

ESTTA Tracking number: **ESTTA361438**

Filing date: **08/04/2010**

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 parties oppose registration of the indicated application.

**Opposers Information**

Name	SPTC, Inc
Granted to Date of previous extension	08/04/2010
Address	1400 South Virginia Street Reno, NV 89502 UNITED STATES

Name	SPTC Delaware, LLC
Granted to Date of previous extension	08/04/2010
Address	C/O SOTHEBY'S 1334 YORK AVENUE NEW YORK, NY 10021 UNITED STATES

Attorney information	Sujata Chaudhri Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES trademark@cll.com, szc@cll.com, jss@cll.com Phone:212 790 9200
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**Applicant Information**

Application No	77830435	Publication date	04/06/2010
Opposition Filing Date	08/04/2010	Opposition Period Ends	08/04/2010
Applicants	Huang, Guo Sheng 550g Grand St., apt 4A New York, NY 10002 UNITED STATES  Huang, Liza Chuan Shuo 550g Grand St., Apt 4A New York, NY 10002 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 020. First Use: 2009/09/01 First Use In Commerce: 2009/09/01 All goods and services in the class are opposed, namely: Beauty salon furniture, namely, shampoo bowls; Beauty salon furniture, namely, shampoo stations; Beauty salon furniture, namely, styling stations; Bedroom furniture; Bumper guards for furniture; Cabinet doors for furniture cabinets;
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Cabinet drawers for furniture cabinets; Cabinets; Camping furniture; Carpet coasters for protecting furniture legs; Cast stone household and garden furniture; Computer furniture; Cushions; Dinner wagons; Doors for furniture; Drafting tables; Drawers; Entertainment centers; Fitted fabric furniture covers; Fitted furniture cover not of fabric; Fitted furniture leg covers for floor protection purposes; Furniture; Furniture chests; Furniture fittings, not of metal; Furniture for camping; Furniture for displaying goods; Furniture for house, office and garden; Furniture frames; Furniture hardware, namely, drawer slides; Furniture made from steel tubing; Furniture made from wood or substitutes for wood; Furniture moldings; Furniture of metal; Furniture partitions; Furniture parts; Furniture primarily of metal, namely, mirrors, bed frames, dining tables, coffee tables, end tables, desks, display cases, shelving, dog gates, and baby gates; Furniture, mirrors, picture frames; Furniture, namely, display units; Furniture, namely, dressers; Furniture, namely, poufs; Furniture, namely, sales and display counters; Furniture, namely, showcases; Furniture, namely, sports bar and hospitality unit; Furniture, namely, wall units; Furniture, namely, wardrobes; Futons; Indoor window blinds; Inflatable furniture; Kitchen furniture, namely, ready to assemble mobile kitchen islands; Laminated vinyl to be affixed to the surface of furniture; Lawn furniture; Library furniture; Living room furniture; Metal furniture; Metal furniture and furniture for camping; Mirrors; Non-metal self-aligning demountable snap fasteners consisting of press fasteners and press studs for use in attaching panels, hatches, floors and furniture in boats, motor vehicles, trains and aircraft; Nylon rollers for furniture parts, namely, sliding mirror door roller, drawer rollers and door rollers; Office furniture; Outdoor furniture; Pet furniture; Plastic furniture for gardens; Plastic molds for use in manufacturing furniture, bed liners, trailer flooring and decks; Recliners; Residential and commercial furniture; Residential and commercial wrought iron furniture; School furniture; Screens; Seating furniture; Seats; Stone furniture; Tables; Television stands; Tool boxes not of metal; Tool chests not of metal; Towel closets; Toy boxes; Upholstered furniture; Washstands

## Grounds for Opposition

Other	See attached pleading.
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Attachments	SOTHEBYS NOO.pdf ( 7 pages )(258124 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	/Sujata Chaudhri/
Name	Sujata Chaudhri
Date	08/04/2010

Ref. No. 21757.077

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

In re Application Serial No. 77/830,435  
Filed: September 19, 2009  
For Mark: SOTHESBY & Design  
Published in the Official Gazette: April 6, 2010

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SPTC, INC. and SPTC DELAWARE, LLC :

Opposer, :

v. :

NOTICE OF OPPOSITION

GUO SHENG HUANG and :  
LIZA CHUAN SHUO HUANG :

Applicants. :

Opposition No.

