

ESTTA Tracking number: **ESTTA404767**

Filing date: **04/20/2011**

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 parties oppose registration of the indicated application.

**Opposers Information**

Name	American Metal Group, Inc.
Granted to Date of previous extension	04/20/2011
Address	11665 Berryessa Rd. San Jose, CA 95133 UNITED STATES

Name	Antique & Salvage Liquidators, Inc.
Granted to Date of previous extension	04/20/2011
Address	11665 Berryessa Rd. San Jose, CA 95133 UNITED STATES

Attorney information	Kevin R. Martin Patton Martin & Sullivan, LLP 6600 Koll Center Pkwy, Ste. 250 Pleasanton, CA 94566 UNITED STATES kevin@pattonmartinsullivan.com Phone:925-600-1800
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**Applicant Information**

Application No	77868184	Publication date	12/21/2010
Opposition Filing Date	04/20/2011	Opposition Period Ends	04/20/2011
Applicant	Integrated Management Solutions, Inc #540-265 74930 Country Club Drive Palm Desert, CA 92260 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 037. First Use: 2009/09/30 First Use In Commerce: 2009/09/30 All goods and services in the class are opposed, namely: Recycling services, namely, collection of electronic waste
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**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. Application No.		Application Date	
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services			

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	GREENSPOT		
Goods/Services	Recycling		

Attachments	Opposers American Metal Group.pdf ( 1 page )(22381 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	/kevin r. martin/
Name	Kevin R. Martin
Date	04/20/2011

Opposers American Metal Group, Inc. and Antique & Salvage Liquidators, Inc. hereby oppose registration of Applicant Integrated Management Solutions, Inc. service mark GREEN SPOT DROP-OFF (standard character mark) in International Class 037 as shown in Application Ser. No. 77868184 on the following grounds:

1: Opposer Antique & Salvage Liquidators, Inc. ("ASL") is a California corporation incorporated and doing business since October 1997. ASL is in the business of recycling electronic waste products and has been actively promoting an e-waste recycling program under the mark GREENSPOT throughout the state of California and nationally since at least July 2008. ASL's GREENSPOT recycling program brings together e-waste collectors, government officials, and representatives from electronic retailers and manufacturers – its GREENetwork- in collective effort creating GREENSPOT recycling centers to receive and dispose of all means of e-waste. As recently as 2008, ASL had 100 GREENSPOT E-Waste recycling locations available throughout the state of California.

2: Opposer American Metal Group, Inc. ("AMG") is a California corporation incorporated and doing business since October 2009. AMG is in partnership and works collectively with ASL in the continued brand and promotion of the GREENSPOT recycling centers and has a vested interest in protecting the goodwill developed around the GREENSPOT mark.

3: Opposers ASL and AMG have pending application Serial Number 85299902 for registration of the mark GREENSPOT for use with recycling services, and have reasonable belief that their application will be refused registration on the basis of likelihood of confusion with Applicant's GREEN SPOT DROP OFF mark, sought for registration in connection with recycling services, namely, collection of electronic waste.

4: Unless and until Applicant's mark is refused registration, Opposers AMG and ASL will continue to be denied registration for their mark GREENSPOT depriving them the benefits of registration and right to exclusive use of the GREENSPOT mark.

5: Opposers AMG and ASL have priority of use for the GREENSPOT mark based on its actual use since on or before July 22, 2008 over Applicant's claimed first use date for the GREEN SPOT DROP-OFF mark of September 30, 2009.

WHEREFORE, Opposers pray that Applicant's application for registration of the GREEN SPOT DROP-OFF be denied.