

ESTTA Tracking number: **ESTTA392436**

Filing date: **02/09/2011**

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	Raising Cane's USA, LLC		
Entity	limited liability corporation	Citizenship	Louisiana
Address	301 Main Street Suite 150 Baton Rouge, LA 70801 UNITED STATES		

Attorney information	S. Lloyd Smith Buchanan Ingersoll & Rooney P.C. 1737 King Street Suite 500 Alexandria, VA 22314 UNITED STATES lloyd.smith@bipc.com Phone:703-836-6620		
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### Applicant Information

Application No	77549263	Publication date	01/11/2011
Opposition Filing Date	02/09/2011	Opposition Period Ends	02/10/2011
Applicant	Fifty-Six Hope Road Music Limited Aquamarine House, Cable Beach Nassau, BAHAMAS		

### Goods/Services Affected by Opposition

Class 041. All goods and services in the class are opposed, namely: Entertainment services in the nature of live musical performances; organizing cultural festivals featuring music, dance, art exhibitions and heritage markets; providing information on a website relating to music, entertainment, and cultural festivals of others; and music publishing services
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### Grounds for Opposition

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. Registration No.	3033511	Application Date	03/04/2004
Registration Date	12/27/2005	Foreign Priority Date	NONE
Word Mark	ONE LOVE		

Design Mark	<b>ONE LOVE</b>
Description of Mark	NONE
Goods/Services	Class 043. First use: First Use: 2001/11/00 First Use In Commerce: 2001/11/00 RESTAURANT SERVICES

Related Proceedings	Petition for Cancellation No. 92053460
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Attachments	76579348#TMSN.gif ( 1 page )( bytes ) Notice of Opposition to ONE LOVE.pdf ( 6 pages )(182671 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	/s. lloyd smith/
Name	S. Lloyd Smith
Date	02/09/2011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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Raising Cane's USA, LLC,	:	
	:	
Opposer,	:	
	:	
v.	:	
	:	Opposition No.
Fifty-Six Hope Road Music Limited,	:	
	:	
Applicant.	:	
	:	

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**NOTICE OF OPPOSITION**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

Commissioner:

In the matter of U.S. Trademark Application Serial No. 77/549,263, filed on August 18, 2008 by Fifty-Six Hope Road Music Limited (“Applicant”), to register the mark ONE LOVE (“Applicant’s ONE LOVE Mark”) in connection with "entertainment services in the nature of live musical performances; organizing cultural festivals featuring music, dance, art exhibitions and heritage markets; providing information on a website relating to music, entertainment, and cultural festivals of others; and music publishing services" in International Class 41 (“Applicant's Services”), and published in the *Official Gazette* on January 11, 2011, Raising Cane's USA, LLC (“Opposer”) believes that it will be damaged by the registration of Applicant's ONE LOVE Mark and hereby opposes same. The grounds for this Opposition are as follows:

1. Applicant is the record owner of U.S. Application Serial No. 77/549,263 for the mark ONE LOVE for Applicant's Services based on an intent to use.

2. Applicant did not use Applicant's ONE LOVE Mark in connection with Applicant's Services prior to January 18, 2007, the filing date of Application Serial No. 77/549,263.

3. Applicant did not use Applicant's ONE LOVE Mark on or in connection with Applicant's Services in interstate commerce in the United States prior to January 18, 2007, the filing date of Application Serial No. 77/549,263.

4. Opposer is a limited liability corporation organized under the laws of Louisiana, located and doing business at 301 Main Street, Suite 150, Baton Rouge Louisiana 70801.

5. Opposer is the owner of U.S. Trademark Registration No. 3,033,511 for ONE LOVE for "restaurant services" ("Opposer's ONE LOVE Mark"). The aforementioned services are collectively referred to as "Opposer's Services".

6. Opposer has used its ONE LOVE mark in interstate commerce in the United States since at least as early as 2001. Opposer has 97 locations in 15 states. Opposer's extensive use of its ONE LOVE Mark over the past decade in connection with its chicken fingers restaurants has been ubiquitous. Opposer's usage of its ONE LOVE Mark includes, but has not been limited to, exterior wall murals, packaging, tiling in its restaurant entrances, uniforms, billboards, radio commercials, television commercials, print advertisements, wrapping commuter buses, Opposer's website, business cards, twitter, every company email footer, letterhead, stationary, promotional folders and menus. Opposer has received numerous awards and significant unsolicited press in print and broadcast media for its entrepreneurial

success and community service. As a result, Opposer's ONE LOVE Mark has significant awareness and association among consumers.

