

ESTTA Tracking number: **ESTTA172101**

Filing date: **10/31/2007**

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	CALIFORNIA CLOSET COMPANY, INC.
Granted to Date of previous extension	10/31/2007
Address	1000 FOURTH STREET SAN RAFAEL, CA 94901 UNITED STATES
Attorney information	Marsha G. Gentner Jacobson Holman PLLC 400 - 7th Street, N.W. Washington, DC 20004 UNITED STATES trademark@jhip.com, mgentner@jhip.com Phone:202-638-6666

Applicant Information

Application No	76670880	Publication date	07/03/2007
Opposition Filing Date	10/31/2007	Opposition Period Ends	10/31/2007
Applicants	Kenworthy, Charles 10621 Northvale Road Los Angeles, CA 90064 UNITED STATES Kenworthy, Terri 10621 Northvale Road Los Angeles, CA 90064 UNITED STATES		

Goods/Services Affected by Opposition

Class 016. All goods and services in the class are opposed, namely: kit comprising paper containers and file folders for arranging, compiling and storing important personal documents

Applicant Information

Application No	76670902	Publication date	07/03/2007
Opposition Filing Date	10/31/2007	Opposition Period Ends	
Applicants	Kenworthy, Charles 10621 Northvale Road Los Angeles, CA 90064 UNITED STATES		

	Kenworthy, Terri 10621 Northvale Road Los Angeles, CA 90064 UNITED STATES
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Goods/Services Affected by Opposition

Class 016. All goods and services in the class are opposed, namely: kit comprising paper containers and file folders for arranging, compiling and storing important personal documents

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. Registration No.	1915339	Application Date	06/21/1994
Registration Date	08/29/1995	Foreign Priority Date	NONE
Word Mark	SIMPLIFY YOUR LIFE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 1993/10/00 First Use In Commerce: 1993/10/00 [franchising, namely, rendering technical assistance in the establishment and operation of businesses directed to the custom design, construction, repair and installation of closets and storage spaces]</p> <p>Class 037. First use: First Use: 1993/10/00 First Use In Commerce: 1993/10/00 custom construction and installation of closets and storage space facilities</p> <p>Class 042. First use: First Use: 1993/10/00 First Use In Commerce: 1993/10/00 design services in the field of customized closets and storage space and retail store services in the field of closet, storage space, household and travel accessories</p>		

U.S. Registration No.	2853226	Application Date	07/14/2003
Registration Date	06/15/2004	Foreign Priority Date	NONE
Word Mark	SIMPLIFYING HOME AND LIFE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 2003/01/16 First Use In Commerce: 2003/01/16 FRANCHISING SERVICES, NAMELY, RENDERING TECHNICAL ASSISTANCE IN THE ESTABLISHMENT AND OPERATION OF BUSINESSES DIRECTED TO THE CUSTOM DESIGN, CONSTRUCTION, REPAIR AND INSTALLATION OF CLOSETS AND STORAGE SPACES</p> <p>Class 037. First use: First Use: 2003/01/16 First Use In Commerce: 2003/01/16 CUSTOM CONSTRUCTION AND INSTALLATION OF CLOSETS AND STORAGE SPACE FACILITIES</p> <p>Class 042. First use: First Use: 2003/01/16 First Use In Commerce: 2003/01/16</p>		

	DESIGN SERVICES IN THE FIELD OF CUSTOMIZED CLOSETS AND STORAGE SPACE
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U.S. Registration No.	3168301	Application Date	12/09/2005
Registration Date	11/07/2006	Foreign Priority Date	NONE
Word Mark	WHEN YOU ORGANIZE YOUR HOME YOU SIMPLIFY YOUR LIFE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 037. First use: First Use: 1999/00/00 First Use In Commerce: 1999/00/00 Custom construction and installation of closets, utility and pantry shelving, garage interiors, cabinets, media units, and shelving, home offices, wall systems, and storage space systems</p> <p>Class 042. First use: First Use: 1999/00/00 First Use In Commerce: 1999/00/00 Design services in the field of customized closets, utility and pantry shelving, garage interiors, cabinets, media units and shelving, home offices, wall systems, and storage space; space management design</p>		

