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ESTTA Tracking number: **ESTTA348049**
Filing date: **05/18/2010**

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	Citigroup Inc.
Granted to Date of previous extension	07/21/2010
Address	399 Park Avenue New York, NY 10043 UNITED STATES

Attorney information	John P. Margiotta, Esq. Fross Zelnick Lehrman & Zissu, P.C. 866 United Nations Plaza New York, NY 10017 UNITED STATES jm@fzlz.com Phone:212-813-5900

Applicant Information

Application No	77850569	Publication date	03/23/2010
Opposition Filing Date	05/18/2010	Opposition Period Ends	07/21/2010
Applicant	Lydia Cladek, Inc. 108 Sea Grove Saint Augustine, FL 32084 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. All goods and services in the class are opposed, namely: Installment Loans

Grounds for Opposition

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

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	1206796	Application Date	03/06/1980
Registration Date	08/31/1982	Foreign Priority Date	NONE
Word Mark	CHOICE		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 036. First use: First Use: 1978/08/04 First Use In Commerce: 1978/08/04 Credit Card Services

Attachments	Notice of Opposition - MY VOICE MY CHOICE (F0627065).PDF (7 pages)(915616 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	/John P. Margiotta/
Name	John P. Margiotta, Esq.
Date	05/18/2010

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

In the Matter of:
Application Serial No. 77/850,569
Published in the *Office Gazette* on March 23, 2010

CITIGROUP INC.,	
Opposer,	
- against -	Opposition No. _____
LYDIA CLADEK, INC.,	
Applicant.	

NOTICE OF OPPOSITION

Citigroup Inc. ("Opposer"), a Delaware corporation with a principal place of business at 399 Park Avenue, New York, NY 10043, believes that it would be damaged by registration of the mark MY VOICE. MY CHOICE. in International Class 36 as shown in Application Serial No. 77/850,569 filed on October 16, 2009 and published in the *Official Gazette* on March 23, 2010, and hereby opposes the same.

As grounds for the opposition, Opposer alleges as follows:

1. Opposer is the owner of the mark CHOICE for use in connection with credit card and related financial services. Opposer or a predecessor company have used the CHOICE mark continuously in commerce since at least as early as 1978.

2. Opposer owns U.S. Registration No. 1,206,796 for the mark CHOICE, registered August 31, 1982, in connection with "credit card services" in International Class 36. This registration is valid, subsisting and in full force and effect, and constitutes evidence of the

validity of the CHOICE mark and of Opposer's exclusive right to use the mark in connection with the services identified in the registration. U.S. Registration No. 1,206,796 has become incontestable under Section 15 of the Trademark Act. A true and correct copy of a printout from the United States Patent and Trademark Office's online database reflecting this registration is attached as Exhibit A.

3. Upon information and belief, Lydia Cladek, Inc., ("Applicant") is a Florida corporation with a business address of 108 Sea Grove, Saint Augustine, FL 32084.

4. Upon information and belief, on or about October 16, 2009, Applicant filed an intent-to-use application under Section 1(b) of the Lanham Act, to register the mark MY VOICE. MY CHOICE. (Application Serial No. 77/850,569) for use in connection with "installment loans" in Class 36.

5. The mark MY VOICE. MY CHOICE. ("Applicant's Mark") is similar to Opposer's registered, long-used and well-known CHOICE mark.

6. The services identified in Applicant's application are closely related to products and services offered by Opposer under its CHOICE mark.

7. As a result of the similarity between Applicant's Mark and Opposer's CHOICE mark, Applicant's Mark, when used in connection with the services identified in Applicant's application, is likely to cause confusion, or to cause mistake, or to deceive the purchasing public by creating the erroneous impression that Applicant's services are authorized, licensed or sponsored by Opposer, or in some other way connected with Opposer, all to Opposer's great injury and harm. As such, any such use or registration of Applicant's Mark by Applicant would violate Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

8. The registration of Applicant's Mark would be inconsistent with Opposer's prior

rights in the CHOICE mark, would be inconsistent with Opposer's statutory grant of exclusive use of the registered CHOICE mark, and would destroy Opposer's investment and goodwill in its CHOICE mark.

WHEREFORE, Opposer requests that its Notice of Opposition be granted and that registration of Application Serial Nos. 77/850,569 be denied.

Dated: New York, New York
May 18, 2010

Respectfully submitted,

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: _____

John P. Margiotta
866 United Nations Plaza
New York, New York 10017
Tel: (212) 813-5900
Email: jmargiotta@frosszelnick.com

Attorneys for Opposer Citigroup Inc.

EXHIBIT A

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-05-18 12:03:48 ET

Serial Number: 73252763 Assignment Information Trademark Document Retrieval

Registration Number: 1206796

Mark (words only): CHOICE

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2002-07-10

Filing Date: 1980-03-06

Transformed into a National Application: No

Registration Date: 1982-08-31

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2009-03-09

LAST APPLICANT(S)/OWNER(S) OF RECORD

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1. CITIGROUP INC.

Address:
CITIGROUP INC.
399 PARK AVENUE
NEW YORK, NY 10043
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 036
Class Status: Active
Credit Card Services
Basis: 1(a)
First Use Date: 1978-08-04
First Use in Commerce Date: 1978-08-04

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-03-09 - Case File In TICRS

2002-07-10 - First renewal 10 year

2002-07-10 - Section 8 (10-year) accepted/ Section 9 granted

2002-05-02 - Combined Section 8 (10-year)/Section 9 filed

1988-10-15 - Section 8 (6-year) accepted & Section 15 acknowledged

1988-08-12 - Section 8 (6-year) and Section 15 Filed

1982-08-31 - Registered - Principal Register

1982-03-30 - Published for opposition

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent
FRANK KAMOLVATHIN
TRADEMARK UNIT
CITIGROUP INC,
425 PARK AVENUE, 2ND FL./ZONE 1
NEW YORK, NY 10043

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of May 2010, I caused a true and correct copy of the foregoing NOTICE OF OPPOSITION to be served by First Class U.S. mail, postage prepaid, on the correspondent of record, Lydia Cladek, Inc., 108 Sea Grove, St. Augustine, FL 32084.

John P. Margiotta