7. Commencing long prior to the filing date of Application Serial No. 77/549,263, Opposer has used and is now using Opposer's ONE LOVE Mark in connection with the advertising, use and sale of Opposer's Services in interstate commerce in the United States.

8. Due to Opposer's longstanding and continuous use of Opposer's ONE LOVE Mark in connection with Opposer's Services, Opposer's ONE LOVE Mark has become well known and famous as designating Opposer's Services within the United States.

9. Opposer enjoys substantial and exclusive goodwill within the United States in connection with Opposer's ONE LOVE Mark.

10. Applicant's Petition for Cancellation of Opposer's U.S. Registration No. 3,033,511, Cancellation No. 92053460 ("Petition for Cancellation") alleges and admits that Applicant's ONE LOVE Mark in Application Serial No. 77/549,263 is confusingly similar to Opposer's ONE LOVE Mark in U.S. Registration Nos. 3,033,511 and highly similar in sound, appearance, and overall commercial impression to Opposer's ONE LOVE Mark.

11. Applicant's Petition for Cancellation alleges and admits that Applicant's Services and Opposer's Services are similar and related and therefore presumably are sold or will be sold to identical or highly similar types of consumers through identical or highly similar channels of trade.

12. Applicant's Petition for Cancellation alleges and admits that Applicant's ONE LOVE Mark in Application Serial No. 77/549,263, with a later priority date than Opposer's ONE LOVE Mark, so resembles Opposer's ONE LOVE Mark as to be likely, when applied to

Applicant's Services, to cause confusion, to cause mistake, or to deceive, by creating the erroneous impression that Applicant's Services originate from or are associated with Opposer, or that Applicant's Services are authorized, endorsed or sponsored by Opposer.

13. Applicant's ONE LOVE Mark in Application Serial No. 77/549,263 is likely to cause dilution of Opposer's ONE LOVE Mark by blurring the distinctive qualities of Opposer's ONE LOVE Mark.

14. Applicant's filing of Application Serial No. 77/549,263 for Applicant's ONE LOVE Mark is without license, authorization or permission from Opposer.

15. The granting of a trademark registration for Applicant's ONE LOVE Mark would violate and diminish the prior and superior rights of Opposer in Opposer's ONE LOVE Mark and would be in violation of 15 U.S.C. § § 1052(d) and 1125(c).

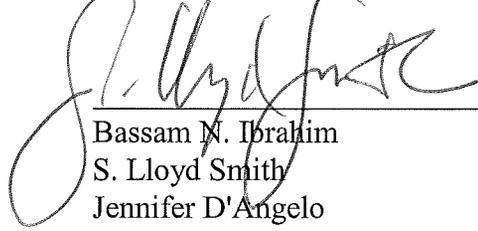
16. Opposer would be damaged if Application Serial No. 77/549,263 is allowed to register because Applicant will obtain statutory rights in Applicant's ONE LOVE Mark in violation and derogation of the established prior rights of Opposer in Opposer's ONE LOVE Mark.

WHEREFORE, Opposer requests that its Opposition be sustained, that Application Serial No. 77/549,263 be rejected and that the registration of ONE LOVE as a trademark to Applicant be refused, and for such other relief as may be deemed just and proper.

Date: 2/9/2011

Respectfully submitted,

**RAISING CANE'S USA, LLC**

A handwritten signature in black ink, appearing to read "S. Lloyd Smith", is written over a horizontal line.

Bassam N. Ibrahim

S. Lloyd Smith

Jennifer D'Angelo

Attorneys for Opposer

Buchanan Ingersoll & Rooney, PC.

1737 King Street

Suite 500

Alexandria, Virginia 22313-1404

(703) 836-6620

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing **NOTICE OF OPPOSITION** was served this 9th day of February, 2011 by first-class mail, postage prepaid, on:

Jill M. Pietrini  
Paul Bost  
MANATT, PHELPS & PHILLIPS, LLP  
11355 W. Olympic Blvd.  
Los Angeles, CA 90064

  
Florie Goodman