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Commissioner of Trademarks  
ATTN: Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

Opposer, SPTC, Inc., a Nevada corporation with an address at 1334 York Avenue, New York, New York 10021 and Opposer, SPTC Delaware, LLC, with a place of business at 1334 York Ave., New York, New York 10021 (collectively "Opposers"), believe that they will be damaged by registration of the mark SOTHESBY & Design in International Class 20 shown in Application Serial No. 77/830,435, and having been granted an extension of time to oppose up to and including August 4, 2010, hereby oppose the same.

As grounds for opposition, it is alleged that:

1. Opposers, through their predecessors, their affiliated and related entities, are and have for many years been engaged in the business of providing services, including auction services, appraisal services and real estate brokerage services.
2. Opposers and their affiliated companies specialize in auctions of over seventy categories of objects, including furniture, sculptures, and fine art.
3. Since long prior to September 1, 2009, Applicants' first use date, Opposers, their predecessors, their affiliated and related entities, have used, and continue to use in commerce, the highly distinctive marks SOTHEBY'S and SOTHEBY'S INTERNATIONAL REALTY ("Opposers' SOTHEBY'S Marks"), for a variety of goods, including fine furniture, and services including auctions, appraisal, financing, conservation and restoration services as well as real estate brokerage services.
4. Opposers own U.S. Federal registrations for Opposers' SOTHEBY'S Marks in various International classes, including, 8, 9, 13, 14, 15, 16, 18, 19, 20, 21, 24, 25, 27, 28, 33, 35, 36, 37, 39, 41, 42 including numerous incontestable registrations that either cover furniture or services relating to furniture, such as Registration Nos. 2,228,976, 2,428,011, 1,638,329 and 2,308,657.
5. Since long prior to September 1, 2009, Applicants' first use date, Opposers, their predecessors, their affiliated and related entities, have promoted and advertised goods, including fine furniture, and services, bearing or offered in connection with Opposers' SOTHEBY'S Marks.

6. As a result of the extensive promotion and advertising of such goods and services, Opposers have built up highly valuable goodwill in Opposers' SOTHEBY'S Marks, and said goodwill has become closely and uniquely associated with Opposers.

7. On September 19, 2009, Applicants, Guo Sheng Huang and Liza Chuan Shuo Huang, filed an application, namely, Application Serial No. 77/830,435, based on use, for the mark SOTHEBY & Design (hereinafter "Applicants' Mark") in International Class 20 for "beauty salon furniture, namely, shampoo bowls; beauty salon furniture, namely, shampoo stations; beauty salon furniture, namely, styling stations; bedroom furniture; bumper guards for furniture; cabinet doors for furniture cabinets; cabinet drawers for furniture cabinets; cabinets; camping furniture; carpet coasters for protecting furniture legs; cast stone household and garden furniture; computer furniture; cushions; dinner wagons; doors for furniture; drafting tables; drawers; entertainment centers; fitted fabric furniture covers; fitted furniture cover not of fabric; fitted furniture leg covers for floor protection purposes; furniture; furniture chests; furniture fittings, not of metal; furniture for camping; furniture for displaying goods; furniture for house, office and garden; furniture frames; furniture hardware, namely, drawer slides; furniture made from steel tubing; furniture made from wood or substitutes for wood; furniture moldings; furniture of metal; furniture partitions; furniture parts; furniture primarily of metal, namely, mirrors, bed frames, dining tables, coffee tables, end tables, desks, display cases, shelving, dog gates, and baby gates; furniture, mirrors, picture frames; furniture, namely, display units; furniture, namely, dressers; furniture, namely, poufs; furniture, namely, sales and display counters; furniture, namely, showcases; furniture, namely, sports bar and hospitality unit; furniture, namely, wall units; furniture, namely, wardrobes; futons; indoor window blinds; inflatable furniture; kitchen furniture, namely, ready to assemble mobile kitchen islands;

