

ESTTA Tracking number: **ESTTA172601**

Filing date: **11/02/2007**

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	Nordstrom, Inc.
Granted to Date of previous extension	01/23/2008
Address	1617 Sixth Avenue Suite 500 Seattle, WA 98101 UNITED STATES
Attorney information	William O. Ferron, Jr. Seed IP Law Group PLLC 701 Fifth Avenue, Suite 5400 Seattle, WA 98104 UNITED STATES BillF.docketing@SeedIP.com

### Applicant Information

Application No	78488391	Publication date	09/25/2007
Opposition Filing Date	11/02/2007	Opposition Period Ends	01/23/2008
Applicant	RICHLINE GROUP, INC 516 FIFTH AVENUE NEW YORK, NY 10036 UNITED STATES		

### Goods/Services Affected by Opposition

Class 014. All goods and services in the class are opposed, namely: Jewelry
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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. Registration No.	2845144	Application Date	09/28/1999
Registration Date	05/25/2004	Foreign Priority Date	NONE
Word Mark	HALOGEN		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 025. First use: First Use: 1999/01/00 First Use In Commerce: 1999/01/00 MEN'S AND WOMEN'S APPAREL, NAMELY, SHIRTS, PANTS, JEANS, SWEATERS, SKIRTS, DRESSES, SUITS, LINGERIE, SHORTS, COATS, JACKETS, SWIMWEAR, AND FOOTWEAR; FASHION ACCESSORIES, NAMELY, HOSIERY, BELTS, HATS, GLOVES AND SCARVES
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U.S. Registration No.	2854000	Application Date	10/07/2003
Registration Date	06/15/2004	Foreign Priority Date	NONE
Word Mark	HALOGEN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2002/01/00 First Use In Commerce: 2002/01/00 Mail order and on-line retail services in the field of apparel, footwear, small leather goods and fashion accessories		

Attachments	75810747#TMSN.gif ( 1 page )( bytes ) HALOGEN-NotOpp.pdf ( 5 pages )(98323 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/William O. Ferron, Jr./
Name	William O. Ferron, Jr.
Date	11/02/2007

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

NORDSTROM, INC.,	)	
	)	
Opposer,	)	Opposition No. _____
	)	
v.	)	Serial No. 78/488391
	)	
RICHLINE GROUP, INC.,	)	
	)	
Applicant.	)	Attorney Docket No. 700043.80077
_____	)	

**NOTICE OF OPPOSITION**

Opposers Nordstrom, Inc. (“Nordstrom”), which has a place of business at 1617 Sixth Avenue, Suite 500, Seattle, Washington 98101, believes that it will be damaged by registration of the mark HALOGEN shown in United States Trademark Application Serial No. 78/488391, filed September 23, 2004, in International Class 14 by Richline Group, Inc. (“Applicant”), and published for opposition on September 25, 2007. Nordstrom therefore opposes that application.

Nordstrom has requested and received an extension of time until January 22, 2008 in which to oppose the application.

The grounds for this Opposition are as follows:

1. Opposer is a retail department store engaged in the marketing and sale of a wide variety of men’s, women’s and children’s clothing and accessories in interstate commerce.

2. Commencing at least as early as January 1999, Opposer adopted and has continuously used the mark HALOGEN in interstate commerce in the United States in connection with the sale of men's and women's apparel. Since at least as early as January 2002, Opposer has used the HALOGEN mark in connection with mail order and on-line retail services.

3. Opposer is the owner of U.S. Trademark Registration No. 2845144 for the mark HALOGEN for men's and women's apparel, namely, shirts, pants, jeans, sweaters, skirts, dresses, suits, lingerie, shorts, coats, jackets, swimwear, and footwear; fashion accessories, namely, hosiery, belts, hats, gloves and scarves in International Class 25, which is valid and subsisting.

4. Opposer is the owner of U.S. Trademark Registration No. 2854000 for the mark HALOGEN for mail order and on-line retail services in the field of apparel, footwear, small leather goods and fashion accessories in International Class 35, which is valid and subsisting.

5. Since commencing use of the HALOGEN mark as described above, Opposer has generated substantial revenue from the sale of goods in connection with the HALOGEN mark in the United States. Additionally, Opposer has expended money, time and effort in advertising, promoting and popularizing its HALOGEN mark in the United States.

6. As a result of Opposer's use, advertising and promotion of its HALOGEN mark, HALOGEN mark has become well known in the United States among relevant consumers and recognized as identifying the high-quality goods of Opposer.

7. Opposer's HALOGEN mark and the associated goodwill are valuable assets of Opposer.

8. Applicant has applied to register HALOGEN for jewelry. The goods described in Applicant's application are so closely related to Opposer's HALOGEN clothing

and accessories and related retail services that confusion is likely to result if the parties' respective goods and services are marketed and sold under the same mark.

9. The mark HALOGEN for the goods described in Applicant's application is confusingly and deceptively similar to Opposer's HALOGEN mark for Opposer's above-described goods and services, such that the trade and purchasing public will be confused by and deceived into believing that Applicant's goods originate with Opposer, or are otherwise authorized by, sponsored by, licensed by, affiliated with, or associated with Opposer.

10. Upon information and belief, Applicant has not made use of the mark HALOGEN as a trademark in connection with the goods listed in the application, or in connection with any other goods or services, in interstate commerce in the United States or in commerce between the United States and any foreign country, prior to Opposer's first use of its HALOGEN mark.

11. Upon information and belief, Applicant has not made use of the mark HALOGEN as a trademark in connection with the goods listed in the application, or in connection with any other goods or services, in interstate commerce in the United States, or in commerce between the United States and any foreign country, prior to the filing date of Applicant's intent-to-use application.

12. Upon information and belief, as of the present time Applicant has not made use of the mark HALOGEN as a trademark in connection with the goods listed in the application, or in connection with any other goods or services, in interstate commerce in the United States, or in commerce between the United States and any foreign country.

13. Upon information and belief, Applicant does not have a bona-fide intent to use the mark HALOGEN for all of the goods listed in its application.

14. By reason of the foregoing, Opposer would be greatly damaged by the registration of the mark HALOGEN to Applicant.

WHEREFORE, Opposer prays that this Opposition be sustained, Applicant's application denied and the mark refused registration.

Correspondence Address

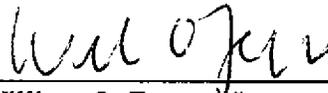
Please direct all communications to:

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DATED this 2nd day of November, 2007.

Respectfully submitted,

SEED IP Law Group PLLC



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Attorneys for Opposer  
NORDSTROM, INC.

CERTIFICATE OF SERVICE

I hereby certify that on this 2<sup>nd</sup> day of November, 2007, the foregoing **NOTICE OF OPPOSITION** was served upon Applicant's counsel by depositing same with the U.S. Post Service, first-class postage prepaid, addressed as follows:

Marc J. Kesten, Esq.  
9220 NW 72<sup>nd</sup> Street  
Parkland, FL 33067



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Annette Baca