

ESTTA Tracking number: **ESTTA344283**

Filing date: **04/27/2010**

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	Fetco Home Decor, Inc.		
Entity	Corporation	Citizenship	Massachusetts
Address	84 Teed Drive Randolph, MA 02368 UNITED STATES		

Attorney information	John L. Welch Lando & Anastasi, LLP One Main Street Eleventh Floor Cambridge, MA 02142 UNITED STATES jlwtrademarks@lalaw.com Phone:617-395-7000		
----------------------	--	--	--

**Applicant Information**

Application No	77744710	Publication date	04/27/2010
Opposition Filing Date	04/27/2010	Opposition Period Ends	05/27/2010
Applicant	Malden International Designs, Inc. 19 Cowan Drive Middleboro, MA 02346 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 020. All goods and services in the class are opposed, namely: picture frames made from renewable wood or wood-by-products
--

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

**Mark Cited by Opposer as Basis for Opposition**

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	ECO WOODS!		
Goods/Services	picture frames		

Attachments	ECO-WOODS BY MALDEN opposition.pdf ( 4 pages )(85753 bytes )
-------------	--

---

---

## 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	/johnlwelch/
Name	John L. Welch
Date	04/27/2010

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

_____	)	
FETCO HOME DECOR, INC.,	)	
	)	
Opposer,	)	
	)	Opposition No.
v.	)	
	)	
MALDEN INTERNATIONAL DESIGNS, INC.	)	
	)	Application
	)	S.N. 77/744,710
Applicant.	)	
_____	)	

OPPOSITION

FETCO HOME DECOR, INC., a Massachusetts corporation having a place of business at 84 Teed Drive, Randolph, Massachusetts 02368, believes that it will be damaged by registration of the trademark that is the subject of Application Serial No. 77/744,710 filed by MALDEN INTERNATIONAL DESIGNS, INC., and which trademark was published for opposition in the *Official Gazette* of April 27, 2010.

The grounds for the opposition are as follows:

1. Applicant seeks to register the trademark shown immediately below, for “picture frames made from renewable wood or wood-by-products” in International Class 20 [“MADE WITH RENEWABLE RESOURCES” disclaimed].



2. The opposed application was filed on May 26, 2009, alleging a *bona fide* intention to use the mark in commerce under Section 1(b) of the Trademark Act.

3. Since at least 2008, and long prior to Applicant's filing date, Opposer has used the mark ECO WOODS! in connection with the marketing, distribution, and sale picture frames made from wood. Opposer is the owner of Massachusetts Registration No. 71928 for the mark ECO WOODS! for picture frames.

4. Opposer's goods sold under its mark ECO WOODS! are identical to the goods identified in Application Serial No. 77/744,710. On information and belief, Opposer's goods and Applicant's goods are or will be offered to the same classes of customers through the same channels of trade.

5. Applicant's applied-for mark is substantially and confusingly similar to Opposer's trademark ECO WOODS!

6. If Applicant uses the applied-for mark for the goods identified in Application 77/744,710, such use would be likely to cause confusion, mistake, and/or deception of the relevant trade and public. Customers and potential customers are likely to believe that Applicant's goods offered under the applied-for mark emanate from, or are licensed or approved by, Opposer, when that is not the case. Such confusion, mistake, and/or deception would be a source of damage to Opposer.

7. If Applicant is granted the registration herein opposed, it would thereby obtain a *prima facie* right to exclusive use of the applied-for mark, which would be a further source of damage to Opposer.

8. Because Applicant's applied-for mark is likely to cause confusion with Opposer's above-identified trademark, Applicant's mark should be refused registration under Section 2(d) of the Trademark Act.

\*\*\*\*\*

WHEREFORE, Opposer believes that it will be damaged by registration of said mark, and prays that this Opposition be sustained, that Application Serial No. 77/744,710 be rejected, and that the mark applied for therein be refused registration.

FETCO HOME DECOR, INC.



---

John L. Welch, Esq.  
Lando & Anastasi, LLP  
One Main Street, Eleventh Floor  
Cambridge, MA 02142  
617/395-7000

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 27th day of April 2010, a true copy of the foregoing OPPOSITION was served by first-class mail, postage pre-paid on:

Edward F. Perlman, Esq.  
WOLF, GREENFIELD & SACKS, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210

A handwritten signature in black ink that reads "John L. Welch". The signature is written in a cursive, flowing style.

---

John L. Welch  
Lando & Anastasi, LLP  
One Main Street, 11<sup>th</sup> Floor  
Cambridge, MA 02142  
(617) 395-7000