laminated vinyl to be affixed to the surface of furniture; lawn furniture; library furniture; living room furniture; metal furniture; metal furniture and furniture for camping; mirrors; non-metal self-aligning demountable snap fasteners consisting of press fasteners and press studs for use in attaching panels, hatches, floors and furniture in boats, motor vehicles, trains and aircraft; nylon rollers for furniture parts, namely, sliding mirror door roller, drawer rollers and door rollers; office furniture; outdoor furniture; pet furniture; plastic furniture for gardens; plastic molds for use in manufacturing furniture, bed liners, trailer flooring and decks; recliners; residential and commercial furniture; residential and commercial wrought iron furniture; school furniture; screens; seating furniture; seats; stone furniture; tables; television stands; tool boxes not of metal; tool chests not of metal; towel closets; toy boxes; upholstered furniture; washstands.”

Application Serial No. 77/830,435 is hereinafter referred to as “Applicants’ Application.”

8. The goods covered by Applicants’ Application are either identical or similar to the goods and services offered in connection with Opposers’ SOTHEBY’S Marks so that there would be a likelihood of confusion.

9. Applicants’ Mark so resembles Opposers’ SOTHEBY’S Marks as to be likely, when applied to Applicants’ goods, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicants’ goods have their origin with Opposers and/or that such goods are approved, endorsed or sponsored by Opposers or associated in some way with Opposers. Opposers would thereby be injured by the granting to Applicants of a certificate of registration for Applicants’ Mark.

10. Opposers would further be injured by the granting of a certificate of registration to Applicant for Applicants’ Mark because such mark would falsely suggest a connection between Applicants and Opposers.

11. Opposers' SOTHEBY'S Marks are distinctive and famous and were distinctive and famous prior to September 1, 2009, Applicants' first use date. Thus, registration of Applicants' Mark will also injure Opposers by diluting the distinctive quality of Opposers' SOTHEBY'S Marks.

12. Upon information and belief, Applicants are not currently using, and have never used, Applicants' Mark in commerce on and in connection with each and every one of the goods covered by Applicants' Application.

13. Applicants represented and declared in writing that they were using Applicants' Mark in commerce on and in connection with the goods covered by Applicants' Application. Applicants made this representation to induce the USPTO to issue a registration.

14. Upon information and belief, Applicants have, in fact, never used Applicants' Mark in commerce on and in connection with each and every one of the goods set forth in Applicants' Application. Thus, the representation made to the USPTO was false.

15. Upon information and belief, Applicants knew at the time they made such representation that the representation was false. Thus, Applicants knowingly made a material misrepresentation to the USPTO to procure a registration.

16. By knowingly making a material representation, Applicants intended to deceive the USPTO in order to induce it to grant a registration to Applicants, to which they would otherwise not be entitled.

17. The USPTO relied on Applicants' misrepresentation and passed Applicants' Application for publication.

18. The USPTO would not have passed Applicants' Application to but for Applicants' false representation.

19. Thus, Applicants' actions in procuring a registration constitute fraud, thereby invalidating Applicants' Application in its entirety. Accordingly, Applicants' application should be declared void *ab initio*. In the alternative, Applicants' should be required to delete all those goods on and in connection with which Applicants' Mark was not used as of the date of filing of Applicants' Application.

WHEREFORE, Opposers believe that they will be damaged by registration of Applicants' Mark and request that the opposition be sustained and said registration be denied.

Please recognize as attorneys for Opposers in this proceeding Sujata Chaudhri and Richard S. Mandel (members of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 1133 Avenue of the Americas, New York, New York 10036.

Please address all communications to Sujata Chaudhri, Esq. at the address listed below.

Dated: New York, New York  
August 4, 2010

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.  
Attorneys for Opposer

By:           /Sujata Chaudhri/            
Sujata Chaudhri  
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New York, New York 10036  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this Notice of Opposition was served upon the correspondent for the opposed application by mailing a copy thereof by first class mail, postage prepaid, on August 4, 2010 addressed as follows:

Guo Sheng Huang and Liza Chuan Shuo Huang  
550 G Grand Street Apt. 4A  
New York, NY 10002-4221

/Sujata Chaudhri/  
SUJATA CHAUDHRI, ESQ.