

TTAB

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

CARLOS A. ARREDONDO, in his capacity as
Trustee of The 2000 Trust for the Grandchildren of
Carlos A. Arredondo and Mari V. Arredondo,
General Partner of Arredondo Properties Limited
Partnership,

Opposer,

v.

ARREDONDO & CO., LLC,

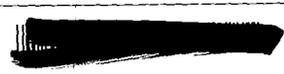
Applicant.

Opposition _____

Serial No. 76/446,778

Regarding U.S. Application for
DESIGN ONLY filed on
September 3, 2003
Published on June 24, 2003
At Page TM 513

07-08-2003



07-08-2003

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #22

BOX TTAB-FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

NOTICE OF OPPOSITION

Carlos A. Arredondo (hereinafter "Opposer") believes that he will be damaged by the registration of the mark shown in U.S. Application No. 76/446,778 filed on September 3, 2002 for the Terrier Design designated "DESIGN ONLY" (hereinafter "Applicant's Mark") by Arredondo & Co., LLC (hereinafter "Applicant") covering storage services, warehouse storage facilities, locker storage services, storage of containers for the storage of goods, rental of units in a building for the storage of goods of others, rental of moving equipment and vehicles, and moving vans and trucks for moving goods in U.S. Classes 100 and 105 and International Class 039. Accordingly, Opposer hereby opposes the application.

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As grounds for his opposition, Opposer alleges as follows:

1. Opposer is the trustee of a trust that is a general partner of Arredondo Properties Limited Partnership (“APLP”).
2. Since at least as early as 1997, APLP has used the Terrier Design as a trademark in interstate commerce to identify high-end self storage facilities, services, and related goods.
3. Opposer has expended significant money and effort to promote the goods and services it sells under its mark, and Opposer and its affiliates each year generate substantial revenue from the sale of such goods and services. As a result, Opposer’s mark is famous and an asset of substantial value to Opposer.
4. Registration of Applicant’s Mark would be injurious to Opposer because Applicant’s mark would be likely to mislead or deceive consumers into believing that Applicant’s goods and services originate from, are sponsored or endorsed by, or are associated or affiliated with, Opposer, which they are not. Registration of Applicant’s Mark will further dilute the distinctive quality of Opposer’s famous mark.
5. Applicant is not now, and was not at the time it filed its Application, entitled to the registration of the mark disclosed for the goods and services specified in the Application. For these and other reasons, Opposer believes that it would be materially damaged if Applicant’s Mark was registered. Opposer therefore prays that registration of Applicant’s Mark in U.S. Classes 100 and 105 and International Class 039 be refused and that this Opposition be sustained. Two duplicates of this NOTICE OF OPPOSITION are enclosed together with the required fee in the amount of \$300.

All correspondence in connection with this matter should be mailed to:

Dana Marty Haas, Esq.
Alston & Bird, LLP
1201 W. Peachtree Street
Atlanta, GA 30309-3424

Respectfully submitted, this 8th day of July, 2003.



DAVID J. STEWART
Georgia Bar Number 681149
DANA MARTY HAAS
Georgia Bar Number 316090

ALSTON & BIRD, LLP
One Atlantic Center
1201 W. Peachtree Street
Atlanta, Georgia 30309-3424
(404) 881-7000 – telephone
(404) 881-7777 – facsimile

Attorneys for Opposer
Carlos A. Arredondo

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CERTIFICATE OF SERVICE

I hereby certify that I have this date served a true and correct copy of the within
and foregoing Notice of Opposition upon Applicant by causing a copy of same to be
deposited in the United States Mail, first-class postage prepaid, and addressed as follows:

Arredondo & Co., LLC
Metro Center, One Station Place
Stamford, CT 06902-6800

This 8th day of July, 2003.


Dana Marty Haas

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2900 Crystal Drive
Arlington, VA 22202-3513

TRANSMITTAL LETTER

Dear Madam:

Please find attached hereto the following items in connection with the above-identified application:

1. Notice of Opposition and two duplicate copies;
2. A check in the amount of \$300.00; and
3. A return postcard.

Respectfully submitted,



Dana Marty Haas

ALSTON & BIRD LLP
One Atlantic Center
1201 W. Peachtree Street
Atlanta, Georgia 30309-3424
(404) 881-7000 (phone)
(404) 881-7777 (facsimile)
Date: April ____, 2003

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EXPRESS MAIL CERTIFICATION ACCOMPANYING PAPER

“Express Mail” mailing label number: EL 952541417 US

Date of Deposit: July 8th, 2003

I hereby certify that the foregoing documents are being deposited with the United States Postal Service “Express Mail Post Office to Addressee” service pursuant to 37 C.F.R. 1.10 on the date indicated below and are addressed to Commissioner for Trademarks, Box TTAB-FEE, 2900 Crystal Drive, Arlington, Virginia 22202-3513.

This 8th day of July, 2003.

Dana Marty Haas
Dana Marty Haas