Attachments	76529192#TMSN.gif (1 page)(bytes) 78770265#TMSN.jpeg (1 page)(bytes) i5699.nop.pdf (4 pages)(325403 bytes) i5699.att.pdf (9 pages)(609628 bytes)
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Signature	/Marsha G. Gentner/
Name	Marsha G. Gentner
Date	10/31/2007

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

CALIFORNIA CLOSET COMPANY, INC.)
)
Opposer,)
)
v.) **CONSOLIDATED** Opposition No.
)
KENWORTHY, CHARLES)
KENWORTHY, TERRI)
)
Applicant.)

NOTICE OF OPPOSITION

In the matter of applications to register trademarks under the Trademark Act of 1946, Serial Nos. 76/670,880 and 76/670,902, respectively, filed December 28, 2006 in the names of Charles and Terri Kenworthy, published for opposition in the TRADEMARK OFFICIAL GAZETTE of July 3, 2007, Vol. 1320, No. 1, at page TM 593, for the marks THE WELL-ORGANIZED LIFE, and LIFE SIMPLY ORGANIZED, the Opposer, California Closet Company, Inc., believes it will be damaged by registration of said alleged trademarks and hereby opposes same. The grounds for opposition are as follows:

1. The Opposer, California Closet Company, Inc., is a corporation duly organized and existing under the laws of the state of California and having a place of business at 1000 Fourth Street, San Rafael, California 94901. Opposer provides storage and space organizational units and systems, as well as construction, design and installation services, and franchise services.

2. Since prior to the filing date of the applications opposed herein, Opposer California Closet Company, Inc. has, and is now, engaged in the production, advertisement, marketing, distribution and sale of its goods and services in commerce under and in connection with the marks **WHEN YOU ORGANIZE YOUR HOME YOU SIMPLIFY YOUR LIFE; SIMPLIFY YOUR**

LIFE and **SIMPLIFYING HOME AND LIFE** (hereafter collectively, Opposer's "Marks"). Since prior to the filing date of the applications opposed herein, Opposer continuously has used said Opposer's Marks, in commerce in connection with its products and services advertised, offered, marketed, distributed, and sold by Opposer, and to identify and designate same, and to distinguish those goods, services, and Opposer's business, from those of others.

3. Opposer is the owner of and will rely on herein, the following U.S. trademark registrations:

REGISTRATION NO.	ISSUE DATE
1,915,339	August 29, 1995
2,853,226	June 15, 2004
3,168,301	November 7, 2006

Said registrations are valid and subsisting, and operate as conclusive and/or *prima facie* evidence of Opposer's ownership of the marks set forth therein and exclusive right to use the registered marks in commerce. Attached hereto are printouts of information from the electronic database records of the U.S. Patent and Trademark Office showing the current status and title of these registrations.

4. On December 28, 2006, Applicant filed applications to register the marks **THE WELL-ORGANIZED LIFE**, and **LIFE SIMPLY ORGANIZED**. Said applications were accorded serial nos. 76/670,880 and 76/670,902, and were published for opposition in the **OFFICIAL GAZETTE** of July 3, 2007, at page TM 593, identifying the goods as follows: "kit comprising paper, containers and file folders for arranging, compiling and storing important personal documents."

5. The marks sought to be registered by Applicant are colorable imitations of, and confusingly similar to, the prior and aforesaid Opposer's Marks.

6. The goods identified in the applications opposed herein are the same, similar and/or related, to the goods and services in connection with which Opposer uses Opposer's Marks, and are and/or will be sold and/or offered through the same and/or similar channels of trade, and/or to the same general class of purchasers, in and to which Opposer's products and services are marketed and/or sold.

