

ESTTA Tracking number: **ESTTA176528**

Filing date: **11/23/2007**

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 parties oppose registration of the indicated application.

Opposers Information

Name	Room Service Home, LP
Granted to Date of previous extension	11/24/2007
Address	6334 Maple Ave. DALLAS, TX 75235 UNITED STATES

Name	R S Design, Inc.		
Entity	Corporation	Citizenship	Texas
Address	6334 Maple Avenue Dallas, TX 75235 UNITED STATES		

Attorney information	John A. Thomas Glast, Phillips & Murray, P.C. 13355 Noel Road, Suite 2200 Dallas, TX 75240 UNITED STATES jathomas@gpm-law.com Phone:972-419-8378
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Applicant Information

Application No	76071006	Publication date	09/25/2007
Opposition Filing Date	11/23/2007	Opposition Period Ends	11/24/2007
International Registration No.	NONE	International Registration Date	NONE
Applicant	Room Service Interiors Ltd. 1167 O'Flaherty Gate Port Coquitlam, British Columbia V3C 6H2, CANADA		

Goods/Services Affected by Opposition

Class 041. All goods and services in the class are opposed, namely: ongoing television and radio programs in the field of architecture, antiques, furniture, interior design, and decorating

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/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	Room Service		
Goods/Services	Interior design and decorating services for others; retail stores for the sale of furniture, lighting, bedding, decor accessories, gifts, bath accessories, baby-room furnishings, and gifts.		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	Room Service Home		
Goods/Services	Goods and Services:Interior design and decorating services for others; retail stores for the sale of furniture, lighting, bedding, decor accessories, gifts, bath accessories, baby-room furnishings, and gifts.		

Attachments	Notice of Opposition-006.pdf (5 pages)(82373 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	/John A. Thomas/
Name	John A. Thomas
Date	11/23/2007

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

IN THE MATTER OF U.S. APPLICATION SERIAL NO. 76/071,006

Mark: ROOMSERVICE

Filed: June 15, 2000

Published: September 25, 2007

Room Service Home, LP and R S Design, Inc., d/b/a Room Service by Ann Fox <p style="text-align: center;">Opposers,</p> <p style="text-align: center;">v.</p> <p style="text-align: center;">Room Service Interiors, Ltd.</p> <p style="text-align: center;">Applicant.</p>	Opposition No. _____
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NOTICE OF OPPOSITION

Opposers Room Service Home, LP, a limited partnership organized under the laws of the State of Texas, and R S Design, Inc., d/b/a "Room Service by Ann Fox," a corporation organized under the laws of the State of Texas, both having a business address of 6334 Maple Avenue, Dallas Texas 75235 (collectively "Opposers"), hereby oppose the mark ROOMSERVICE that is the subject of application Serial No. 76/071,006, filed on June 15, 2000 by Room Service Interiors, Ltd. ("Applicant") for use in connection with "ongoing television and radio programs in the field of architecture, antiques, furniture, interior design, and decorating" in International Class 41, which application was published in the *Official Gazette* of September 25, 2007, and request that registration to Applicant be refused.

As grounds for opposition, Opposers alleges as follows:

1. Opposer R S Design, Inc., and its predecessors in title have continuously provided interior design services and operated a retail store for home furnishings in Dallas, Texas since

1987. Also since 1987, R S Design, Inc. or its predecessors has also advertised and provided interior design services in many locations in the United States, including the states of Texas, Colorado, California, and New York.

2. R S Design, Inc. and Room Service Home, LP are related companies with common ownership, and both have continued to advertise and use the ROOM SERVICE and ROOM SERVICE HOME marks in connection with interior design services and retail sales. Since January, 2004, Room Service Home, LP has operated an online catalog store, advertising nationwide and selling into most states of the United States.

