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

Proceeding	91164770
Party	Plaintiff QVC, INC. QVC, INC. ,
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

QVC, INC., :  
 :  
 Opposer, :  
 :  
 vs. : Opposition No. 91164770  
 :  
 ATHOME AMERICA, INC., :  
 :  
 Applicant. :

MOTION FOR JUDGMENT AGAINST APPLICANT

Opposer QVC, Inc., by and through its counsel, hereby moves for an Order entering judgment against Applicant and sustaining this Opposition, pursuant to Trademark Rule 2.135, 37 C.F.R. § 2.135, for the reasons set forth below.

On February 13, 2007, Applicant AtHome America, Inc. filed an express abandonment of the involved Application, Serial No. 76/426,282, for the mark REAL LIFE WITH STYLE for "periodically printed publications, namely a magazine and catalog featuring articles and information on general subject matter, general merchandise and general consumer goods" in International Class 16 and for "business advice and consultation in the field of direct sales of general merchandise and general consumer goods; retail store, mail order catalog, shop at home parties, on-line retail and mail order services, but not home shopping services by means of television, featuring general merchandise and general consumer goods, namely, antiques, aroma/scent products,

bakeware, baking/cooking utensils, baskets and basketware, bathroom accessories, bedding, bowls, candles, ceramics, Christmas ornaments, clocks, coat and hat racks, collectables, cookware, crafts, cups, doormats, framed prints, furniture, gardening accessories, gifts, housewares, kitchenware, lamps, napkins, luggage, oil lamps, picnic accessories, picture frames, placemats, plates, potholders, potpourri, rugs, saucers, serving trays, storage containers, tablecloths, tables, tableware, towels, vases, wall hangings, wine racks, wooden plaques, and wooden shelves" in International Class 35, without the consent, written or otherwise, of Opposer.

Trademark Rule 2.135, 37 C.F.R. § 2.135, provides that "[a]fter the commencement of an opposition, concurrent use, or interference proceeding, if the applicant files a written abandonment of the application or of the mark without the written consent of every adverse party to the proceeding, judgment shall be entered against the applicant." Because Applicant filed an express abandonment of its application without the written consent of Opposer, an order entering judgment against Applicant and sustaining this Opposition is, therefore, respectfully requested.

\*\*\*<SIGNATURE PAGE FOLLOWS>\*\*\*

