

ESTTA Tracking number: **ESTTA409547**

Filing date: **05/17/2011**

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	Mr. Christopher Moore		
Entity	Individual	Citizenship	UNITED STATES
Address	1 Albert Road Hicksville, NY 11801 UNITED STATES		

Correspondence information	Mr. Christopher Moore President LI Roofing, Inc. 1 Albert Road Hicksville, NY 11801 UNITED STATES moorehomeimprovements@gmail.com Phone:516-655-0672		
----------------------------	--	--	--

Applicant Information

Application No	85043293	Publication date	04/19/2011
Opposition Filing Date	05/17/2011	Opposition Period Ends	05/19/2011
Applicant	long island roofing and repairs service corp. 1503 bellmore avenue Bellmore, NY 11710 UNITED STATES		

Goods/Services Affected by Opposition

Class 037. First Use: 1995/01/01 First Use In Commerce: 1995/01/01 All goods and services in the class are opposed, namely: Construction and Repair Services, namely, roofing, building construction and repair, and installation services of roofing for consumers
--

Applicant Information

Application No	85043309	Publication date	04/19/2011
Opposition Filing Date	05/17/2011	Opposition Period Ends	05/19/2011
Applicant	Long island roofing and repairs service Corp 1503 Bellmore Avenue Bellmore, NY 11710 UNITED STATES		

Goods/Services Affected by Opposition

Class 037. First Use: 1995/01/14 First Use In Commerce: 1995/01/14 All goods and services in the class are opposed, namely: Construction and Repair Services, namely, roofing services for consumers

Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
The mark is merely descriptive	Trademark Act section 2(e)(1)
The mark is deceptively misdescriptive	Trademark Act section 2(e)(1)
The mark is primarily geographically descriptive	Trademark Act section 2(e)(2)
The mark comprises matter that, as a whole, is functional	Trademark Act section 2(e)(5)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Genericness	Trademark Act section 23
Other	I am the legal owner of www.liroofing.com, not the applicant, who is attempting to steal my domain name through these registrations. Furthermore, "long island roofing" is merely descriptive and geographical and has not taken a secondary meaning under the applicant's use.

Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	LIROOFING.COM		
Goods/Services	SALES REPAIRS AND SERVICE OF ROOFS AND OTHER HOME IMPROVEMENTS BY LI ROOFING, INC.		

Related Proceedings	New York State Supreme Court case, Long Island Roofing and Repairs Service Corp. v Christopher F Moore & Moores Home Designs, Inc., Index No. 10-02115
---------------------	--

Attachments	trademark opposition.pdf (1 page)(49176 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	/Christopher Moore/
Name	Mr. Christopher Moore
Date	05/17/2011

I, Christopher Moore, have owned the company LI Roofing, Inc., and the domain "liroofing.com" since 2009. I have had a web site at such web address advertizing the business since such time. Applicant has a web address at "www.longislandroofing.com," which is not the subject of an active registration nor is it a registered trademark. Such application was filed but abandoned on March 8, 2011. The Applicant does not have any web site at the address of the requested mark of "liroofing.com."

In regard to the proposed registration of "liroofing.com," the requested mark is an exact duplicate of my company's name, less the "Inc" with a ".com," which is a legal name under a validly formed corporation under New York Law. Applicant is attempting to register the mark to disallow anyone with a similar web address from being able to operate a web site.

In regard to the registration of "Long Island Roofing," the applicant should not have any right to either the terms "Long Island" or "Roofing," used individually or in connection to each other. "Long Island" or "LI" is a geographical description constituting the region where services are provided. "Roofing" is a generic term describing the type of service provided. The two terms used together should not create any greater right for a trademark unless it can be shown that such terms used together have taken on a secondary meaning in the eyes of the public. Such secondary meaning cannot be shown by the applicant.

Therefore I request that the opposition be sustained and the registration denied.