

ESTTA Tracking number: **ESTTA423235**

Filing date: **08/03/2011**

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	O.C. Seacrets, Inc.
Granted to Date of previous extension	08/03/2011
Address	17 West 49th Street Ocean City, MD 21842 UNITED STATES
Attorney information	Barth X. deRosa Dickinson Wright PLLC 1875 Eye Street, NW, Suite 1200 Washington, DC 20006 UNITED STATES bderosa@dickinsonwright.com, csquire@dickinsonwright.com, trademark@dickinsonwright.com

### Applicant Information

Application No	85156263	Publication date	04/05/2011
Opposition Filing Date	08/03/2011	Opposition Period Ends	08/03/2011
Applicants	<p>Rossi, Bryon Vittorio 14546 Cornell Drive Sterling Heights, MI 48313 UNITED STATES</p> <p>Mulliniks, Michael Paul 14546 Cornell Drive Sterling Heights, MI 48313 UNITED STATES</p> <p>Zott, Daniel Neal 14546 Cornell Drive Sterling Heights, MI 48313 UNITED STATES</p> <p>Saputo, Stephen Michael 14546 Cornell Drive Sterling Heights, MI 48313 UNITED STATES</p> <p>Rossi, Daniel Luigi 14546 Cornell Drive Sterling Heights, MI 48313 UNITED STATES</p>		

## Goods/Services Affected by Opposition

Class 041.

All goods and services in the class are opposed, namely: Entertainment, namely, live music concerts; Music publishing services; Production of sound and music video recordings

## Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2102604	Application Date	10/31/1995
Registration Date	10/07/1997	Foreign Priority Date	NONE
Word Mark	SEACRETS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1988/06/00 First Use In Commerce: 1988/06/00 restaurant and bar services		

U.S. Registration No.	2984773	Application Date	06/10/2004
Registration Date	08/16/2005	Foreign Priority Date	NONE
Word Mark	SEACRETS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 011. First use: First Use: 1988/06/00 First Use In Commerce: 1988/06/00 Flashlights Class 014. First use: First Use: 2000/05/00 First Use In Commerce: 2000/05/00 Jewelry pins for use on hats Class 016. First use: First Use: 1988/06/00 First Use In Commerce: 1988/06/00 Postcards and bumper stickers		

U.S. Registration No.	3007136	Application Date	06/10/2004
Registration Date	10/18/2005	Foreign Priority Date	NONE
Word Mark	SEACRETS		

Design Mark	<b>SEACRETS</b>
Description of Mark	NONE
Goods/Services	Class 021. First use: First Use: 1988/06/00 First Use In Commerce: 1988/06/00 Drinking cups and glasses, namely, shot glasses, pint glasses and coolie cups Class 024. First use: First Use: 1988/06/00 First Use In Commerce: 1988/06/00 Towels and cloth flags Class 025. First use: First Use: 1988/06/00 First Use In Commerce: 1988/06/00 T-shirts, sweatshirts, pants, jackets, visors, hats, tank tops, golf shirts, wind shirts and rash guards Class 028. First use: First Use: 1988/05/00 First Use In Commerce: 1988/05/00 Stuffed toy animals Class 034. First use: First Use: 1988/06/00 First Use In Commerce: 1988/06/00 Cigarette lighters not of precious metal and matches

U.S. Application No.	76593861	Application Date	05/25/2004
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	SEACRETS
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Design Mark	<b>SEACRETS</b>
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Description of Mark	NONE
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Goods/Services	Class 043. First use: First Use: 1999/03/00 First Use In Commerce: 1999/03/00 Motel services
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U.S. Application No.	76704879	Application Date	10/13/2010
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	SEACRETS
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Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: Franchising, namely, offering business management assistance in the establishment and/or operation of hotels, motels, bars, restaurants and night clubs; in the rendering of catering services; entertainment facilities and services

U.S. Application No.	76704880	Application Date	10/13/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SEACRETS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 1988/06/30 First Use In Commerce: 1988/06/30 Hotel, motel, restaurant, bar and catering services		

