

ESTTA Tracking number: **ESTTA157708**

Filing date: **08/20/2007**

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	Lord John U.K. Limited
Granted to Date of previous extension	08/19/2007
Address	15a Hanover StreetMayfair London, W1S1YG UNITED KINGDOM

Attorney information	Jeffrey B. Sladkus, Esq. Jeffrey B. Sladkus, LLC 1519 Wesley Parkway Atlanta, GA 30327 UNITED STATES jeff@sladlaw.com Phone:404-252-0900
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Applicant Information

Application No	78925025	Publication date	02/20/2007
Opposition Filing Date	08/20/2007	Opposition Period Ends	08/19/2007
Applicants	AFTALION, LEON 1316A SOUTH LOS ANGELES STREET LOS ANGELES, CA 90015 UNITED STATES AFTALION, ISAAC 1316A SOUTH LOS ANGELES STREET LOS ANGELES, CA 90015 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 2006/01/01 First Use In Commerce: 2006/01/01 All goods and services in the class are opposed, namely: Men's suits
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	77136301	Application Date	03/21/2007
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	LORD JOHN
Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: CLOTHING; SPORTS WEAR; FOOTWEAR; SPORTS SHOES, TRAINERS, BOOTS, WALKING BOOTS, FOOTBALL BOOTS, SHOES, CYCLING SHOES; HEAD GEAR; HATS, CAPS, WOOLLEN HATS; COATS; SPORTS CLOTHING; JACKETS, ANORACKS, PULLOVERS, CARDIGANS, TROUSERS, SKIRTS, T-SHIRTS, SWEAT SHIRTS, SHIRTS, GOGGLES, SMOCKS, SALOPETTES, SUITS, GLOVES, SOCKS, SCARVES, UNDERWEAR, GAITERS, FOOTWEAR AND HEAD GEAR FOR FASHION, LEISURE, INDUSTRIAL AND SPORTS PURPOSES INCLUDING FOOTBALL, TENNIS, SQUASH, TABLE TENNIS, SOFT BALL, GOLF, BADMINTON, VOLLEYBALL, BASKET BALL AND BASEBALL; LEISURE CLOTHING, WET SUITS, GLOVES, SPORTS UNIFORMS, FISHING JACKETS, BOOTS AND VESTS, FASTENERS FOR BAGS, EXPANDING BANDS FOR HOLDING SLEEVES, FASTENINGS FOR BRACES (SUSPENDERS TO YOU) BUTTONS, EDGING FOR CLOTHING, SHOULDER PADS FOR CLOTHING, COLLAR SUPPORT, CARDS FOR CLOTHING, TRIMMINGS FOR CLOTHING, SHOE LACES, RIBBONS AND ELASTIC RIBBONS, ZIPS, EMBROIDERY

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	LORD JOHN		
Goods/Services	All goods in Class 25		

Attachments	77136301#TMSN.jpeg (1 page)(bytes) LORD JOHN Notice of Opposition v2.0 FINAL.pdf (4 pages)(56596 bytes)
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Signature	/Jeffrey B. Sladkus/
Name	Jeffrey B. Sladkus, Esq.
Date	08/20/2007

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

LORD JOHN U.K. LIMITED)	
)	
Opposer,)	
)	
v.)	Opposition No.
)	
LEON AFTALION and)	
ISSAC AFTALION)	
Applicant.)	

NOTICE OF OPPOSITION

In the matter of application to register a trademark under the Trademark Act of 1946, Serial No. 78/925025, for the mark LORD JOHN filed July 7, 2006, in the name of Leon Aftalion and Isacc Aftalion, published for opposition in the Trademark Official Gazette of February 20, 2007. The Opposer, Lord John U.K. Limited, believes it will be damaged by registration of said alleged trademark and hereby opposes same. The grounds for opposition are as follows:

The Opposer, Lord John U.K. Limited ("Lord John") is a United Kingdom corporation and having a place of business in London, England. Opposer manufactures and retails clothing and footwear. ("Lord John Goods"). Lord John has been providing the Lord John Goods in connection with its trademark LORD JOHN in Europe since at least as early as 1998 and retailing the Lord John Goods in the United States since at least as early as December 31, 2005.

Since prior to the filing date of the application opposed herein, Lord John has, and is now, engaged in advertising, marketing, and providing the Lord John Goods in connection with the trademark LORD JOHN. ("LORD JOHN Mark"). Opposer has continuously used the LORD JOHN Mark in connection with the Lord John Goods, and has advertised, promoted, marketed, and used the Lord John Mark to identify, designate, and distinguish the Lord John Goods from those of others.