7. The registration and/or use of the marks set forth in the opposed application are likely to cause confusion, mistake, and/or to deceive as to origin, sponsorship, and/or association of Applicant's goods sold under the mark sought to be registered by Applicant vis-a-vis Opposer and/or Opposer's Marks, and/or to mislead purchasers of Applicant's goods and/or Opposer's goods and/or services, and/or the public in general, into believing that Applicant's goods are sold by, emanate from, and/or in some way, directly or indirectly, are associated with California Closet Company, Inc., and/or Opposer's Marks and/or Opposer's goods, services or business, or vice versa, to the damage and detriment of Opposer.

8. If Applicant is granted registration on the applications opposed herein, and Applicant obtains such rights as conferred under the Principal Register of the Trademark Act of 1946, Applicant will obtain unlawful gain and advantage to which it is not entitled under the Trademark Act of 1946, to the detriment and harm of Opposer.

WHEREFORE, this Opposer, California Closet Company, Inc., believes and alleges that it will be damaged by registration of Serial Nos. 76/670,880 and 76/670,902, as aforesaid, and prays that:

- A. judgment in the present opposition be entered in favor of Opposer;
- B. the present opposition be sustained;

- C. registration of application serial no. 76/670,880 be rejected and refused; and
- D. registration of application serial no. 76/670,902 be rejected and refused.

Respectfully submitted,

CALIFORNIA CLOSET COMPANY, INC.

By:



Marsha G. Gentner
JACOBSON HOLMAN PLLC
400 Seventh Street, N.W.
Washington, D.C. 20004
(202) 638-6666

Date: October 31, 2007

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-10-30 11:25:18 ET

Serial Number: 74541660 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 1915339

Mark (words only): SIMPLIFY YOUR LIFE

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2005-10-24

Filing Date: 1994-06-21

Transformed into a National Application: No

Registration Date: 1995-08-29

Register: Principal

Law Office Assigned: LAW OFFICE 13

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2005-10-24

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. CALIFORNIA CLOSET COMPANY, INC.

Address:

CALIFORNIA CLOSET COMPANY, INC.
1000 FOURTH STREET, SUITE 800
SAN RAFAEL, CA 94901
United States

Legal Entity Type: Corporation

State or Country of Incorporation: California

GOODS AND/OR SERVICES

International Class: 035

Class Status: Section 8 - Cancelled

Basis: 1(a)

First Use Date: 1993-10-00

First Use in Commerce Date: 1993-10-00

International Class: 037

Class Status: Active

custom construction and installation of closets and storage space facilities

Basis: 1(a)

First Use Date: 1993-10-00

First Use in Commerce Date: 1993-10-00

International Class: 042

Class Status: Active

design services in the field of customized closets and storage space and retail store services in the field of closet, storage space, household and travel accessories

Basis: 1(a)

First Use Date: 1993-10-00

First Use in Commerce Date: 1993-10-00

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2005-10-24 - First renewal 10 year

2005-10-24 - Section 8 (10-year) accepted/ Section 9 granted

2005-10-21 - Assigned To Paralegal

2005-08-29 - Combined Section 8 (10-year)/Section 9 filed

2005-08-29 - PAPER RECEIVED

2001-10-06 - Partial Section 8 (6-year) accepted & Section 15 acknowledged

2001-08-29 - Post Registration action correction

2001-07-16 - Section 8 (6-year) and Section 15 Filed

1995-08-29 - Registered - Principal Register

1995-06-06 - Published for opposition

1995-05-05 - Notice of publication

1994-12-23 - Approved for Pub - Principal Register (Initial exam)

1994-12-23 - Assigned To Examiner

1994-12-20 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

MARSHA G. GENTNER

Correspondent

MARSHA G. GENTNER
JACOBSON HOLMAN PLLC
THE JENIFER BUILDING
400 SEVENTH STREET, N.W.
WASHINGTON, DC 20004

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2007-10-30 11:25:42 ET

Serial Number: 76529192 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 2853226

Mark (words only): SIMPLIFYING HOME AND LIFE

Standard Character claim: No

Current Status: Registered.