U.S. Application No.	76704881	Application Date	10/13/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SEACRETS		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 043. First use: First Use: 1988/06/30 First Use In Commerce: 1988/06/30 Hotel, motel, restaurant, bar and catering services		
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U.S. Application No.	76704882	Application Date	10/13/2010
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Registration Date	NONE	Foreign Priority Date	NONE
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Word Mark	SEACRETS		
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Design Mark			
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Description of Mark	NONE		
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Goods/Services	Class 043. First use: First Use: 1988/06/30 First Use In Commerce: 1988/06/30 Hotel, motel, restaurant, bar and catering services		
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U.S. Application No.	76704883	Application Date	10/13/2010
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Registration Date	NONE	Foreign Priority Date	NONE
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Word Mark	SEACRETS		
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Design Mark			
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Description of Mark	NONE		
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Goods/Services	Class 035. First use: Franchising, namely, offering business management assistance in the establishment and/or operation of hotels, motels, bars, restaurants and night clubs; in the rendering of catering services; entertainment facilities and services		
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U.S. Application No.	76704884	Application Date	10/13/2010
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Registration Date	NONE	Foreign Priority Date	NONE
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Word Mark	SEACRETS
Design Mark	
Description of Mark	NONE
Goods/Services	Class 043. First use: First Use: 1988/06/30 First Use In Commerce: 1988/06/30 Hotel, motel, restaurant, bar and catering services

U.S. Application No.	76704885	Application Date	10/13/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SEACRETS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: Franchising, namely, offering business management assistance in the establishment and/or operation of hotels, motels, bars, restaurants and night clubs; in the rendering of catering services; entertainment facilities and services		

U.S. Application No.	76704886	Application Date	10/13/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SEACRETS		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: Franchising, namely, offering business management assistance in the establishment and/or operation of hotels, motels, bars, restaurants and night clubs; in the rendering of catering services; entertainment facilities and services

U.S. Application No.	76705105	Application Date	10/27/2010
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	SEACRETS
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Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 025. First use: First Use: 1988/06/30 First Use In Commerce: 1988/06/30 Clothing, namely, golf shirts, hats, t-shirts, shorts, sweatshirts, windshirts, tanks, football jerseys</p> <p>Class 035. First use: First Use: 1988/06/30 First Use In Commerce: 1988/06/30 Providing consumer information services and making referrals in the field of entertainment services for products, services, events, activities, facilities and locations; retail clothing boutiques; on-line retail gift shops; retail gift shops; retail store and on-line retail stores services featuring golf shirts, hats, t-shirts, shorts, sweatshirts, windshirts, tanks, football jerseys, golf towels, shot glasses, compact discs, cups, holiday ornaments, hip klip pockets, golf balls, postcards, glasswares, bottle openers, beach towels and gift cards</p> <p>Class 036. First use: First Use: 1988/06/30 First Use In Commerce: 1988/06/30 Charitable fundraising services by means of entertainment events</p> <p>Class 038. First use: First Use: 2003/01/30 First Use In Commerce: 2003/01/30 Broadcasting of radio programs; internet radio broadcasting services; internet radio services, namely, transmission of audio material via the internet, radio broadcasting; radio broadcasting of information and other programs</p> <p>Class 039. First use: First Use: 1988/06/30 First Use In Commerce: 1988/06/30</p>
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	<p>Travel agency services, namely, making reservations and bookings for transportation</p> <p>Class 041. First use: First Use: 1988/06/30 First Use In Commerce: 1988/06/30</p> <p>Entertainment services, namely, providing a website that displays various requests, reviews, recommendations, rankings, trackings, votes, and information relating to new, special, popular services, and events in the fields of pop culture entertainment and sports, all exclusively for nonbusiness and non-commercial transactions and purposes; personal appearances by celebrities and national band acts; providing radio programs in the field of music, entertainment and commentary via global computer network; fireworks displays; contests; parties; providing nondownloadable prerecorded music, information in the field of music, and commentary and articles about music, all on-line via a global computer network; entertainment services in the nature of live musical performances; comedy shows; providing non-downloadable playback of music via global communications networks; entertainment services, namely, the provision of continuing programs, segments, and shows featuring news, comedy, and commentary delivered via radio, the internet, or live; entertainment services, namely, providing information by means of a global computer network in the fields of celebrities, entertainment, and popular culture; presenting live musical performances; entertainment ticket agency services and on-line entertainment ticket agency services; for entertainment events; production and distribution of radio programs; radio entertainment services, namely, radio programs featuring performances by a radio personality; night clubs; on-line electronic newsletters delivered by e-mail in the field of music and entertainment</p> <p>Class 042. First use: First Use: 2006/03/31 First Use In Commerce: 2006/03/31</p> <p>Social bookmarking website services, namely, providing a website featuring technology that enables users to organize, store, manage, and search for bookmarks of resources online</p> <p>Class 043. First use: First Use: 1988/06/30 First Use In Commerce: 1988/06/30</p> <p>Restaurant, bar and catering services; providing travel lodging information services and travel lodging booking agency services for travelers; travel agency services, namely, making reservation and booking for temporary lodging</p> <p>Class 045. First use: First Use: 2006/03/31 First Use In Commerce: 2006/03/31</p> <p>Providing a social networking website for entertainment purpose</p>
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U.S. Application No.	76705106	Application Date	10/27/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SEACRETS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1988/06/30 First Use In Commerce: 1988/06/30		

