

ESTTA Tracking number: **ESTTA14462**

Filing date: **09/02/2004**

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	Hunter Fan Company		
Entity	Corporation	Citizenship	Delaware
Address	2500 Frisco Avenue Memphis, TN 38114 UNITED STATES		

Attorney information	Valerie Walsh Johnson, Esq. Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C. 165 Madison Avenue Suite 2000 Memphis, TN 38103 UNITED STATES vjohanson@bakerdonelson.com Phone:(901) 577-2180		
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Applicant Information

Application No	78199981	Publication date	08/03/2004
Opposition Filing Date	09/02/2004	Opposition Period Ends	09/02/2004
Applicant	CENTURY SERVICES, L.P.		

Goods/Services Affected by Opposition

Class 035. First Use: First Use In Commerce:

All goods and services in the class are opposed, namely: Retail store services, computerized on-line search and ordering services, mail order catalog services, wholesale and retail distributorships, all featuring lighting products, lighting fixtures, and ceiling fans.

Applicant Information

Application No	78199979	Publication date	08/03/2004
Opposition Filing Date	09/02/2004	Opposition Period Ends	09/02/2004
Applicant	CENTURY SERVICES, L.P.		

Goods/Services Affected by Opposition

Class 035. First Use: First Use In Commerce:
All goods and services in the class are opposed, namely: Retail store services, computerized on-line search and ordering services, mail order catalog services, wholesale and retail distributorships, all featuring lighting products, lighting fixtures, and ceiling fans.

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Signature	/Valerie Walsh Johnson/
Name	Valerie Walsh Johnson, Esq.
Date	09/02/2004

Hunter Fan Company, ("Hunter"), a Delaware corporation, with its principal place of business at 2500 Frisco Avenue, Memphis, Tennessee 38114, believes that it would be damaged by registration of the marks shown in U.S. Trademark Application Serial No. 78/199,981 and U.S. Trademark Application Serial No. 78/199,979 (the "Applications"), both filed January 3, 2003 by Century Services, L.P. ("Century Services") and both published for opposition on August 3, 2004. Hunter hereby opposes registration of said marks pursuant to Section 13 of the Lanham Act, 15 U.S.C. § 1063.

To the best of Hunter's knowledge, the current owner of the Applications is Century Services, L.P., a Delaware limited partnership, doing business at 10050 Cash Road, Suite No. 1, Stafford, Texas 77477.

As grounds for this Opposition, Hunter alleges that:

1. Prior to the date Century Services filed its intent to use Applications and prior to any claimed date of first use or any other date upon which Applicant may rely, and continuing to the present, Hunter has used and continues to use its CENTURY trademarks in the United States for electric fans.
2. Hunter has been using its CENTURY trademarks in commerce for electric fans since June 5, 2001.
3. On January 8, 2003, Hunter filed a federal trademark application for CENTURY (Serial No. 78/201,252) for portable electric fans.

4. Hunter is the owner of a federal trademark registration for 19TH CENTURY (U.S. Registration No. 2537007) for ceiling fans, which issued on February 5, 2002.
5. Hunter has been continuously using its CENTURY and 19TH CENTURY trademarks (collectively "CENTURY Trademarks") in a prominent and distinctive manner in interstate commerce so as to distinguish the source of its products from those of others and has spent significant effort and sums of money in advertising and otherwise promoting the sale of its goods under its CENTURY Trademarks.
6. The trade and purchasing public has come to know and recognize the CENTURY Trademarks as a designation identifying Hunter as the source of electric fans. Accordingly, Hunter's CENTURY Trademarks have developed and represent valuable goodwill which rightfully belong exclusively to Hunter.
7. On January 3, 2003, Century Services filed intent to use applications to register LIGHTING GALLERY CENTURY (and Design) (Serial No. 78/199,981) and LIGHTING GALLERY CENTURY (and Design) (Serial No. 78/199,797) both as trademarks for retail store services, computerized on-line search and ordering services, mail order catalog services, wholesale and retail distributorship, all featuring lighting products, lighting fixtures, and ceiling fans. Century Services

disclaimed the "LIGHTING" component of its LIGHTING GALLERY CENTURY mark in its trademark applications.

8. Upon information and belief, Century Services has not yet made use of either of its LIGHTING GALLERY CENTURY marks in the United States.
9. Century Services' LIGHTING GALLERY CENTURY marks are confusingly similar to Hunter's well-known CENTURY Trademarks in sound, appearance and meaning, and would be used in connection with the sale of identical and closely related products that would travel and would be promoted through the same channels of trade for sale to, and use by, the same class of purchasers for Hunter's products sold under Hunter's CENTURY Trademarks.
10. Century Services' use and registration of LIGHTING GALLERY CENTURY is likely to cause consumer confusion or mistake or to deceive as to the affiliation, connection, or association of Century Services with Hunter, or as to the origin, sponsorship, or approval of Century Services' goods or commercial activities by Hunter, within the meaning of Sections 2(d), 32 and 43 of the Lanham Act, 15 U.S.C. Sections 1052(d), 1114(1) and 1125(a).
11. Accordingly, the grant of registration to Century Services for the LIGHTING GALLERY CENTURY marks will interfere with Hunter's use and enjoyment of its CENTURY Trademarks to the damage and

injury of Hunter within the meaning of 15. U.S.C. Section 1063 and result in a likelihood of consumer confusion, mistake and/or deception to the public.

12. For all the foregoing reasons, registration of the LIGHTING GALLERY CENTURY marks in the name of Century Services will result in damage and injury to Hunter.

WHEREFORE, Hunter prays that the registrations sought by Century Services be refused and that this Notice of Opposition be sustained.

Hunter hereby appoints the following attorneys to prosecute this Opposition and transact all business in the Patent and Trademark Office connected therewith: Valerie Walsh Johnson, Danny Awdeh and Lea Hall Speed.