Date of Status: 2004-06-15

Filing Date: 2003-07-14

Transformed into a National Application: No

Registration Date: 2004-06-15

Register: Principal

Law Office Assigned: LAW OFFICE 105

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2004-07-07

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. California Closet Company, Inc.

Address:

California Closet Company, Inc.
1000 Fourth Street, Suite 800
San Rafael, CA 94901
United States

Legal Entity Type: Corporation

State or Country of Incorporation: California

GOODS AND/OR SERVICES

International Class: 035

Class Status: Active

FRANCHISING SERVICES, NAMELY, RENDERING TECHNICAL ASSISTANCE IN THE ESTABLISHMENT AND OPERATION OF BUSINESSES DIRECTED TO THE CUSTOM DESIGN, CONSTRUCTION, REPAIR AND INSTALLATION OF CLOSETS AND STORAGE SPACES

Basis: 1(a)

First Use Date: 2003-01-16

First Use in Commerce Date: 2003-01-16

International Class: 037

Class Status: Active

CUSTOM CONSTRUCTION AND INSTALLATION OF CLOSETS AND STORAGE SPACE FACILITIES

Basis: 1(a)

First Use Date: 2003-01-16

First Use in Commerce Date: 2003-01-16

International Class: 042

Class Status: Active

DESIGN SERVICES IN THE FIELD OF CUSTOMIZED CLOSETS AND STORAGE SPACE

Basis: 1(a)

First Use Date: 2003-01-16

First Use in Commerce Date: 2003-01-16

ADDITIONAL INFORMATION

Prior Registration Number(s):

1915339

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2004-06-15 - Registered - Principal Register

2004-03-23 - Published for opposition

2004-03-03 - Notice of publication

2004-01-25 - Approved for Pub - Principal Register (Initial exam)

2004-01-25 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

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WASHINGTON, D.C. 20004-2201
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Fax Number: (202) 393-5350/51/52

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This page was generated by the TARR system on 2007-10-30 11:26:03 ET

Serial Number: 78770265 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3168301

Mark

WHEN YOU ORGANIZE YOUR
HOME YOU SIMPLIFY YOUR LIFE

(words only): WHEN YOU ORGANIZE YOUR HOME YOU SIMPLIFY YOUR LIFE

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2006-11-07

Filing Date: 2005-12-09

Transformed into a National Application: No

Registration Date: 2006-11-07

Register: Principal

Law Office Assigned: LAW OFFICE 109

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-11-07

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. California Closet Company, Inc.

Address:

California Closet Company, Inc.
Suite 800 1000 Fourth Street

San Rafael, CA 94901

United States

Legal Entity Type: Corporation

State or Country of Incorporation: California

GOODS AND/OR SERVICES

International Class: 037

Class Status: Active

Custom construction and installation of closets, utility and pantry shelving, garage interiors, cabinets, media units, and shelving, home offices, wall systems, and storage space systems

Basis: 1(a)

First Use Date: 1999-00-00

First Use in Commerce Date: 1999-00-00

International Class: 042

Class Status: Active

Design services in the field of customized closets, utility and pantry shelving, garage interiors, cabinets, media units and shelving, home offices, wall systems, and storage space; space management design

Basis: 1(a)

First Use Date: 1999-00-00

First Use in Commerce Date: 1999-00-00

ADDITIONAL INFORMATION

Prior Registration Number(s):

1915339

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-11-07 - Registered - Principal Register

2006-08-22 - Published for opposition

2006-08-02 - Notice of publication

2006-06-27 - Law Office Publication Review Completed

2006-06-16 - Assigned To LIE

2006-06-10 - Approved for Pub - Principal Register (Initial exam)

2006-06-10 - Assigned To Examiner

2005-12-14 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

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