

ESTTA Tracking number: **ESTTA503882**

Filing date: **11/05/2012**

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	Rodeo Realty, Inc.
Granted to Date of previous extension	11/14/2012
Address	600 N. Sepulveda Blvd. Los Angeles, CA 90049 UNITED STATES
Attorney information	Douglas H. Morseburg Sheldon Mak & Anderson 100 Corson Street, 3rd Floor Pasadena, CA 90049 UNITED STATES douglas.morseburg@usip.com

Applicant Information

Application No	76710265	Publication date	07/17/2012
Opposition Filing Date	11/05/2012	Opposition Period Ends	11/14/2012
Applicant	KENNEDY, WILLIAM AMBROSE 873 EAST SQUANTUM ST NO. QUINCY, MA 02171 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. All goods and services in the class are opposed, namely: Entertainment in the nature of a continuing series of pre-recorded live-action, animated, action-adventure, sitcom, and dramatic programs in the field of dramatic television to be distributed over television, cable, and satellite
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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. Registration No.	3268452	Application Date	09/14/2006
Registration Date	07/24/2007	Foreign Priority Date	NONE
Word Mark	RODEO REALTY		

Design Mark	RODEO REALTY
Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 2001/02/23 First Use In Commerce: 2001/02/23 Real Estate Brokerage and Agency Services

U.S. Registration No.	2763302	Application Date	06/06/2001
Registration Date	09/16/2003	Foreign Priority Date	NONE
Word Mark	RODEO REALTY FINE ESTATES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2001/02/23 First Use In Commerce: 2001/02/23 Real Estate brokerage services		

Attachments	78974710#TMSN.jpeg (1 page)(bytes) 76268434#TMSN.jpeg (1 page)(bytes) Statement of Opposition.pdf (2 pages)(16406 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	/dougashmorseburg/
Name	Douglas H. Morseburg
Date	11/05/2012

Opposer Rodeo Realty, Inc. (“Opposer”) believes that it will be damaged by registration of the mark which is the subject of Application Serial No. 76/710,265 and it hereby opposes same. As grounds for its opposition, Opposer hereby alleges as follows:

1. Opposer is a corporation duly incorporated under the laws of the State of California with its principal place of business in the County of Los Angeles.
2. Opposer is informed and it believes that William Ambrose Kennedy (“Applicant”) is an individual and a resident of the State of Massachusetts.
3. Opposer is informed and it believes that Applicant is the owner of U.S. Application Serial No. 76/710265 (the “265 Application”) which was filed with U.S. Patent and Trademark Office (“PTO”) on or about January 12, 2012 on an intent-to-use basis and which seeks registration of the mark RODEO REALTY for use in connection with “Entertainment in the nature of a continuing series of pre-recorded live-action, animated, action-adventure, sitcom and dramatic programs in the field of dramatic television to be distributed over television, cable, and satellite” in International Class 41.
4. At least as early as February 23, 2001, Opposer adopted and began using the mark RODEO REALTY in interstate commerce in the United States in connection with real estate brokerage and agency services. Opposer has been using the RODEO REALTY mark in connection with real estate brokerage and agency services continuously since that time. Opposer’s RODEO REALTY mark is registered in the PTO for use in connection with “real estate brokerage and agency services” in International Class 36. The registration issued on July 24, 2007 and is assigned Reg. No. 3,268,452 (the “452 Registration”).
5. Opposer is also the owner of U.S. Registration No. 2,763,302 (the “302 Registration”) for the mark RODEO REALTY FINE ESTATES Plus Design for use in

connection with “real estate brokerage services” in International Class 36. The ‘302 Registration issued on September 16, 2003, it is presently in full force and effect and it is incontestable pursuant to Section 15 of the Lanham Act, 15 U.S.C. § 1065.

6. The mark that is the subject of the ‘265 Application is identical to the mark that is the subject of Opposer’s ‘452 Registration. Thus, registration of Applicant’s RODEO REALTY mark for use in connection with Applicant’s services is likely to cause confusion, mistake or deception in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

7. Furthermore, the mark that is the subject of Applicant’s pending ‘265 Application is identical to the dominant portion of the mark that is the subject of Opposer’s ‘302 Registration, i.e., the term RODEO REALTY. Thus, the registration of the RODEO REALTY mark to Applicant for the services shown in the ‘265 Application is likely to cause confusion, mistake or deception in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

For the foregoing reasons, the issuance of a registration to Applicant for RODEO REALTY would impair and injuriously affect Opposer’s rights. Therefore, registration of the RODEO REALTY mark to Applicant should be denied.