

ESTTA Tracking number: **ESTTA494490**

Filing date: **09/14/2012**

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	Hope Wine LLC
Granted to Date of previous extension	09/15/2012
Address	17981 Sky Park Circle Ste F Irvine, CA 92614 UNITED STATES

Attorney information	Shaheen Sheik-Sadhal Esse Law Group 420 S. Mountain Glen Road Anaheim, CA 92807 UNITED STATES shaheen@esselaw.com Phone:310-455-6761
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Applicant Information

Application No	85562966	Publication date	07/17/2012
Opposition Filing Date	09/14/2012	Opposition Period Ends	09/15/2012
Applicant	Uncommon LLC Suite 202 1556 West Carroll Chicago, IL 60607 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Carrying cases and bags designated for protection, storage and transportation of consumer electronics, cellular phones, media players, laptop computers
Class 036. All goods and services in the class are opposed, namely: Charitable fundraising services

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	Case For A Cause (Opposer filed trademark application on September 12, 2012. Serial No. 85727742. Web interface is not recognizing Serial No. so I'm manually entering.)		
Goods/Services	Charitable fundraising by means of selling goods to raise funds		

Attachments	Hope Wine opposing Uncommon LLC_DRAFT.pdf (5 pages)(34097 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	/Shaheen Sheik-Sadhal/
Name	Shaheen Sheik-Sadhal
Date	09/14/2012

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

In the matter of application Serial No. 85-562,966
For the Trademark CASES FOR CAUSES
Published in the Official Gazette on July 17, 2012

HOPE WINE LLC)	
)	
)	
Opposer,)	
)	Opposition No.
v.)	
)	
UNCOMMON LLC)	
)	
Applicant.)	
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NOTICE OF OPPOSITION

Opposer Hope Wine, LLC (“Opposer”), organized under the laws of Delaware and having its principal place of business at 17981 Sky Park Circle Ste F, Irvine, CA 92614, UNITED STATES, will be damaged by the issuance of a registration for the mark CASES FOR CAUSES (the “Applicant’s Mark”), as applied for in Application Serial No. 85-562,966 filed on March 7, 2012 by applicant Uncommon, LLC, organized under the laws of Delaware and having its principal place of business at 1556 West Carroll, Chicago, IL 60607, UNITED STATES (“Applicant”). Opposer, having previously been granted an extension of time to oppose Applicant’s Mark, hereby opposes Applicant’s application for CASES FOR CAUSES on the following grounds:

1. Opposer is a well-known socially-minded wine distributor selling goods under its label ONEHOPE Wine and has marketed and sold its wine to raise funds for charity as early as 2007. Since at least as early as February 1, 2011 and April 1, 2011, in California and the United

States respectively, Opposer has further marketed and sold wine under the mark CASE FOR A CAUSE through its at-home private wine tasting sales program entitled Hope at Home (“Hope at Home”).

2. Opposer has continually marketed and sold wine to raise funds for charity through Hope at Home since at least as early as May 2010. By virtue of Opposer’s efforts and the excellence of its products, the public has come to know, rely on, and recognize the CASE FOR A CAUSE mark as a source identifier for Opposer’s wine-for-charity-fundraising marketplace, and Opposer has gained a valuable reputation and high degree of good will through the use and recognition of its CASE FOR A CAUSE mark.

3. As a result of the value and good will it has acquired in its CASE FOR A CAUSE mark, on September 12, 2012, Opposer filed for USPTO registration of its mark CASE FOR A CAUSE (“Opposer’s Mark”) under Section 1(a) based on its actual use (Serial No. 85-727,742) and under International Class 036 with the identification of “charitable fundraising services by means of selling goods to raise funds.”

4. Upon information and belief, Opposer alleges that on March 7, 2012, Applicant filed an application to register the mark CASES FOR CAUSES in International Classes 009 and 036, in connection with “carrying cases [for] consumer electronics” and “charitable fundraising services” respectively under a Section 1(b) filing basis. While Applicant has separated the classes into two classes, it’s clear that Applicant’s Mark for its goods and services are inextricably linked to the associated charitable causes and the two cannot be separated.

5. Priority is not an issue in this case because Opposer’s First Use Date for Opposer’s Mark precedes the Applicant’s first use date as Applicant has yet to use Applicant’s Mark in commerce.

6. Applicant's Mark CASES FOR CAUSES is identical or nearly identical to Opposer's Mark CASE FOR A CAUSE. Applicant's Mark is confusingly similar in sound, meaning, and appearance to Opposer's Mark.

7. Use of Applicant's Mark for the goods specified therein is likely to cause confusion, mistake or deception as to the source of origin, sponsorship, or approval of Applicant's goods in that purchasers are likely to believe that Applicant's charitable fundraising services are related to Opposer's charitable fundraising services offered under the CASE FOR A CAUSE mark, or are in some way connected or affiliated with Opposer, licensed or otherwise sponsored by Opposer, resulting in serious harm and damage to Opposer.

8. Upon information and belief, Applicant intends to promote its goods and services under Applicant's Mark in the same or related channels of trade or natural zones of expansion as utilized by Opposer in promoting its CASE FOR A CAUSE mark, including marketing and selling consumer goods tied to social causes. Likewise, Applicant intends to reach customers who are substantially similar to those associated with Opposer, including socially-minded consumers. Thus, use of Applicant's Mark will likely cause confusion, mistake, and deception. Such confusion would inevitably result in damage to Opposer.

9. If Applicant is permitted to obtain the registration herein opposed, Applicant will receive the *prima facie* exclusive right to use in commerce the CASES FOR CAUSES mark on goods that are likely to be associated with related services performed by, and related items offered by, Opposer. Such registration would be a source of damage and injury to Opposer.

10. Thus, Opposer is opposing the goods and services in both classes of Applicant's registration as Applicant's business model seems predicated precisely on the combination of its goods and services connected to charitable fundraising services, in the same or similar way as

Opposer.

11. For the foregoing reasons, the registration sought by Application is contrary to the provisions of the Lanham Act and Opposer believes it would be damaged thereby.

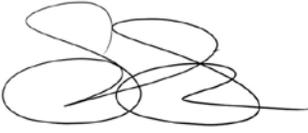
12. As an additional contention, upon information and belief, Opposer alleges that on July 30, 2012, the USPTO trademark attorney, Mr. Steven M. Perez, assigned to review Application Serial No. 85-597,424 (the “No. 85-597,424 Mark”) for the mark “Case for a Cause” suspended action on the application pending registration or abandonment of the Applicant’s Mark. The No. 85-597,424 Mark was filed under Section 1(b) as an intent-to-use application by Katie Hamilton Shaffer (“Shaffer”), an applicant not affiliated with Opposer. In the Suspension Notice, Mr. Perez noted that the CASES FOR CAUSES mark may present a bar to registration of Shaffer’s application.

13. Given that Shaffer's application has been suspended pending registration or abandonment of Applicant's Mark, Opposer contends that in order for its application filed on September 12, 2012 (Serial No. 85-727,742) to be successfully granted by the USPTO, it must also successfully oppose Applicant's Mark.

14. For the abovementioned reasons, Opposer prays that this Opposition be sustained and that Application Serial No. 85-562,966 be denied and refused registration.

ESSE LAW GROUP

Date: September 14, 2012

By: 
Shaheen Sheik-Sadhal, Esq.
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