

ESTTA Tracking number: **ESTTA595754**

Filing date: **04/01/2014**

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	Assa Realty, LLC
Granted to Date of previous extension	04/05/2014
Address	410 Park Avenue, Ste, 1630 New York, NY 10022 UNITED STATES

Attorney information	Richard J. Migliaccio 410 Park Avenue, Ste, 1630 New York, NY 10022 UNITED STATES richard@assaproperties.com Phone:212-239-9900 ext 40
----------------------	--

Applicant Information

Application No	85900657	Publication date	02/04/2014
Opposition Filing Date	04/01/2014	Opposition Period Ends	04/05/2014
Applicant	The Solution Group Corp. 2 NE 40 Street, Suite 204 Miami, FL 33137 FL		

Goods/Services Affected by Opposition

Class 037. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: real estate development and construction of commercial, residential and hotel property

Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
The mark is primarily merely a surname	Trademark Act section 2(e)(4)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)

Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	85955568	Application Date	06/10/2013
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	CASSA
Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 036. First use: First Use: 2009/03/15 First Use In Commerce: 2009/03/15 Lease of real estate; Leasing of real estate; Real estate services, namely, condominium management services; Real estate services, namely, rental of vacation homes, condominiums, cabins, and villas using pay per click advertising on a global computer network</p> <p>Class 037. First use: First Use: 2009/03/15 First Use In Commerce: 2009/03/15 Real estate development; Real estate development and construction of commercial, residential and hotel property</p> <p>Class 043. First use: First Use: 2009/03/15 First Use In Commerce: 2009/03/15 Hotel accommodation services; Hotel services; Resort hotel services; Restaurant and hotel services</p>

Attachments	85955568#TMSN.jpeg(bytes) Notice of Opposition w exhibit & Aff of Service.pdf(96823 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 Overnight Courier on this date.

Signature	/Joel Scott Ray/
Name	Joel Scott Ray
Date	04/01/2014

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

-----X	
ASSA REALTY, LLC,	Trademark Application
<i>Opposer,</i>	Mark: CASSA
-against-	Application Serial No.: 85900657
THE SOLUTION GROUP CORP.,	Filed: April 10, 2013
<i>Applicant.</i>	Published: February 4, 2014
-----X	Opposition No.: _____

NOTICE OF OPPOSITION

In the matter of the application for registration CASSA for “real estate development and construction of commercial, residential and hotel property” in International Class 37, filed April 10, 2013, by The Solution Group Corp. (“Applicant”), assigned Application Serial No.: 85900657, and published for opposition in the *Official Gazette* on February 4, 2014, Assa Realty, LLC (“Opposer”), believes that it will be damaged by such registration and hereby opposes the registration of Applicant’s mark pursuant to 15 USC §1063 and 37 CFR §2.105. As grounds of opposition, it is alleged that:

1. Opposer, Assa Realty, LLC, is a New York Limited Liability Company that exists pursuant to the laws of the State of New York with its principal place of business at 410 Park Avenue, Ste. 1630, New York, New York 10022.
2. Opposer, since at least March, 2009, has been and is now using the mark CASSA in connection with real estate development and construction of commercial and residential and hotel properties (“Opposer’s Mark”).
3. Opposer filed an Application for CASSA with the USPTO on June 10, 2013, that was assigned Application Serial No. 85955568 (the “Opposer’s Application”).

4. The Opposer's Application was filed based on the actual use of the Mark since March 15, 2009 (the "Opposer's First Use") pursuant to Section 1(a).

5. Applicant filed the proposed mark CASSA on April 10, 2013, Application Serial No. 85900657 for "real estate development and construction of commercial, residential and hotel property" pursuant to Section 1(b), claiming a bona fide intent to use the mark in commerce (the "Applicant's Mark").

6. Opposer's use of Opposer's Mark has been valid and continuous since at least March, 2009, and has not been abandoned or limited in anyway. Opposer's Mark is symbolic of extensive goodwill and consumer recognition. As a result of the substantial amounts of time and effort in advertising and promotion, Opposers have developed an exceedingly valuable goodwill with respect to Opposer's Mark.

7. Applicant's Mark and Opposer's Mark are the very same mark in name, appearance and meaning.

8. Applicant's services and Opposer's services are very similiary.

9. Applicant's services and Opposer's services are likely to be confused.

10. On information and belief, Opposer alleges that the services of Opposer and Applicant are offered or to be offered in similar channels of commerce and offered to similar customers.

11. Applicant's use of and application to register CASSA is without the consent or permission of Opposer.

12. Applicant's Mark and Opposer's Mark are likely to be confused.

13. Opposer's first use of Opposer's Mark precedes any alleged use or intended us of Applicant's first use of Applicant's Mark in commerce.

14. Opposer's first use of Opposer's Mark precedes the filing of Applicant's application to register Applicant's Mark in the United States Patent and Trademark Office.

15. Opposer has been advertising Opposer's Mark both nationally and internationally thru magazines and the internet, since at least March, 2009.

16. Opposer's Mark has been used since as early as March, 2009, in brochures offering residential units.

17. Opposer's Mark has been used since as early as March, 2009, on the internet for its hotels and residences.

18. Opposer has entered into exclusive licensing agreements for the use of Opposer's Mark since January, 2012.

19. Opposer's Mark has been used as a marquee or name of Opposer's buildings since March, 2009.

20. Upon information and belief, Applicant had knowledge of Opposer's Mark based on Opposer's extensive advertisement campaign in print and through on-line media.

21. Upon information and belief, Applicant had knowledge of Opposer's use of Opposer's Mark prior to Applicant's filing to register Applicant's Mark.

