

ESTTA Tracking number: **ESTTA401517**

Filing date: **04/04/2011**

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	Pandora Jewelry, LLC
Granted to Date of previous extension	04/02/2011
Address	8671 Robert Fulton Drive, Suite A Columbia, MD 21046 UNITED STATES
Attorney information	William R. Hansen Lathrop & Gage LLP 230 Park Avenue, Suite 2400 New York, NY 10169 UNITED STATES whansen@lathropgage.com, bshort@lathropgage.com, smorales@lathropgage.com

**Applicant Information**

Application No	85108576	Publication date	02/01/2011
Opposition Filing Date	04/04/2011	Opposition Period Ends	04/02/2011
Applicant	Merchanteer, Inc. P.O. Box 477 Westport, MD 21795 UNITED STATES		

**Goods/Services Affected by Opposition**

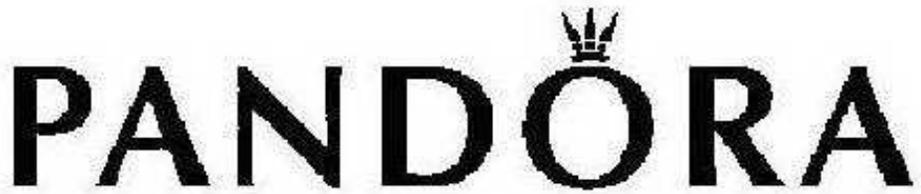
Class 026. First Use: 2010/08/16 First Use In Commerce: 2010/08/16  
All goods and services in the class are opposed, namely: Beads for handicraft work; Buttons for clothing; Ornamental novelty buttons; Safety pins; Sequins

**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.	3613181	Application Date	08/09/2007
Registration Date	04/28/2009	Foreign Priority Date	NONE
Word Mark	PANDORA		

Design Mark	
Description of Mark	The mark consists of a stylized icon used in the place of the letter "O" within the word "PANDORA".
Goods/Services	Class 014. First use: First Use: 2008/05/00 First Use In Commerce: 2008/06/00 Jewelry Class 016. First use: First Use: 2008/05/00 First Use In Commerce: 2008/06/00 Pamphlets, brochures, catalogs in the field of jewelry; paperboards; non-textile paper labels; paper and plastic packaging bags; advertisement poster boards of paper and cardboard

U.S. Registration No.	3640357	Application Date	08/09/2007
Registration Date	06/16/2009	Foreign Priority Date	NONE

Word Mark	PANDORA UNFORGETTABLE MOMENTS
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Design Mark	
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Description of Mark	The mark consists of the word "PANDORA" positioned above the words "UNFORGETTABLE MOMENTS"; a stylized icon is used in the place of the letter "O" within the word "PANDORA".
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Goods/Services	Class 014. First use: First Use: 2008/05/00 First Use In Commerce: 2008/06/00 Jewelry Class 016. First use: First Use: 2008/05/00 First Use In Commerce: 2008/06/00 Pamphlets, brochures, catalogs in the field of jewelry; paperboards; non-textile paper labels; paper and plastic packaging bags; advertisement poster boards of paper and cardboard
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U.S. Registration No.	3065374	Application Date	09/21/2004
Registration Date	03/07/2006	Foreign Priority Date	NONE

Word Mark	PANDORA JEWELRY
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Design Mark	
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Description of	NONE
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Mark	
Goods/Services	Class 014. First use: First Use: 2004/05/00 First Use In Commerce: 2004/05/00 JEWELRY

Attachments	77251517#TMSN.jpeg ( 1 page )( bytes ) 77251525#TMSN.jpeg ( 1 page )( bytes ) 78487161#TMSN.jpeg ( 1 page )( bytes ) pandora's closet opp_001.pdf ( 6 pages )(3022386 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	/william r hansen/
Name	William R. Hansen
Date	04/04/2011

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

In the Matter of Application Ser. No. 85/108,576  
Published in the Official Gazette of February 1, 2011

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PANDORA JEWELRY, LLC,	:	
	:	
v.	:	Opp. No.
	:	
MERCHANTTEER, INC.,	:	
	:	
Applicant.	:	
-----X		

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

**NOTICE OF OPPOSITION**

Pandora Jewelry, LLC, a limited liability company organized under the laws of the state of Maryland, located at 8671 Robert Fulton Drive, Suite A, Columbia, Maryland, 21046 (“Pandora ” or “Opposer”), believes it will be damaged by the registration of Application Serial No. 85/108,576 for the designation PANDORA’S CLOSET as a trademark for “Beads for handicraft work; Buttons for clothing; Ornamental novelty buttons; Safety pins; Sequins” in Class 26 (hereinafter “Applicant’s Goods”) filed August 16, 2010 by Merchantteer, Inc. (“Applicant” or “Merchantteer”) and published in The Official Gazette of February 1, 2011, and having previously been granted an extension of time to oppose, hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer, Pandora Jewelry, LLC is a limited liability company with its principal place of business in Columbia, Maryland.

2. Long prior to the actions of the Applicant set forth herein, Opposer, through its predecessors in interest, began a jewelry business under the name and mark PANDORA to identify and distinguish its goods from the products of others (“PANDORA Brand”), with Opposer being organized in 2003.

