fruitland Ave.
Maywood, Calif. 90270

For: MEATLESS HOT SAUCE, in CLASS 30
(U.S. Cl. 46).

First use Feb. 16, 1977; in commerce Nov. 10,
1977.

“Tapatio” can be translated from Spanish into
English and it means: a native of the Guadalajara
City, capital of the state of Jalisco, in Mexico.

Ser. No. 235,012, filed Oct. 12, 1979.

D. J. FINGERET, Examining Attorney

Exhibit A

Exhibit B

United States of America
United States Patent and Trademark Office

TAPATIO

Reg. No. 4,997,043

TAPATIO FOODS, LLC (CALIFORNIA LIMITED LIABILITY COMPANY)
4685 DISTRICT BLVD.
VERNON, CA 90058

Registered July 12, 2016

Int. Cl.: 30

FOR: SEASONINGS, IN CLASS 30 (U.S. CL. 46).

TRADEMARK

FIRST USE 4-0-2015; IN COMMERCE 7-0-2015.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

THE ENGLISH TRANSLATION OF THE WORD "TAPATIO" IN THE MARK IS "A PERSON WHO IS A NATIVE OF GUADALAJARA CITY, CAPITAL OF THE STATE OF JALISCO, IN MEXICO".

SER. NO. 86-815,707, FILED 11-10-2015.

PARKER HOWARD, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

Exhibit B

Exhibit C

United States of America

United States Patent and Trademark Office



Reg. No. 3,837,981
Registered Aug. 24, 2010
Int. Cl.: 30

TAPATIO FOODS, LLC (CALIFORNIA LIMITED LIABILITY COMPANY)
4685 DISTRICT BLVD.
VERNON, CA 90058

TRADEMARK
PRINCIPAL REGISTER

FOR: MEATLESS HOT SAUCE, IN CLASS 30 (U.S. CL. 46).

FIRST USE 2-21-1997; IN COMMERCE 2-25-1997.

OWNER OF U.S. REG. NOS. 1,228,964, 2,341,589, AND 2,742,178.

THE COLOR(S) RED, BLACK, WHITE, BLUE, BROWN, LIGHT BEIGE, BEIGE, AND YELLOW IS/ARE CLAIMED AS A FEATURE OF THE MARK.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SALSA PICANTE", APART FROM THE MARK AS SHOWN.

THE LIKENESS (OR, "PORTRAIT") IN THE MARK DOES NOT IDENTIFY A LIVING INDIVIDUAL.

THE MARK CONSISTS OF THE WORD TAPATIO IN RED LETTERING WITH A BLACK OUTLINE AND SHADOW APPEARING ABOVE A DESIGN OF A TRADITIONAL MEXICAN CHARRO. THE CHARRO HAS BEIGE SKIN, BLUE AND WHITE EYES, AND BROWN HAIR, EYEBROWS, AND MUSTACHE. HE IS WEARING A YELLOW JACKET, WHITE SHIRT AND RED TIE. ON HIS HEAD IS A SOMBRERO IN LIGHT BEIGE WITH A BLACK AND WHITE BORDER. BENEATH THE CHARRO DESIGN IS A RED BANNER WITH A BLACK OUTLINE CONTAINING THE WORDING SALSA PICANTE.

THE ENGLISH TRANSLATION OF "TAPATIO" IN THE MARK IS "A PERSON WHO IS A NATIVE OF GUADALAJARA CITY, CAPITAL OF THE STATE OF JALISCO, IN MEXICO."

SER. NO. 78-274,475, FILED 7-15-2003.

DEBRA LEE, EXAMINING ATTORNEY



David J. Kyjars

Director of the United States Patent and Trademark Office

Exhibit D

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form 1478 (Rev 09/2006)

OMB No. 0651-0009 (Exp 02/28/2018)

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 87539264

Filing Date: 07/24/2017

NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	\\TICRS\EXPORT17\IMAGEOUT\17\875\392\87539264\xml1\FTK0002.JPG
*SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	Trapatio
*COLOR MARK	YES
*COLOR(S) CLAIMED (If applicable)	The color(s) red and black is/are claimed as a feature of the mark.
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of trapatio, logo consists of the letters TRAPATIO, witch are black and red in color.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	800 x 400
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Ponce, Ingrid, Veronica,
DBA/AKA/TA/FORMERLY	DBA Trapatio
*STREET	9726 San Gabriel Ave.
*CITY	Southgate
*STATE (Required for U.S. applicants)	California
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants)	90280
PHONE	323-819-6624
EMAIL ADDRESS	ingaboo@hotmail.com
WEBSITE ADDRESS	www.trapatio.com

