

ESTTA Tracking number: **ESTTA573659**

Filing date: **11/27/2013**

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	SC Flare, Inc.		
Entity	Corporation	Citizenship	South Carolina
Address	701 Gervais St. #150/152 Columbia, SC 29201 UNITED STATES		

Attorney information	Robert H. Williams Rogers Townsend 220 Executive Center Dr. Columbia, SC 29210 UNITED STATES robert.williams@rtt-law.com Phone:803-744-5307		
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Applicant Information

Application No	85940785	Publication date	10/29/2013
Opposition Filing Date	11/27/2013	Opposition Period Ends	11/28/2013
Applicant	Concept Laboratory LLC Suite 1900 Century City, CA 90067 CANADA		

Goods/Services Affected by Opposition

<p>Class 035. First Use: 2013/05/17 First Use In Commerce: 2013/05/17 All goods and services in the class are opposed, namely: Advertising, marketing and promotion services; Advertising services, namely, promoting and marketing the goods and services of others through all public communication means; Advertising services, namely, promoting the brands, goods and services of others; Development of marketing strategies and concepts; Marketing consulting, namely, Website and Social Media promotion, monitoring, and analytics; Marketing and consulting services in the field of promoting and tracking the goods, services, and brands of others through all public communication means; Marketing Strategy Consultancy; Advertising and marketing services provided by means of indirect methods of marketing communications, namely, social media, search engine marketing, inquiry marketing, internet marketing, mobile marketing, blogging and other forms of passive, sharable or viral communications channels, website promotion</p>
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	85949454	Application Date	06/03/2013
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Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	FLARE		
Design Mark			
Description of Mark	The mark consists of the word FLARE rendered in stylized script in the color aqua.		
Goods/Services	Class 035. First use: First Use: 2012/07/09 First Use In Commerce: 2012/07/09 Event planning and management for marketing, branding, promoting or advertising the goods and services of others		

Attachments	85949454#TMSN.jpeg(bytes) Notice of Opposition.pdf(84043 bytes) COS.pdf(42879 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	/Robert H. Williams/
Name	Robert H. Williams
Date	11/27/2013

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

In re: Application Serial No. 85/940,785 for the mark FLARE.

SC FLARE, INC,

Opposer,

vs.

CONCEPT LABORATORY, LLC,

Applicant

Opposition No. _____

NOTICE OF OPPOSITION

SC Flare, Inc. (“Opposer”), a corporation duly organized and existing under the laws of the State of South Carolina, believes that it will be damaged by the registration of the mark FLARE, as represented by the above-identified application filed by Concept Laboratory, LLC (“Applicant”), and hereby opposes said registration in accordance with 15 U.S.C. §1063.

Opposer avers the following reasons why it believes it would be damaged by the registration of the opposed mark:

1. Opposer has been providing services including marketing and advertising services since 2012.

2. Opposer is and has been providing its services in the United States using the name “FLARE” in connection with its advertising of such services since at least July 9, 2012.
3. Opposer has requested trademark registration for the mark FLARE, under Section 1(a) of the Lanham Act (15 U.S.C. §1051(a)), based on Opposer’s use of the mark on or before July 9, 2012.
4. Upon information and belief, Applicant provides services including advertising and marketing services.
5. Applicant has requested trademark registration for FLARE, under Section 1(a) of the Lanham Act (15 U.S.C. §1051(a)).
6. Upon information and belief, Applicant first used the mark FLARE in May of 2013.
7. The mark that Applicant seeks to register is identical to or so resembles Opposer’s FLARE mark that the use and registration thereof is likely to cause confusion, mistake and/or deception as to the source or origin of Applicant’s goods and will injure and damage Opposer.
8. The services of Applicant are so related to the services of Opposer that the public is likely to be confused, to be deceived, and/or to mistakenly assume that Applicant’s services are those of Opposer, or that Applicant is in some way connected with, sponsored by, or affiliated with Opposer.

Because Opposer would be damaged by Applicant’s registration of the mark “FLARE”, Opposer respectfully requests that Application Serial No. 85/940,785 be denied. Accordingly, Opposer prays that this opposition be sustained in its favor.

Respectfully Submitted,

SC Flare, Inc.

By: /Robert H. Williams/
Robert H. Williams (Registration No. 60,114)
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Attorneys for Opposer SC Flare, Inc.

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

In re: Application Serial No. 85/940,785 for the mark FLARE.

SC FLARE, INC.,

Opposer,

vs.

CONCEPT LABORATORY, LLC,

Applicant

CERTIFICATE OF SERVICE

I, Robert H. Williams, an employee of the law firm of Rogers, Townsend & Thomas, PC, attorneys for Opposer, SC Flare, Inc., in the above captioned matter, do hereby certify that I have served copies of the foregoing documents upon the below named individual(s) and/or counsel on November 27, 2013 via U.S. Mail and/or electronic mail, postage pre-paid and addressed as follows:

DOCUMENTS SERVED:

- *Notice of Opposition*

PARTIES SERVED:

Attorney for Applicant:
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/Robert H. Williams/

Columbia, South Carolina