

ESTTA Tracking number: **ESTTA592059**

Filing date: **03/12/2014**

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	The Plubell Firm, LLC
Granted to Date of previous extension	03/12/2014
Address	3429 Quebec Street, N.W. Washington, DC 20016 UNITED STATES

Attorney information	H. David Starr Nath, Goldberg & Meyer 112 S. West Street Alexandria, VA 22314 UNITED STATES dstarr@nathlaw.com Phone:7035846284
----------------------	--

Applicant Information

Application No	85933193	Publication date	11/12/2013
Opposition Filing Date	03/12/2014	Opposition Period Ends	03/12/2014
Applicant	EAST WEST BANK 135 N. Los Robles Ave., 7th Floor Pasadena, CA 91101 CANADA		

Goods/Services Affected by Opposition

Class 036. First Use: 2005/07/01 First Use In Commerce: 2005/07/01 All goods and services in the class are opposed, namely: Financial planning for retirement; Estate planning; Financial planning for college education; Insurance consulting in the field of life insurance; Cash management; Financial planning and investment advisory services
--

Grounds for Opposition

Other	lack of ownership and lack of use
-------	-----------------------------------

Related Proceedings	92053712
---------------------	----------

Attachments	Notice of Opposition.pdf(149690 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	/H. David Starr/
Name	H. David Starr
Date	03/12/2014

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

Application Serial Number: 85/933,193
Application Filing Date: May 15, 2013

Mark:



Date of Publication: November 12, 2013

THE PLUBELL FIRM, LLC,)
)
Opposer,)
)
)
v.)
)
EAST WEST BANK,)
)
Applicant.)

NOTICE OF OPPOSITION

THE PLUBELL FIRM, LLC, a limited liability company organized and existing under the laws of Washington, District of Columbia, having a business address of 3429 Quebec St., N.W. Washington, DC 20016 (“Opposer”), believes that it will be damaged by registration of the mark “EAST WEST INVESTMENT SERVICES” and Design shown in Application Serial No. 85/933,193 (the “Application”) with respect to Class 36 and filed under Section 1(a) of the Lanham Act, and hereby opposes same. The Application was filed on May 15, 2013 by East West Bank, which is alleged to be a corporation organized and existing under the laws of California, having a business address of 7th Floor, 135 N. Los Robles Avenue, Pasadena, CA

91101 (the “Applicant”), and is pending for the following services in Class 36, which are alleged to be in use in commerce:

“Financial planning for retirement; Estate planning; Financial planning for college education; Insurance consulting in the field of life insurance; Cash management; Financial planning and investment advisory services” in Class 36.

The Application was published for opposition on November 12, 2013. Opposer has previously timely filed a request for extension of time to oppose the Application and said request was granted by the Board with the present extension of time set to expire on March 12, 2014.

As grounds for this opposition, Opposer alleges that:

1. Opposer is the owner of the Registration No. 3448481 for “EAST-WEST BUSINESS BRIDGE” (the “Registration”). Said Registration was registered on June 17, 2008, and is valid, subsisting, and unrevoked.

2. The Registration is registered for the following services in Class 35: “Providing business information and business consultation to others about requirements for doing business between China and other countries and facilitating the conducting of business transactions between China and other countries.”

3. Opposer has used and presently uses the mark “EAST-WEST BUSINESS BRIDGE” in connection with the provision of services identified in paragraph 2.

4. Since prior to the filing date of the Application, Opposer did use and has continuously used in interstate commerce the mark “EAST-WEST BUSINESS BRIDGE” with services described in paragraph 2 herein.

5. Opposer and Applicant are parties to Cancellation No. 92053712 brought by Applicant against the Registration based upon Applicant’s alleged ownership of similar marks as well as, in part, Applicant’s alleged provision of services similar or identical to those pleaded in the Application.

6. Applicant was not the owner, or in the alternative, the sole owner, of the Mark in the Application as of the application filing date. Specifically, on information and belief, East West Investment Services refers to an entity other than Applicant or to a joint venture with a third-party. Furthermore, on information and belief, the compass logo component of the Mark is used or owned by entities other than Applicant. Accordingly, the Application is void *ab initio*.

7. Applicant has not used the mark with the services recited in the Application as of the application filing date or subsequently. Specifically, on information and belief, certain services recited in the Application are rendered by East West Investment Services, not by Applicant and/or by a third-party. Accordingly, the Application is void *ab initio*.

WHEREFORE, Opposer prays that this Notice of Opposition be granted in favor of the Opposer and that Application Serial No. 85/933,193 be rejected, that no registration be issued thereon to Applicant, and this opposition be sustained to Opposer.

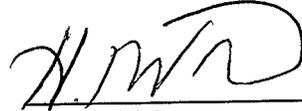
The required filing fee of \$300.00 is submitted herewith.

Opposer hereby appoints H. David Starr, Gary M. Nath and Howard W. Kline, all of the law firm of Nath, Goldberg & Meyer with offices at 112 S. West Street, Alexandria, Virginia 22314, to act as attorneys for the Opposer herein, with full power to prosecute said Opposition, to transact all relevant business with the U.S. Patent and Trademark Office and in the United States Courts.

It is requested that communications be conducted with the below attorney who is authorized to receive all official communications in connection with this Notice of Opposition:

H. David Starr
Nath, Goldberg & Meyer
112 S. West Street
Alexandria, Virginia 22314

Respectfully submitted,



H. David Starr
Howard W. Kline
Nath, Goldberg & Meyer
112 S. West Street
Alexandria, VA 22314
(703) 548-6284 (phone)
(703) 683-8396 (facsimile)

Attorneys for Opposer

Dated: March 12, 2014

CERTIFICATE OF SERVICE

This is to certify that I am on this date serving a copy of the within and foregoing upon the Applicant by depositing a true and correct copy of same in the United States Mail in an envelope with sufficient first class postage affixed thereon to ensure delivery, addressed as follows:

Thomas T. Chan
FOX ROTHSCHILD LLP
1055 W 7TH ST STE 1880
LOS ANGELES, CALIFORNIA 90017-2529



H. David Starr
Attorney for Opposer

Date: March 12, 2014
Nath, Goldberg & Meyer
112 South West Street
Alexandria, VA 22314
(703) 548-6284 (tel.)
(703) 683-8396 (fax)