

ESTTA Tracking number: **ESTTA267485**

Filing date: **02/19/2009**

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	VeronicaInfelice All Green Environment LLC
Granted to Date of previous extension	02/21/2009
Address	14 Boutonville Rd. South Salem, NY 10590 UNITED STATES
Party who filed Extension of time to oppose	VeronicaInfelice
Relationship to party who filed Extension of time to oppose	Listing name of company.

Correspondence information	VeronicaInfelice President All Green Environment LLC 14 Boutonville Rd. South Salem, NY 10590 UNITED STATES allgreenenvironment@gmail.com
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**Applicant Information**

Application No	77585269	Publication date	12/23/2008
Opposition Filing Date	02/19/2009	Opposition Period Ends	02/21/2009
Applicant	Wal-Mart Stores, Inc. 702 S.W. 8th Street Bentonville, AR 727160520 UNITED STATES		

**Goods/Services Affected by Opposition**

<p>Class 035. First Use: 2008/08/19 First Use In Commerce: 2008/08/19 All goods and services in the class are opposed, namely: On-line retail store services featuring a wide variety of consumer goods; Retail automobile parts and accessories stores; Retail bakery shops; Retail delicatessen services; Retail grocery stores; Retail pharmacy services; Retail store services featuring a wide variety of consumer goods of others; Retail optical stores; retail automotive supplies and parts stores</p>
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## Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

## Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	77190187	Application Date	05/25/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ALL GREEN ENVIRONMENT		
Design Mark			
Description of Mark	<p>The mark consists of an illustration of a leaf with a bright yellow circle in the center that symbolizes the Sun. In the bright yellow circle there is a zig-zagging line of slightly darker yellow that symbolizes an electro cardiogram of a heartbeat. Six thin lines fan out from the circle, symbolic of rays of sunlight. To the right of the leaf appear the words "ALL GREEN". The word "ENVIRONMENT" appears below the leaf. The color green appears in the wording "ALL GREEN ENVIRONMENT", and in the illustration of the leaf, and in a thin circular line forming the perimeter of the circle in the center of the leaf. The color yellow appears in the circle, and in six thin lines emanating from the circle which symbolize rays of sunlight.</p>		
Goods/Services	<p>Class 025. First use:  clothing, namely, polo shirts, collared shirts, dress shirts, t-shirts, jeans, casual pants, dress pants, trousers, shorts, belts, hats, scarves, hooded sweaters,</p>		

	skirts
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Attachments	77190187#TMSN.jpeg ( 1 page )( bytes ) short and plain statement of the claim.pdf ( 1 page )(99218 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 Facsimile or email (by agreement only) on this date.

Signature	/Veronica Infelice/
Name	VeronicaInfelice
Date	02/19/2009

The opposition set forth for marks serial nos. 77585269 and 77585270 by the plaintiff, pro se, who has standing of real interest by ownership of All Green Environment, serial no. 77190187 (serial no. 77646853- priority public use in business cards in June 2007 before defendant's public use, could also be related). There are similarities between the plaintiff 's and defendant's marks that create reasonable basis to belief that the defendant's mark will cause damage to plaintiff's mark because it will generate likelihood of confusion and dilute the distinctive quality of the plaintiff's mark.