3. Opposer R S Design, Inc., d/b/a Room Service by Ann Fox, has rendered interior design services to customers in the Dallas-Fort Worth metropolitan area since at least 1987 using the ROOM SERVICE mark. Further, since at least that date, R S Design, Inc., d/b/a Room Service by Ann Fox, has advertised and rendered interior design services to customers in other states, including Texas, Colorado, California and New York, under the ROOM SERVICE mark.

4. Since at least 1987 Opposer R S Design, Inc., d/b/a Room Service by Ann Fox, has also operated a retail store in Dallas, Texas, selling home furnishings and interior decorating accessories, such as furniture, bedding, lighting, wall décor and baby-room furnishings under the ROOM SERVICE mark, as may be seen on its web site at <http://roomservicebyannfox.com>.

5. Since at least 2004, Opposer Room Service Home, LP, has operated a online store from Dallas, Texas at the web site address of <http://roomservicehome.com>, selling home furnishings including furniture, lighting, bedding, décor accessories, gifts and bath accessories, among other boutique interior decorating goods under the ROOM SERVICE HOME mark, continuing to build upon the business goodwill created by R S Design, Inc. in the ROOM SERVICE mark.

6. Opposers have invested a substantial amount of time, money and effort in advertising and promoting their goods and services in connection with the ROOM SERVICE marks.

7. Because of Opposers's advertising and promotional efforts as well as their long and extensive use of the trademarks ROOM SERVICE and ROOM SERVICE HOME throughout the United States, the public has come to associate these trademarks with Opposers.

8. Opposers's dates of first use of the trademarks ROOM SERVICE and ROOM SERVICE HOME precede any date on which Applicant may rely, and in any event, long prior to December 17, 1999, the priority date of claimed in Applicant's application under Section 44(d). Applicant has not shown use of its proposed mark ROOMSERVICE in the United States for the services identified in its application.

9. Applicant's proposed mark ROOMSERVICE is likely to be confused with The Opposers's marks, and will be used in connection with services related to those of Opposers in that both services involve interior design and decorating.

10. Upon information and belief, the use and registration by Applicant of the proposed mark ROOMSERVICE for the services identified in the application will enable Applicant to use and trade on the goodwill established by Opposers in their trademarks, ROOM SERVICE and ROOM SERVICE HOME.

11. Based on the similarity of the marks and the similar nature of the services for which they are used, the use and registration by Applicant of the proposed mark is likely to cause confusion or mistake or to deceive the purchasing public into believing that Applicant's services are the services of Opposers, or either of them, or that Applicant's services are sponsored, approved of or endorsed by Opposers, or that Applicant and Opposers are otherwise related.

12. By reason of the foregoing, Opposers will be damaged by the registration of Applicant's confusingly similar mark.

WHEREFORE, Opposers pray opposition be sustained and that the registration sought by Application Serial No. 76/071,006 be denied.

Respectfully submitted,

GLAST, PHILLIPS & MURRAY



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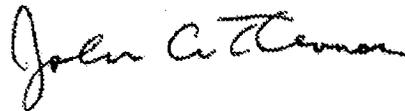
Room Service Home, LP and R S Design, Inc., d/b/a Room Service by Ann Fox <p style="text-align: center;">Opposers,</p> <p style="text-align: center;">v.</p> Room Service Interiors, Ltd. <p style="text-align: center;">Applicant.</p>	Opposition No. _____
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CERTIFICATE OF SERVICE

I certify that the foregoing **Notice of Opposition** is being filed with the United States Patent and Trademark Office, Trademark Trial and Appeal Board via electronic means at <http://www.uspto.gov> on this 23rd day of November, 2007.

I further certify that a copy of the foregoing **Notice of Opposition** is being served on Applicant through its attorney of record by mailing a true and correct copy via First Class Mail, this 23rd day of November, 2007, in an envelope addressed as follows:

Mr. Paul G. Juettner
Greer, Burns & Crain, Ltd.
300 S. Wacker Drive, Suite 2500
Chicago, Illinois 60606



BY: /John A. Thomas/
John A. Thomas