

ESTTA Tracking number: **ESTTA330075**

Filing date: **02/02/2010**

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	Skillus Corporation
Granted to Date of previous extension	02/03/2010
Address	3801 SW 47 Avenue, Suite 503 Davie, FL 33314 UNITED STATES
Attorney information	Leslie J. Lott, Esq. Lott & Friedland, P.A. P.O. Drawer 141098 Coral Gables, FL 33114-1098 UNITED STATES ljlott@lfiplaw.com, chammond@lfiplaw.com, acaceres@lfiplaw.com Phone:305-448-7089

Applicant Information

Application No	77650590	Publication date	10/06/2009
Opposition Filing Date	02/02/2010	Opposition Period Ends	02/03/2010
Applicant	ANCONA, CHUC LIZBETH ANGELICA 97206, S. Fco. Chuburna Calle19 No.121 por 28 D y 28 Privada 19 Merida, Yucatan, MEXICO		

Goods/Services Affected by Opposition

Class 014. All goods and services in the class are opposed, namely: Horological and chronometric instruments and parts thereof; Jewellery and precious stones; Jewellery plated with precious metals; Precious metals and their alloys

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.	3679619	Application Date	02/26/2009
Registration Date	09/08/2009	Foreign Priority Date	NONE
Word Mark	SKILLUS		

Design Mark	<h1>SKILLUS</h1>
Description of Mark	NONE
Goods/Services	Class 014. First use: First Use: 2000/08/00 First Use In Commerce: 2000/08/00 Jewelry Class 035. First use: First Use: 2000/08/00 First Use In Commerce: 2000/08/00 Wholesale distributorship services featuring jewelry; Retail store services featuring jewelry

U.S. Registration No.	3679618	Application Date	02/26/2009
Registration Date	09/08/2009	Foreign Priority Date	NONE

Word Mark	S
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Design Mark	
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Description of Mark	The mark consists of a stylized letter "S" enclosed in a single line square with rounded corners.
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Goods/Services	Class 014. First use: First Use: 2000/08/00 First Use In Commerce: 2000/08/00 Jewelry Class 035. First use: First Use: 2000/08/00 First Use In Commerce: 2000/08/00 Wholesale distributorship services featuring jewelry; Retail store services featuring jewelry
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Attachments	77679141#TMSN.jpeg (1 page)(bytes) 77679134#TMSN.jpeg (1 page)(bytes) NOT Opp - 02.02.10.pdf (4 pages)(114902 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 Overnight Courier on this date.

Signature	/Carly A. Hammond/
Name	Carly A. Hammond
Date	02/02/2010

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

Skillus Corporation, a Florida corporation,
Opposer,

v.

Lizbeth Angelica Ancona Chuc, an individual,
Applicant.

Opposition No.: _____
Application Serial No: 77/650,590

Date of Publication: October 6, 2009
Mark: LR LIZIER and Design

NOTICE OF OPPOSITION

Pursuant to 15 U.S.C. § 1063(a) and TBMP § 303.01, Opposer, Skillus Corporation (“Opposer”), a Florida corporation, located and doing business at 3801 SW 47th Ave., Suite 503, Davie, Florida 33314, believes that it is or will be damaged by Application Serial No. 77/650,590 (the “Application”), and hereby opposes the registration of same.

Upon information and belief, Applicant, Lizbeth Angelica Ancona Chuc (“Applicant”), a Mexican individual with an address of 97206, S. Fco. Chuburna Calle 19 No. 121 por 28 D y 28 Privada 19, Merida, Yucatan, Mexico, is the owner of the Application filed on January 21, 2009, for the mark LR LIZIER and Design as displayed below (“Applicant’s Trademark”):



Applicant seeks registration of her Trademark on the Principal Register based on her intent to use the mark in connection with “Horological and chronometric instruments and parts

thereof; Jewellery and precious stones; Jewellery plated with precious metals; Precious metals and their alloys” in International Class 14.

As grounds for opposition, it is alleged that:

1. Opposer believes that it will be damaged by registration of Applicant’s Trademark as shown in the Application.

2. Opposer owns a number of United States Trademark Registrations for various marks, including Registration No. 3,679,619 for the word mark SKILLUS, and Registration No. 3,679,618 for the mark S and Design, as shown below (collectively “Opposer’s Trademarks”):



3. Opposer’s Trademarks have been in continuous use since at least as early as August, 2000 in connection with “Jewelry” in International Class 14, and “Wholesale distributorship services featuring jewelry; Retail store services featuring jewelry” in International Class 35.

4. Opposer has been using the word mark SKILLUS in the stylized form shown below since at least as early as August, 2000:



5. In addition, Opposer regularly uses and has used, since at least as early as August, 2000, the stylized form of the word mark SKILLUS and the S and Design mark either next to one another or with one mark on top of the other, for example, as follows:



6. Opposer has extensively promoted and advertised its Trademarks. Based on such long use and promotion, the public has come to readily associate Opposer with jewelry and wholesale and retail services featuring jewelry.

7. Among the jewelry that Opposer offers is “layered gold”, which is jewelry constructed by combining layers of gold and other metals.

8. Applicant seeks to register her Trademark for “Jewellery” and “Jewellery plated with precious metals,” which are identical to the goods offered by Opposer under its Trademarks. Applicant also seeks to register her Trademark for other goods related to jewelry.

9. A comparison of Applicant’s and Opposer’s Trademarks, as follows, demonstrates that the two marks look similar, sound similar and create similar commercial impressions, particularly as used on identical goods:



10. Applicant is a former distributor of Opposer, and so was very familiar with Opposer’s business and its Trademarks before she adopted her Trademark. This is evidence of Applicant’s bad faith in doing so.

11. In view of the similarity of Applicant’s Trademark to Opposer’s Trademarks, and the fact that the parties are offering identical goods, it is alleged that Applicant’s mark so

resembles Opposer's Trademarks as to be likely to cause confusion, mistake, or deception under Trademark Act §2(d), 15 U.S.C. §1052(d), or otherwise.

PRAYER FOR RELIEF

WHEREFORE, Opposer respectfully requests that the opposition be granted and the Application Serial No. 77/650,590 be denied registration.

Date: February 2, 2010

Respectfully submitted,

LOTT & FRIEDLAND, P.A.

/Carly A. Hammond/

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*Attorneys for Opposer
Skillus Corporation*

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that the foregoing **NOTICE OF OPPOSITION** was served upon Applicant by delivering true and correct copies of same to Applicant via Federal Express on February 2, 2010 as follows:

Ms. Lizbeth Angelica Ancona Chuc
97206, S. Fco. Chuburna Calle 19 No. 121 por 28 D y 28 Privada 19
Merida, Yucatan
Mexico

Ms. Lizbeth Angelica Ancona Chuc
Cruz de Valle Verde 14-201, 53110
Sta Cruz Del Monte
Satelite, Edo Mex
Mexico

/Carly A. Hammond
Carly A. Hammond