	<p>Clothing, namely, golf shirts, hats, t-shirts, shorts, sweatshirts, windshirts, tanks, football jerseys</p> <p>Class 035. First use: First Use: 1988/06/30 First Use In Commerce: 1988/06/30          Providing consumer information services and making referrals in the field of entertainment services for products, services, events, activities, facilities and locations; retail clothing boutiques; on-line retail gift shops; retail gift shops; retail store and on-line retail stores services featuring golf shirts, hats, t-shirts, shorts, sweatshirts, windshirts, tanks, football jerseys, golf towels, shot glasses, compact discs, cups, holiday ornaments, hip klip pockets, golf balls, postcards, glasswares, bottle openers, beach towels and gift cards</p> <p>Class 036. First use: First Use: 1989/06/30 First Use In Commerce: 1989/06/30          Charitable fundraising services by means of entertainment events</p> <p>Class 038. First use: First Use: 2003/01/31 First Use In Commerce: 2003/01/31          Broadcasting of radio programs; internet radio broadcasting services; internet radio services, namely, transmission of audio material via the internet, radio broadcasting; radio broadcasting of information and other programs</p> <p>Class 039. First use: First Use: 2004/09/30 First Use In Commerce: 2004/09/30          Travel agency services, namely, making reservations and bookings for transportation</p> <p>Class 041. First use: First Use: 1988/06/30 First Use In Commerce: 1988/06/30          Entertainment services, namely, providing a website that displays various requests, reviews, recommendations, rankings, trackings, votes, and information relating to new, special, popular services, and events in the fields of pop culture entertainment and sports, all exclusively for nonbusiness and non-commercial transactions and purposes; personal appearances by celebrities and national band acts; providing radio programs in the field of music, entertainment and commentary via global computer network; fireworks displays; contests; parties; providing nondownloadable prerecorded music, information in the field of music, and commentary and articles about music, all on-line via a global computer network; entertainment services in the nature of live musical performances; comedy shows; providing non-downloadable playback of music via global communications networks; entertainment services, namely, the provision of continuing programs, segments, and shows featuring news, comedy, and commentary delivered via radio, the internet, or live; entertainment services, namely, providing information by means of a global computer network in the fields of celebrities, entertainment, and popular culture; presenting live musical performances; entertainment ticket agency services and on-line entertainment ticket agency services; for entertainment events; production and distribution of radio programs; radio entertainment services, namely, radio programs featuring performances by a radio personality; night clubs; on-line electronic newsletters delivered by e-mail in the field of music and entertainment</p> <p>Class 042. First use: First Use: 2003/01/31 First Use In Commerce: 2003/01/31          Social bookmarking website services, namely, providing a website featuring technology that enables users to organize, store, manage, and search for bookmarks of resources online</p> <p>Class 043. First use: First Use: 1988/06/30 First Use In Commerce: 1988/06/30          Hotel, motel, restaurant, bar and catering services; providing travel lodging information services and travel lodging booking agency services for travelers; travel agency services, namely, making reservation and booking for temporary lodging</p> <p>Class 045. First use: First Use: 2006/03/31 First Use In Commerce: 2006/03/31          Providing a social networking website for entertainment purpose</p>
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U.S. Application No.	76705107	Application Date	10/27/2010
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Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SEACRETS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 025. First use: First Use: 1988/06/30 First Use In Commerce: 1988/06/30 Clothing, namely, golf shirts, hats, t-shirts, shorts, sweatshirts, windshirts, tanks, football jerseys</p> <p>Class 035. First use: First Use: 1988/06/30 First Use In Commerce: 1988/06/30 Providing consumer information services and making referrals in the field of entertainment services for products, services, events, activities, facilities and locations; retail clothing boutiques; on-line retail gift shops; retail gift shops; retail store and on-line retail stores services featuring golf shirts, hats, t-shirts, shorts, sweatshirts, windshirts, tanks, football jerseys, golf towels, shot glasses, compact discs, cups, holiday ornaments, hip klip pockets, golf balls, postcards, glasswares, bottle openers, beach towels and gift cards</p> <p>Class 036. First use: First Use: 1989/06/30 First Use In Commerce: 1989/06/30 Charitable fundraising services by means of entertainment events</p> <p>Class 038. First use: First Use: 2003/01/31 First Use In Commerce: 2003/01/31 Broadcasting of radio programs; internet radio broadcasting services; internet radio services, namely, transmission of audio material via the internet, radio broadcasting; radio broadcasting of information and other programs</p> <p>Class 039. First use: First Use: 2004/09/30 First Use In Commerce: 2004/09/30 Travel agency services, namely, making reservations and bookings for transportation</p> <p>Class 041. First use: First Use: 1988/06/30 First Use In Commerce: 1988/06/30 Entertainment services, namely, providing a website that displays various requests, reviews, recommendations, rankings, trackings, votes, and information relating to new, special, popular services, and events in the fields of pop culture entertainment and sports, all exclusively for nonbusiness and non-commercial transactions and purposes; personal appearances by celebrities and national band acts; providing radio programs in the field of music, entertainment and commentary via global computer network; fireworks displays; contests; parties; providing nondownloadable prerecorded music, information in the field of music, and commentary and articles about music, all on-line via a global computer network; entertainment services in the nature of live musical performances; comedy shows; providing non-downloadable playback of music via global communications networks; entertainment services, namely, the provision of continuing programs, segments, and shows featuring news, comedy, and commentary delivered via radio, the internet, or live; entertainment services, namely, providing information by means of a global computer network in the fields of celebrities, entertainment, and popular culture; presenting live musical performances; entertainment ticket agency services and on-line entertainment ticket agency services; for entertainment events; production and distribution of radio programs; radio entertainment services, namely, radio programs featuring performances by a radio personality; night clubs; on-line electronic newsletters delivered by e-mail in the field of music and entertainment</p> <p>Class 042. First use: First Use: 2010/03/31 First Use In Commerce: 2010/03/31</p>		