1. Opposer Lord John currently has an application pending with the U.S. Patent and Trademark Office (“USPTO”) under Application Serial No. 77/136301 based upon its corresponding U.K. Registration for the following goods in class 25:

“CLOTHING; SPORTS WEAR; FOOTWEAR; SPORTS SHOES, TRAINERS, BOOTS, WALKING BOOTS, FOOTBALL BOOTS, SHOES, CYCLING SHOES; HEAD GEAR; HATS, CAPS, WOOLLEN HATS; COATS; SPORTS CLOTHING; JACKETS, ANORACKS, PULLOVERS, CARDIGANS, TROUSERS, SKIRTS, T-SHIRTS, SWEAT SHIRTS, SHIRTS, GOGGLES, SMOCKS, SALOPETTES, SUITS, GLOVES, SOCKS, SCARVES, UNDERWEAR, GAITERS, FOOTWEAR AND HEAD GEAR FOR FASHION, LEISURE, INDUSTRIAL AND SPORTS PURPOSES INCLUDING FOOTBALL, TENNIS, SQUASH, TABLE TENNIS, SOFT BALL, GOLF, BADMINTON, VOLLEYBALL, BASKET BALL AND BASEBALL; LEISURE CLOTHING, WET SUITS, GLOVES, SPORTS UNIFORMS, FISHING JACKETS, BOOTS AND VESTS, FASTENERS FOR BAGS, EXPANDING BANDS FOR HOLDING SLEEVES, FASTENINGS FOR BRACES (SUSPENDERS TO YOU) BUTTONS, EDGING FOR CLOTHING, SHOULDER PADS FOR CLOTHING, COLLAR SUPPORT, CARDS FOR CLOTHING, TRIMMINGS FOR CLOTHING, SHOE LACES, RIBBONS AND ELASTIC RIBBONS, ZIPS, EMBROIDERY.”

Opposer will rely herein on its USPTO Application Serial No. 77/136301 and common law rights in the LORD JOHN Mark and its trade name LORD JOHN.

2. Since Opposer's initial use of the LORD JOHN Mark, Lord John has continuously used, advertised, promoted and offered the Lord John Goods to its consumers through various trade channels and in commerce, with the result that Opposer's customers and the general public have come to know and associate the Lord John Goods with the LORD JOHN Mark.

3. On July 7, 2006, Applicant filed an application to register the mark LORD JOHN. The Application was assigned serial no. 78/925025, and was published for opposition in the Official Gazette of February 20, 2007, identifying the following goods in class 25. Opposer objects to Applicant's use of its mark in connection with the goods identified in class 25 as follows: “*Men's suits.*” (the “Application”)

4. Applicant filed its Application based upon Section 1(a), use in commerce and alleges a first use date of January 1, 2006 subsequent to Opposer's use of its LORD JOHN Mark.

5. The mark sought to be registered by Applicant is confusingly similar to Opposer's LORD JOHN Mark.

6. On information and belief, the goods identified in the Application in class 25 opposed herein are commercially related to the Lord John Goods marketed and provided by Opposer under the LORD JOHN Mark and trade name; and are promoted through the same and/or similar channels of trade, and/or to the same general class of purchasers, in and to which the Lord John Goods are marketed and/or sold.

7. The registration and use of Applicant's mark is likely to cause confusion, mistake, and/or will deceive the general public as to the origin, sponsorship, and/or association of Applicant's goods with Opposer's LORD JOHN Mark, and/or will mislead the general purchasing public into believing that Applicant's goods are sold by, emanate from, and/or are in some way, directly or indirectly, associated with Lord John, and/or the LORD JOHN Mark, to the damage and detriment of Lord John.

8. If Applicant is granted registration of the Application, and Applicant obtains such rights as conferred under the Principal Register of the Trademark Act of 1946, Applicant will unlawfully gain an advantage to which it is not entitled under the Trademark Act of 1946, to the detriment and harm of Opposer.

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WHEREFORE, this Opposer, Lord John U.K. Limited, believes and alleges that it will be damaged by registration of Serial No. 78/925025 and prays that the present opposition be sustained and judgment in the present opposition be entered in favor of Opposer refusing registration of application serial no. 78/925025.

Respectfully submitted,

LORD JOHN U.K. LIMITED



By: _____

Jeffrey B. Sladkus, Esq.
Attorney for Opposer

Date: August 20, 2007