

ESTTA Tracking number: **ESTTA235581**

Filing date: **09/09/2008**

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	Sean Geer		
Entity	Individual	Citizenship	UNITED STATES
Address	239 West Harvard Blvd. Santa Paula, CA 93060 UNITED STATES		

Attorney information	Bethany L. LaFlam LaFlam Sullivan, LLP 5000 Birch Street, Suite 9400 Newport Beach, CA 92660 UNITED STATES bethany.laflam@laflamsullivan.com Phone:(949) 252-4610		
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Applicant Information

Application No	77435197	Publication date	08/12/2008
Opposition Filing Date	09/09/2008	Opposition Period Ends	09/11/2008
Applicants	Bradley Zions 3447 S. Main Street Los Angeles, CA 90007 UNITED STATES Heidi Cornell 3447 S. Main Street Los Angeles, CA 90007 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. Opposed goods and services in the class: Pants; Shirts; T-shirts; Hooded sweat shirts

Grounds for Opposition

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

U.S. Application No.	77244949	Application Date	08/02/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	YOUNG & RICH		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: Bandanas; Pants; Short-sleeved or long-sleeved t-shirts; Short-sleeved shirts; Sweat shirts; T-shirts

Attachments	77244949#TMSN.jpeg (1 page)(bytes) Notice of Opposition.pdf (5 pages)(97707 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	/bethany l. laflam/
Name	Bethany L. LaFlam
Date	09/09/2008

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

In re Ser. No. 77/435,197 – YOUNG, RICH & FABULOUS (standard);
Published August 12, 2008

SEAN GEER,

Opposer,

v.

HEIDI CORNELL, and BRADLEY ZIONS,

Applicants.

Opposition No. _____

NOTICE OF OPPOSITION

SEAN GEER, an individual, having a principal residence of 239 West Harvard Blvd., Santa Paula, California 93060 (“Opposer”), believes that he will be damaged by the issuance of a notice of allowance and ultimate registration of Ser. No. 77/435,197 – YOUNG, RICH & FABULOUS (standard) for “Dresses; Skirts; Pants, T-shirts; Tank tops; Blouses; Jeans; Sweaters; Hooded sweat shirts; Undergarments; Swimsuits; Belts; Hats; Coats; Jackets” in class 025; filed by Heidi Cornell, an individual, and Bradley Zions, an individual, each having an address of 3447 S. Main Street, Los Angeles, CA 90007 (“Applicants”), and hereby opposes the same pursuant to Section 13 of the Trademark Act of 1946 (15 U.S.C. §1063).

As grounds for opposition it is alleged that:

1. Opposer is the applicant of Application Ser. No. 77/244,949 – YOUNG & RICH for bandanas, pants, short-sleeved or long-sleeved t-shirts, short sleeved shirts; sweat shirts, and t-shirts; filed August 2, 2007.

- 1 2. Opposer's Application Ser. No. 77/244,949 – YOUNG & RICH was filed more than
2 seven months prior to Applicants' YOUNG, RICH & FABULOUS application and as
3 such, has an indisputable earlier effective filing date.
- 4 3. Opposer has adopted the mark YOUNG & RICH to identify bandanas, pants, short-
5 sleeved or long-sleeved t-shirts, short sleeved shirts; sweat shirts, and t-shirts.
- 6 4. The mark YOUNG & RICH has been continuously used by Opposer since as early as
7 August 2007.
- 8 5. Since long prior to Applicants' application filing date of March 30, 2008, Opposer has
9 used one or more of a series of marks that feature the YOUNG & RICH mark by
10 itself or in combination with other words and/or design elements to identify a variety
11 of its clothing products.
- 12 6. The goods on which Opposer uses the YOUNG & RICH mark and the goods with
13 which Applicants intends to use the YOUNG, RICH & FABULOUS mark are the
14 same.
- 15 7. The goods on which Opposer uses the YOUNG & RICH mark and the goods on
16 which Applicants intend to use the YOUNG, RICH & FABULOUS mark may be
17 sold or rendered through the same channels of trade.
- 18 8. The goods on which Opposer uses the YOUNG & RICH mark and the goods on
19 which Applicants intend to use the YOUNG, RICH & FABULOUS mark may be
20 sold or rendered to the same class of purchasers.
- 21 9. The use and registration by Applicants of the YOUNG, RICH & FABULOUS mark
22 for the goods identified in Ser. No. 77/435,197 are likely to cause confusion, mistake
23 or deception by having the public erroneously assume or believe that the goods
24 or deception by having the public erroneously assume or believe that the goods
25 or deception by having the public erroneously assume or believe that the goods
26 or deception by having the public erroneously assume or believe that the goods
27 or deception by having the public erroneously assume or believe that the goods
28 or deception by having the public erroneously assume or believe that the goods

1 emanate from Opposer, or are in some other way associated or connected with
2 Opposer's currently used YOUNG & RICH mark, all to Opposer's irreparable
3 damage.
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5 For the reasons set for the herein, Opposer believes that he will be damaged by the
6 issuance of a notice of allowance and ultimate registration of Ser. No. 77/435,197 – YOUNG,
7 RICH & FABULOUS. Opposer also believes that a clear violation of Chapter 37 of the *Code of*
8 *Federal Regulations*, Section 3.83(a) has occurred; the section states in part, "Whenever an
9 application is made for registration of a mark which so resembles another mark or marks pending
10 registration as to be likely to cause confusion or mistake or to deceive, the mark with the earliest
11 effective filing date will be published in the "Official Gazette" for opposition if eligible for the
12 Principal Register ..." Opposer's earlier filed application was not published before Applicants'
13 later-filed application and thus Opposer respectfully requests intervention from the Trademark
14 Trial and Appeal Board. Accordingly, Opposer prays that his Opposition be sustained, and that
15 action on Applicants' later-filed application be immediately suspended barring the issuance of a
16 notice of allowance pending final disposition of Opposer's earlier-filed application; or in the
17 alternative, that jurisdiction of Applicants' application be remanded to the assigned examining
18 attorney, and that action on Applicants' later-filed application be immediately suspended by the
19 examining attorney barring issuance of a notice of allowance pending final disposition of
20 Opposer's earlier-filed application. 37 C.F.R. §§2.83(c) and 2.84(a); TMEP §§716.02(c),
21 1208.02(c) and 1504.05. Opposer also prays for any other relief that the Trademark Trial and
22 Appeal Board finds proper.
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26 The \$300.00 filing fee is submitted electronically herewith.
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Respectfully Submitted,

SEAN GEER,

By: 

Bethany L. LaFlam,
LaFlam Sullivan, LLP
5000 Birch Street, Suite 9400
Newport Beach, CA 92660
Tel: (949) 252-4610
Fax: (949) 203-6201
Attorneys for Opposer, Sean Geer

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Opposition was served on Applicants HEIDI CORNELL and BRADLEY ZIONS, at the following addresses of record, by First classmail, postage prepaid, this 9 day of September 2008:

Heidi Cornell
3447 S. Main Street
Los Angeles, CA 90007

Bradley Zions
3447 S. Main Street
Los Angeles, CA 90007


Jeffrey Beneking