Exhibit D

LEGAL ENTITY INFORMATION	
*TYPE	SOLE PROPRIETORSHIP
* STATE/COUNTRY WHERE LEGALLY ORGANIZED	California
NAME OF INDIVIDUAL & CITIZENSHIP	Ingrid Veronica Ponce
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	005
*IDENTIFICATION	Medicinal drinks; Medicinal herb extracts; Medicinal herbal extracts for medical purposes; Medicinal herbs; Medicinal oils; Medicinal roots; Herbs for medicinal purposes; Sweets for medicinal purposes
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 02/09/2015
FIRST USE IN COMMERCE DATE	At least as early as 02/09/2015
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT17\IMAGEOUT\17\875\392\87539264\xml1\FTK0003.JPG
SPECIMEN DESCRIPTION	5 oz. bottle with "Trapatio" logo in red and black, along with "Trapatio" cartoon character with ski mask.
ADDITIONAL STATEMENTS SECTION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
CORRESPONDENCE INFORMATION	
*NAME	Ponce, Ingrid, Veronica,
FIRM NAME	Ponce, Ingrid, Veronica,
*STREET	9726 San Gabriel Ave.
*CITY	Southgate
*STATE (Required for U.S. addresses)	California
*COUNTRY	United States
*ZIP/POSTAL CODE	90280
PHONE	323-819-6624
*EMAIL ADDRESS	ingaboo@hotmail.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS Plus
NUMBER OF CLASSES	1

Exhibit D

FEE PER CLASS	225
*TOTAL FEE PAID	225
SIGNATURE INFORMATION	
* SIGNATURE	/Ingrid/Veronica/Ponce/
* SIGNATORY'S NAME	/Ingrid/Veronica/Ponce/
* SIGNATORY'S POSITION	Owner
SIGNATORY'S PHONE NUMBER	323-819-6624
* DATE SIGNED	07/24/2017

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.
PTO Form 1478 (Rev 09/2006)
OMB No. 0651-0009 (Exp 02/28/2018)

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 87539264

Filing Date: 07/24/2017

To the Commissioner for Trademarks:

MARK: Trapatio (stylized and/or with design, see [mark](#))

The mark in your application is Trapatio.

The color(s) red and black is/are claimed as a feature of the mark. The mark consists of trapatio, logo consists of the letters TRAPATIO, which are black and red in color.

The applicant, Ponce, Ingrid, Veronica,, DBA Trapatio, a sole proprietorship legally organized under the laws of California, comprising of Ingrid Veronica Ponce, having an address of

9726 San Gabriel Ave.

Southgate, California 90280

United States

323-819-6624(phone)

ingaboo@hotmail.com (not authorized)

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 005: Medicinal drinks; Medicinal herb extracts; Medicinal herbal extracts for medical purposes; Medicinal herbs; Medicinal oils; Medicinal roots; Herbs for medicinal purposes; Sweets for medicinal purposes

Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

In International Class 005, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 02/09/2015, and first used in commerce at least as early as 02/09/2015, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) 5 oz. bottle with "Trapatio" logo in red and black, along with "Trapatio" cartoon character with ski mask..

[Specimen File1](#)

For informational purposes only, applicant's website address is: www.trapatio.com

The applicant's current Correspondence Information:

Ponce, Ingrid, Veronica,

Ponce, Ingrid, Veronica,

9726 San Gabriel Ave.

Southgate, California 90280

323-819-6624(phone)

ingaboo@hotmail.com (authorized)

E-mail Authorization: I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or the applicant's attorney, or the applicant's domestic representative at the e-mail address provided in this application. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in the loss of TEAS Plus status and a requirement to submit an additional processing fee of \$125 per international class of goods/services.

Exhibit D

A fee payment in the amount of \$225 has been submitted with the application, representing payment for 1 class(es).

Goods and/or services were validated at the time of submission.

Declaration

Basis:

If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

AND/OR

If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):

- The signatory believes that the applicant is entitled to use the mark in commerce;
- The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.

To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /Ingrid/Veronica/Ponce/ Date: 07/24/2017

Signatory's Name: /Ingrid/Veronica/Ponce/

Signatory's Position: Owner

Signatory's Phone Number: 323-819-6624

Payment Sale Number: 87539264

Payment Accounting Date: 07/24/2017

Serial Number: 87539264

Internet Transmission Date: Mon Jul 24 03:38:48 EDT 2017

TEAS Stamp: USPTO/FTK-XXX.XXX.XX.XXX-201707240338481

69250-87539264-5102197b246aac6678e4394de

a2d2ac71cd7a13b788fbce5cc254772e7fd2a20-

CC-7506-20170724025345515759





Exhibit D