

ESTTA Tracking number: **ESTTA461604**

Filing date: **03/14/2012**

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	JJI International, Inc.
Granted to Date of previous extension	03/14/2012
Address	200 First Avenue Cranston, RI 02910 UNITED STATES
Attorney information	Craig M. Scott Scott & Bush Ltd. 30 Kennedy Plaza4th Floor Providence, RI 02903 UNITED STATES cscott@scottbushlaw.com, smcgurk@scottbushlaw.com, pstroke@scottbushlaw.com Phone:401-865-6035

Applicant Information

Application No	85356064	Publication date	11/15/2011
Opposition Filing Date	03/14/2012	Opposition Period Ends	03/14/2012
Applicant	Sparkle Life LLC 5745 SW 75th Street #249 Gainesville, FL 32608 UNITED STATES		

Goods/Services Affected by Opposition

Class 014. First Use: 2010/07/01 First Use In Commerce: 2010/07/01
All goods and services in the class are opposed, namely: Bracelets; Charms; Costume jewelry; Necklaces; Precious and semi-precious crystal stones and beads for use in jewelry

Grounds for Opposition

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

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	3005830	Application Date	07/26/2004
Registration Date	10/11/2005	Foreign Priority Date	NONE

Word Mark	SPLASHES & SPARKLES
Design Mark	
Description of Mark	NONE
Goods/Services	Class 014. First use: First Use: 2004/09/20 First Use In Commerce: 2004/09/20 Jewelry Class 021. First use: First Use: 2004/09/20 First Use In Commerce: 2004/09/20 [Ceramic and porcelain collectibles, namely, mugs, plates, and trivets]

Attachments	78456458#TMSN.jpeg (1 page)(bytes) Not. of Opposition - File Copy.pdf (4 pages)(28774 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	/Craig M. Scott/
Name	Craig M. Scott
Date	03/14/2012

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

In the matter of Application Serial No. 85356064, Published in the Official Gazette on or about November 15, 2011.

JJI INTERNATIONAL, INC. :
Opposer, :
v. : Opposition No.: _____
SPARKLE LIFE, LLC :
Applicant. :

NOTICE OF OPPOSITION

JJI International, Inc. (“JJJ”), a Rhode Island corporation with a principal place of business located at 200 First Avenue, Cranston, RI 02910, will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same. The grounds for Opposition are as follows:

1. For over twenty (20) years, JJI has designed, sourced and manufactured a wide variety of décor, gifts and accessories, including jewelry items.
2. In or about September, 2004, JJI adopted and began using the word mark, SPLASHES & SPARKLES, in commerce in connection with the marketing and sale of its products, including jewelry, and has been using it in commerce continuously since then.
3. JJI owns a United States federal trademark registration for its SPLASHES &

SPARKLES® mark in connection with jewelry products, Registration No. 3,005,830, issued by the Patent and Trademark Office on October 11, 2005. The registration covering jewelry is incontestable as a matter of law.

4. During its long, widespread and continuous use of the SPLASHES & SPARKLES mark, JJI has expended considerable monies to advertise and promote jewelry products under the SPLASHES & SPARKLES mark. Through its promotion and advertising and the quality of products associated with the SPLASHES & SPARKLES mark, JJI has developed considerable goodwill in the mark. Accordingly, the SPLASHES & SPARKLES mark is an extremely valuable commercial asset.

5. Notwithstanding JJI's longstanding rights in and to the SPLASHES & SPARKLES mark, on or about June 24, 2011, Applicant filed an application to register the designation, SPARKLE LIFE, for use in connection with "bracelets; charms; costume jewelry; necklaces; precious and semi-precious crystal stones and beads for use in jewelry" in International Class 14 (the "Application"). The Application was assigned Serial No. 85356064, and the mark was published for opposition in the Official Gazette on or about November 15, 2011.

6. The similarity of Applicant's proposed SPARKLE LIFE designation to JJI's well known SPLASHES & SPARKLES mark and the identity of Applicant's goods, suggests that Applicant is planning to trade off the goodwill that JJI has developed in its SPLASHES & SPARKLES mark. Accordingly, JJI will be damaged by the registration sought because consumers will be likely to believe, falsely, that Applicant's goods are authorized, sponsored or approved by JJI or that JJI is otherwise affiliated with Applicant, in violation of Section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a).

7. In addition, any registration of use of the SPARKLE LIFE designation by Applicant will damage JJI because this designation is confusingly similar to JJI's SPLASHES & SPARKLES mark, and Applicant's use of the designation in connection with jewelry is likely to cause confusion, deception, and/or mistake among the consuming public in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d). JJI will be further damaged by the registration sought because such registration will support and assist Applicant in the confusing and misleading use of the mark sought to be registered, and will give color of exclusive statutory rights to Applicant in violation and derogation of the prior and superior rights of JJI.

WHEREFORE, JJI will be damaged by said registration and prays that it be denied. Pursuant to 37 C.F.R. § 2.6(a)(17), payment of three hundred dollars (\$300.00) to cover the fee for filing this Notice of Opposition is submitted herewith.

JJI INTERNATIONAL, INC.

By: /Craig M. Scott/
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Attorneys for Opposer

Dated: March 14, 2012

CERTIFICATE OF SERVICE:

I hereby certify that a true and complete copy of the foregoing Notice of Opposition has been served on Sparkle Life LLC by mailing said copy on March 14, 2012, via First Class Mail, postage prepaid to:

Sparkle Life LLC
5745 SW 75th St. #249
Gainesville, FL 32608-5504