	<p>Social bookmarking website services, namely, providing a website featuring technology that enables users to organize, store, manage, and search for bookmarks of resources online</p> <p>Class 043. First use: First Use: 1988/06/30 First Use In Commerce: 1988/06/30  Restaurant, bar and catering services; providing travel lodging information services and travel lodging booking agency services for travelers; travel agency services, namely, making reservation and booking for temporary lodging</p> <p>Class 045. First use: First Use: 2006/03/31 First Use In Commerce: 2006/03/31  Providing a social networking website for entertainment purpose</p>
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Attachments	<p>76596874#TMSN.gif ( 1 page )( bytes )  76596825#TMSN.gif ( 1 page )( bytes )  76593861#TMSN.gif ( 1 page )( bytes )  76704879#TMSN.gif ( 1 page )( bytes )  76704880#TMSN.gif ( 1 page )( bytes )  76704881#TMSN.gif ( 1 page )( bytes )  76704882#TMSN.gif ( 1 page )( bytes )  76704883#TMSN.jpeg ( 1 page )( bytes )  76704884#TMSN.jpeg ( 1 page )( bytes )  76704885#TMSN.gif ( 1 page )( bytes )  76704886#TMSN.gif ( 1 page )( bytes )  76705105#TMSN.gif ( 1 page )( bytes )  76705106#TMSN.gif ( 1 page )( bytes )  76705107#TMSN.gif ( 1 page )( bytes )  5836-257 Notice of Opposition.PDF ( 7 pages )(207204 bytes )</p>
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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	/Barth X. deRosa/
Name	Barth X. deRosa
Date	08/03/2011

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

_____	)	
O.C. SEACRETS, INC.,	)	
	)	
Opposer,	)	
v.	)	
	)	Opposition No. _____
DANIEL LUIGI ROSSI,	)	
BRYON VITTORIO ROSSI,	)	
MICHAEL PAUL MULLINIKS,	)	Application Serial No. 85/156,263
DANIEL NEAL ZOTT,	)	
and STEPHEN MICHAEL SAPUTO,	)	
	)	
Applicant.	)	
_____	)	

