ESTTA Tracking number: **ESTTA540656**
Filing date: **05/29/2013**

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	Chris Economides III
Granted to Date of previous extension	05/29/2013
Address	7715 Burkhard Way#931 Charlotte, NC 28226 UNITED STATES

Correspondence information	Chris Economides III 7715 Burkhard Way#931 Charlotte, NC 28226 UNITED STATES apollogm@carolina.rr.com

Applicant Information

Application No	77378572	Publication date	01/29/2013
Opposition Filing Date	05/29/2013	Opposition Period Ends	05/29/2013
Applicant	Thanco Products & Imports, Inc. 2919 Parker School Road Alvin, TX 77511 UNITED STATES		

Goods/Services Affected by Opposition

Class 021. First Use: 2007/08/28 First Use In Commerce: 2007/08/28 All goods and services in the class are opposed, namely: Coffee cups, tea cups and mugs

Applicant Information

Application No	77369646	Publication date	01/29/2013
Opposition Filing Date	05/29/2013	Opposition Period Ends	
Applicant	Thanco Products & Imports, Inc. CR 172 2919 Parker School Road Alvin, TX 77511 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 1999/10/11 First Use In Commerce: 1999/10/11 All goods and services in the class are opposed, namely: T-shirts, sweat shirts, and caps

Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Geographic indication which, if used on or in connection with wine or spirits, identifies a place other than the origin of the goods	Uruguay Round Agreements Act section 2(9)
The mark is merely descriptive	Trademark Act section 2(e)(1)
The mark is primarily geographically descriptive	Trademark Act section 2(e)(2)
Torres v. Cantine Torresella S.r.l.Fraud	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Other	Improper prosecution, TMEP; Failure to show secondary meaning, Papa Ads, LLC v Gatehouse Media, Inc (6th Cir. 2012) et al; Mark Interferes with foreign owner's mark, 15 U.S.C. 1052(f);

Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	OUZO		
Goods/Services	Class 21, Glassware Class 25, Clothing; Class 33, Alcoholic Beverages; Class 35, Advertising		

Attachments	Statement of Opposition.pdf(184775 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	/Chris Economides III/
Name	Chris Economides III
Date	05/29/2013

Statement of Opposition

1. Opposer has standing to oppose registration as he makes and sells clothing for numerous customers including Greek Orthodox Churches and Festivals and would be harmed by the registration of the mark as applied for.

2. Improper Prosecution of the mark
   A Final Office Action was issued on November 29, 2011 by the examining attorney to applicant. By the end of the six month period allowed by USPTO rules and regulations on May 29, 2012 applicant had failed to introduce any evidence to overcome the objections in the Final Office Action. Instead of the applications being terminated as specified in TMEP the examining attorney allowed applicant another six months to attempt to overcome the objections in the Final Office Action.

3. Failure to Prove Secondary Meaning
   Applicant provided very little evidence in support of their claim on secondary meaning and failed to prove secondary meaning:
   a. Survey evidence
      Applicant did not include any survey evidence to support his claim of secondary meaning in the marketplace.
   b. Customer Declarations
      Applicant provided only three customer declarations in support of his claim of secondary meaning. At least two of these declarations were by biased parties
   c. Lack of Distinctiveness
      Evidence provided by the applicant shows that the mark as applied for lacks distinctiveness or use
   d. Limited Advertising
      Evidence provided by applicant shows a very limited and ineffective advertising campaign conducted over a very limited period of time.
   e. Sales Invoices
      Applicant failed to provide even one sales invoice showing sales of any merchandise with the mark as applied for
   f. Other Declarations
      Applicant provided three declarations from entities who claim to associate the mark as applied for only with applicant however one of the entities themselves

sold merchandise with the mark as applied for a period of time from at least 2003 until 2008.

4. Fraud
   Applicant has misrepresented evidence in a willful intent to deceive the USPTO in its prosecution of the applications for registration of the mark as applied for.
5. Applied for Mark interferes with a foreign owner's mark
   The mark "OUZO" has been used internationally by the J. Barbayiannis Ouzo Company since at least 1860 including sales in the United States. They have trademarks in Greece as well as other countries and would have common law trademark rights in the United States if any existed.

6. "OUZO" cannot be trademarked in the United States
   OUZO is a national symbol of Greece and as such cannot be trademarked.

7. The mark as applied for is geographically descriptive.
   As defined by TRIPS, OUZO serves as a geographical indication of Greece and, as such, is prohibited from being registered as a trademark in the United States.