3. Since 2003, the PANDORA Brand presence has grown steadily into one of the leading jewelry brands in the United States. Today, there are more than 2,300 authorized PANDORA Brand authorized retailers operating in the U.S., as well as more than 120 dedicated “concept stores” selling only PANDORA Brand products. In addition to the PANDORA Brand modifiable jewelry concept – for which Pandora Jewelry, LLC has been awarded United States Patent No. 7,007,507 – Pandora designers have created other lines of high-quality handmade jewelry products and watches, all sold under the PANDORA Brand.

4. Since 2003, Opposer has spent very significant sums promoting the name and mark PANDORA. Such advertising of the PANDORA Brand has included, among others, nationally broadcast television and radio commercials; Pandora’s websites at Pandora-jewelry.com and pandora.net, as well as advertisements through authorized retailer websites; advertisements in newspapers and magazines of national circulation; trade show appearances; and store circulars, point-of-sale materials, and displays.

5. The PANDORA Brand has enjoyed widespread unsolicited media attention in various national and regional publications throughout the United States, including a ranking of 8th out of 50 most visible brands in 2009 in the trade publication InDesign.

6. Since long prior to the filing date of the application herein opposed, which corresponds with Applicant's alleged date of first use, Opposer has continuously and predominantly used the names and marks PANDORA and PANDORA JEWELRY in the offering of jewelry and related products and packaging and the provision of retail store services, throughout the United States and – with its affiliated companies – throughout the world, all for the purposes of identifying and distinguishing Opposer's goods and services from those of others.

7. Opposer is the owner in the United States of names, trademarks and service marks PANDORA JEWELRY and PANDORA, including the following United States Trademark Registrations, which are all in full force and effect on the Principal Register:

Mark	Reg. No.	Application Date	Reg. Date	International Class
	3,613,181	8/9/2007	4/28/2009	14, 16
	3,640,357	8/9/2007	6/16/2009	14, 16
	3,065,374	9/21/2004	3/7/2006	14

8. As a result of the care and skill exercised by Opposer and its affiliated companies in manufacturing and distributing PANDORA Brand jewelry products and fashion accessories, through its authorized retailer network as well as PANDORA Brand

“concept stores,” the names and marks PANDORA and PANDORA JEWELRY have acquired great fame and outstanding celebrity among the general public as identifying and distinguishing both Opposer’s jewelry products and fashion accessories and Opposer’s associated retail store services from those of others.

9. On August 16, 2010, Applicant applied to register PANDORA’S CLOSET as a trademark for “Beads for handicraft work; Buttons for clothing; Ornamental novelty buttons; Safety pins; Sequins” in Class 26 under Sections 1(a) of the Trademark Law, alleging a first use date of August 16, 2010, the same day as Applicant applied to register its mark.

10. The goods offered by Applicant under the designation PANDORA’S CLOSET are closely related to or complementary with the various products on and in connection with which Opposer has used and makes use of its famous names and marks PANDORA and PANDORA JEWELRY. Any such proposed use of PANDORA’S CLOSET as a trademark by Applicant is likely to be encountered by a similar class of purchasers who are familiar with the use of PANDORA and PANDORA JEWELRY made by Opposer.

11. Indeed, Applicant itself offers for sale jewelry under the eBay seller name "Classic Jewelry," associated with Applicant's Mark PANDORA'S CLOSET, and makes the claim in its eBay listings that its jewelry is "compatible" with Opposer's famous PANDORA Brand jewelry products.

12. Any use of PANDORA’S CLOSET by Applicant when applied to Applicant’s goods is likely to cause confusion, or to cause mistake or to deceive as to the

source, origin, sponsorship, or approval of Applicant's goods or services with those of Opposer.

13. Based upon the foregoing, Opposer will be damaged by the registration of Applicant's designation PANDORA'S CLOSET.

WHEREFORE, Opposer respectfully requests that the opposition to the application for registration of the designation PANDORA'S CLOSET be sustained and that the registration sought by Applicant be refused.

Please charge the requisite fee in the amount of \$600 and charge any additional fees or credit any refunds related to the filing to Deposit Account No. 120600.

Respectfully submitted,

LATHROP & GAGE LLP

By: 

William R. Hansen  
Bridget A. Short  
Suzanna M. M. Morales  
Attorneys for Opposer  
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New York, New York 10169  
(212) 850-6220 (tel)  
(212) 850-6221 (fax)

Dated: April 4, 2011

**CERTIFICATE OF ELECTRONIC FILING**

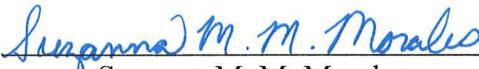
I hereby certify that the present NOTICE OF OPPOSITION was filed electronically with the Trademark Trial and Appeal Board on April 4, 2011.

  
Suzanna M. M. Morales

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the present NOTICE OF OPPOSITION was sent via Certified mail, return receipt requested, postage prepaid, to the following address on April 4, 2011, such being the address of the Applicant's named Correspondent of record listed in the Trademark Applications and Registrations Retrieval (TARR) system as of this date for the subject Application:

Adam E. Schwartz  
Schwartz Intellectual Property Law, PLLC  
244 5th Ave Ste 2157  
New York, NY 10001-7604

  
Suzanna M. M. Morales