**NOTICE OF OPPOSITION**

Opposer, O.C. Seacrets, Inc., a corporation duly organized under the laws of the state of Maryland and having a principal place of business at 117 West 49<sup>th</sup> Street, Ocean City, Maryland 21842 (hereinafter referred to as Opposer), believes that it would be damaged by the registration of U.S. Application Serial No. 85/156,263 which covers the mark THE AMERICAN SECRETS for services in International Class 41, as filed on October 19, 2010, under Section 1(b) by Daniel Luigi Rossi, Bryon Vittorio Rossi, Michael Paul Mulliniks, Daniel Neal Zott, and Stephen Michael Saputo, citizens of the United States, and having a principal place of business at 14546 Cornell Drive, Sterling Heights, MI 48313, (hereinafter referred to as Applicant), published in the Trademark Official Gazette on April 5, 2011, time to oppose being extended, hereby opposes registration of the mark.

The grounds for opposition under the Lanham Act Sections 2(a) and 2(d) as amended, are as follows:

1. Since long prior to October 19, 2010, Applicant's alleged constructive use date, Opposer has operated a Jamaican and Caribbean themed entertainment establishment within the resort community of Ocean City, Maryland that consists, in part, of eighteen different bars

encompassing approximately three city blocks, with bay access, together with hotel accommodations, restaurants, a nightclub, live entertainment, two boutiques, a radio station, radio and entertainment program related services, and the sale of a wide variety of collateral products at retail and on-line that are manufactured by or originate with Opposer under its well-known SEACRETS mark and name. As part of its entertainment services, Opposer also sponsors and promotes live concerts under the SEACRETS mark and promotes and sponsors via Irie Radio, a sister company, broadcasts of live bands that are streamed over the Internet throughout the world, all in connection with the SEACRETS mark.

2. Over eight million people visit Ocean City, Maryland annually for vacations and hundreds of thousands of people frequent Opposer's SEACRETS establishment every year. In this connection, and since long prior to October 19, 2010, Applicant's alleged constructive use date, Opposer has used and continues to use the SEACRETS mark and name in commerce in connection with the rendering of bar, restaurant, nightclub, entertainment services, and radio broadcast services, as well as for boutique and hotel services along with the sale of a wide variety of collateral products and ancillary services. As the result of such use, promotion, advertising, attribution, and reputation, SEACRETS has become a famous landmark in the Ocean City resort community and enjoys an enviable reputation with persons residing throughout the United States.

3. Opposer is the owner at common law of the SEACRETS mark for the products and services listed in paragraphs 1 and 2 and relies upon and is the owner of the following registrations which are valid, subsisting, unrevoked, and, where applicable, incontestable:

Registration No. 2,102,604  
SEACRETS  
Dated: October 7, 1997

Registration No. 2,984,773  
SEACRETS  
Dated: August 16, 2005

Registration No. 3,007,136  
SEACRETS  
Dated: October 18, 2005

It also has the following applications pending:

Application Serial No. 76/593,861  
SEACRETS  
Filed: May 25, 2004

Application Serial No. 76/704,879  
SEACRETS  
Filed: October 13, 2010

Application Serial No. 76/704,880  
SEACRETS  
Filed: October 13, 2010

Application Serial No. 76/704,881  
SEACRETS  
Filed: October 13, 2010

Application Serial No. 76/704,882  
SEACRETS  
Filed: October 13, 2010

Application Serial No. 76/704,883  
SEACRETS  
Filed: October 13, 2010

Application Serial No. 76/704,884  
SEACRETS  
Filed: October 13, 2010

Application Serial No. 76/704,885  
SEACRETS  
Filed: October 13, 2010

Application Serial No. 76/704,886  
SEACRETS  
Filed: October 13, 2010

Application Serial No. 76/705,105  
SEACRETS  
Filed: October 27, 2010

Application Serial No. 76/705,106  
SEACRETS  
Filed: May 25, 2004

Certified status and title copies of the above registrations will be provided at a later date.

4. As of April 2011, Opposer has embarked upon a national franchising program offering potential franchisees the right to use the SEACRETS mark for an authorized entertainment complex, consisting of bar, restaurant, night club, and hotel related services, including auxiliary and collateral products thereto.

5. Upon information and belief, Applicant has made no use of its alleged mark THE AMERICAN SECRETS in the United States for the services listed in its application in International Class 41, prior to October 19, 2010, Applicant's alleged constructive use date, which is a date subsequent to the date on which the Opposer first used its SEACRETS mark and name in connection with the various products and services listed in paragraphs 1-3.