22. Applicant is not the true owner of the mark in Application Serial No. 85900657.

23. Applicant has committed fraud in the filing of Application Serial No. 85900657.

24. Opposer's Mark consists of and is composed of the name "Assa" who is the name of the individuals, both Salim Assa and his brother Isaac Assa, who are the members/principals of Opposer and who Opposer is named for.

25. The individuals, Salim Assa and Isaac Assa, are both publicly associated with Opposer's Mark.

26. Applicant's Mark consists of or comprises the names of individuals who did not give Applicant their consent to use their name.

27. As a result of confusing similarity between Opposer's Mark and Applicant's Mark and because the goods or services of Applicant and Opposer are very similar, are in similar channels of commerce, and are directed to similar customers, registration of the proposed mark CASSA in connection with Applicant's services is likely to deceive purchasers as to the source or sponsorship of such services, to cause confusion, to cause mistake, or to deceive.

28. Consumers familiar with the Opposer's Mark are likely to mistakenly believe that Applicant's services are sponsored, authorized, associated with or otherwise approved by Opposer because the proposed mark is identical to Opposer's Mark. Deficiencies or faults in the quality of Applicant's services are likely to reflect negatively upon, tarnish and seriously injure the reputation that Opposer has established for services provided under Opposer's Mark. This confusion is likely to result in loss of revenues to Opposer and damage Opposer's reputation.

29. Applicant's use of the Applicant's Mark does or is likely to falsely suggest a relationship between Applicant's services and Opposer. Such use of CASSA is likely to cause confusion, mistake or deception with respect to the source or sponsorship of Applicant's services. Such use is likely to cause a significant level of sales by Applicant to consumers who would be confused by the use of the proposed mark into believing that Opposer is the source of Applicant's services, resulting in ill-gotten gains by Applicant. Applicant's use of the proposed

mark is therefore likely to result in Applicant's trading off and benefiting from the goodwill associated with Opposer, resulting in ill-gotten gains by Applicant.

30. Opposer is likely to be damaged by the registration of Applicant's mark in that the *prima facie* effect of registration of Applicant's mark would tend to impair Opposer's right to use the wording contained in Applicant's mark.

31. Opposer will be damaged by the registration of Applicant's mark because the Office notified Opposer, in an Office Action date September 23, 2013, that Opposer's application will be refused if Applicant's mark is granted registration by the U.S. Patent and Trademark Office.

32. The Application for the Applicant's Mark was published for opposition in the Official Gazette on February 4, 2014. On February 10, 2014, the Opposer timely filed a request for a 30-day extension of time to oppose the application of Applicant's Mark, which was granted until April 5, 2014. See Exhibit "A."

33. For the foregoing reasons, the registration sought by Applicant is contrary to the provisions of the Lanham Act, and Opposer would be damaged thereby.

WHEREFORE, Opposer prays that the application for registration of the mark CASSA, Application Serial No.: 85900657, be refused and that this Opposition be sustained in favor of Opposer.

The fee required by Sect. 2.6(a)(17) is enclosed herewith.

Opposer hereby appoints Richard Migliaccio, Esq, member of the Bar of the State of New York, and Joel Scott Ray, member of the Bars of the State of New York, Connecticut and registered Patent Attorney, Reg. No. 56,918, at RICHARD J. MIGLIACCIO, ESQ. 410 Park

Avenue, Ste. 1630, New York, NY 10022, to act as attorneys in the matter of the opposition identified above, to prosecute said opposition, to transact all business in the Patent and Trademark Office, and in the United States courts connected with the opposition, to sign its name to all papers which are hereinafter to be filed in connection therewith, and to receive all communications relating to the same.

Dated: New York, New York
April 1, 2014

Yours, etc,
RICHARD J. MIGLIACCIO, ESQ.

/s/ Joel Scott Ray
By: Joel Scott Ray, Esq.
Attorneys for Opposer
410 Park Avenue, Ste. 1630
New York, NY 10022
Tel: (212) 239-9900 ext. 40
Fax: (212) 239-7468
e-mail: Richard@assaproperties.com and
joel@assaproperties.com

TO:

SANCHELIMA & ASSOCIATES, P.A.
Attorneys for Applicant
235 SW Le Jeune Road
Miami, FL 33134

EXHIBIT A

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Richard J. Migliaccio

410 Park Avenue, Ste, 1630
New York, NY 10022

Mailed: February 10, 2014

Serial No.: 85900657

ESTTA TRACKING NO: ESTTA586424

The request to extend time to oppose is granted until
4/5/2014 on behalf of potential opposer **Assa Realty, LLC**

Please do not hesitate to contact the Trademark Trial and
Appeal Board at (571)272-8500 if you have any questions
relating to this extension.

Note from the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to
oppose, notices of opposition, petition for cancellation, notice
of ex parte appeal, and inter partes filings are now available
at <http://estta.uspto.gov>. Images of TTAB proceeding files can
be viewed using TTABVue at <http://ttabvue.uspto.gov>.

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

-----X
ASSA REALTY, LLC,

Opposition No.: _____

Opposer,

In the matter of:

-against-

THE SOLUTION GROUP CORP.,

Mark: **CASSA**

Application Serial No.: 85900657

Published: February 4, 2014

Applicant.

-----X

CERTIFICATE OF SERVICE

I, Joel Scott Ray, Esq., do hereby certify that on April 1, 2014, a true and correct copy of the foregoing **NOTICE OF OPPOSITION** was served on the following via overnight delivery by Federal Express to Applicant at its correspondence address of record:

Jesus Sanchelima, Esq.
SANCHELIMA & ASSOCIATES, P.A.
235 SW Le Jeune Rd.
Miami, FL 33134

Dated: New York, New York
April 1, 2014

1st Joel Scott Ray
Joel Scott Ray, Esq.