6. The services of the Applicant as described in its application in International Class 41, namely, entertainment, namely, live music concerts; music publishing services; production of sound and music video recordings, are closely related, if not identical, to the goods and services offered and sold by Opposer as described in paragraphs 1 through 3 herein. Many of the goods and services offered and sold by Opposer under its SEACRETS mark and name are likely to be purchased and used by the same class of purchasers who are likely to purchase and use Applicant's services. In addition, many of the goods and services of Opposer and Applicant are marketed through similar and related channels of trade. As a result, Applicant's purchasers are apt to believe that Applicant's THE AMERICAN SECRETS branded entertainment services are somehow related, endorsed, or sponsored by Opposer, all to the detriment and irreparable harm of Opposer.

7. Applicant's mark THE AMERICAN SECRETS is in all respects so confusingly similar in sound, appearance, meaning, and commercial impression to Opposer's SEACRETS mark and name, which the public and trade have associated and recognize with Opposer, as to be likely, when applied to the services of Applicant, to cause confusion or to deceive purchasers in the mistaken belief that the services of Applicant emanate from, or are disseminated under Opposer's approval, sponsorship, or control, all to the great damage of Opposer.

8. Opposer, over a period of many years, has expended much time, effort, and money in advertising and in otherwise promoting the sale of its goods and services, and in encouraging the public and the trade to recognize its services and products under the SEACRETS mark and name, whereas the registration of THE AMERICAN SECRETS by Applicant would enable Applicant to reap the benefits of such goodwill and reputation attached to Opposer's SEACRETS mark and name as a result of the confusion which is likely to arise, all to Opposer's irreparable harm and damage.

9. In view of the similarities between Applicant's THE AMERICAN SECRETS mark and Opposer's SEACRETS mark and name in terms of appearance, sound, meaning, and commercial impression, and in view of the related, if not identical, nature of the goods and services offered and disseminated by both Applicant and Opposer, Opposer alleges that Applicant's mark consists of and comprises matter which may disparage and/or falsely suggest a trade connection between Opposer and Applicant.

10. Applicant's THE AMERICAN SECRETS mark is a close approximation of the SEACRETS mark, name, and identity previously used by Opposer.

11. Opposer's SEACRETS mark and name points uniquely and unmistakably to Opposer.

12. Opposer is not, nor will it be, connected with the activities of the Applicant under the THE AMERICAN SECRETS mark.

13. The SEACRETS mark, name, and identity is of sufficient fame or reputation for Section 2(a) purposes that a connection with Opposer would be presumed when Applicant's mark is used in connection with its services.

14. Unless Applicant's application for the mark THE AMERICAN SECRETS is refused, Opposer will suffer irreparable harm and damage.

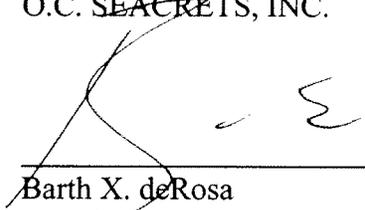
WHEREFORE, Opposer, by and through its counsel, respectfully prays that the mark sought to be registered by Applicant be refused and this opposition be sustained in Opposer's favor. The \$300.00 government fee is submitted herewith.

Please recognize Barth X. deRosa of Dickinson Wright PLLC, 1875 Eye Street, Suite 1200, Washington, DC 20006, as attorney for Opposer.

Respectfully submitted,

O.C. SECRETS, INC.

Dated: August 3, 2011

By: 

Barth X. deRosa  
DICKINSON WRIGHT PLLC  
1875 Eye Street, NW  
Suite 1200  
Washington, D.C. 20006  
(202) 457-0160  
Fax (202) 659-1559

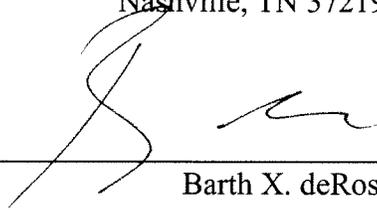
*Counsel for Opposer*

DC 5836-143 179597v1

**CERTIFICATE OF SERVICE**

I certify that a true and accurate copy of the foregoing Notice of Opposition was served by first class mail, postage prepaid, on this 3<sup>rd</sup> day of August 2011, upon counsel for Applicant at the following address:

Thomas David Ruth  
Lassiter Tidwell Davis Keller & Hogan, P  
150 4th Avenue N., Ste. 1850  
Nashville, TN 37219-2408



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Barth X. deRosa