

ESTTA Tracking number: **ESTTA618501**

Filing date: **07/30/2014**

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	Big Front Door, LLC dba big front door		
Entity	Limited Liability Company	Citizenship	California
Address	4135 Park Boulevard San Diego, CA 92103 UNITED STATES		

Attorney information	Drew M. Smith Holley & Menker, P.A. P.O. Box 1219 Sausalito, CA 94966 UNITED STATES dsmith@holleymenker.com, westdocket@holleymenker.com, gholley@holleymenker.com		
----------------------	---	--	--

Applicant Information

Application No	86224809	Publication date	07/29/2014
Opposition Filing Date	07/30/2014	Opposition Period Ends	08/28/2014
Applicant	COHEN, ELLIOT H 189 Bellafonte Ct Camarillo, CA 93012 UNITED STATES		

Goods/Services Affected by Opposition

Class 043. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Restaurants
--

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	86224960	Application Date	03/18/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BFD BIG FRONT DOOR		

Design Mark	BFD BIG FRONT DOOR
Description of Mark	NONE
Goods/Services	Class 043. First use: First Use: 2011/12/15 First Use In Commerce: 2011/12/15 Catering services; Restaurant services;Take-out restaurant services

U.S. Application No.	86225653	Application Date	03/19/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BFD		
Design Mark	BFD		
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 2011/12/15 First Use In Commerce: 2011/12/15 Catering services; Restaurant services;Take-out restaurant services		

Attachments	86224960#TMSN.png(bytes) 86225653#TMSN.png(bytes) BFD Notice of Opposition.pdf(275838 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	/Drew M. Smith/
Name	Drew M. Smith
Date	07/30/2014

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

Big Front Door, LLC)	
)	
Opposer,)	
)	
v.)	
)	Ser. No. 86224809
Elliot H. Cohen,)	
)	
Applicant.)	
)	

NOTICE OF OPPOSITION

Big Front Door, LLC dba big front door (“Opposer”), having an address of 4135 Park Boulevard, San Diego, California 92103, is or will be damaged by the registration of the mark BFD which is set forth in application Ser. No. 86224809 and filed by Elliot H. Cohen (“Applicant”), and hereby opposes the same.

As grounds for the opposition, Opposer, by its attorneys, avers as follows:

1. On March 18, 2014, Opposer filed trademark application Ser. No. 86224960 with the United States Patent and Trademark Office seeking to register the mark BFD BIG FRONT DOOR for services in International Class 43, namely “catering services; restaurant services; take-out restaurant services.”

2. On March 19, 2014, Opposer filed trademark application Ser. No. 86225653 with the United States Patent and Trademark Office seeking to register the mark BFD for services in International Class 43, namely “catering services; restaurant services; take-out restaurant services.”

3. Print-outs from the United States Patent and Trademark Office's Trademark Status & Document Retrieval (TSDR) database satisfying the requirements of 37 CFR § 2.122(d) for submitting a current status and title copy of Opposer's pleaded trademark applications, Ser. Nos. 86224960 and 86225653, are submitted herewith.

4. On March 18, 2014, Applicant filed application Ser. No. 86224809 with the United States Patent and Trademark Office seeking to register BFD for services in International Class 43, namely "restaurants."

5. Application Ser. No. 86224809 was filed under Section 1(b) of the Trademark Act based on Applicant's intention to use BFD for services relating to "restaurants."

6. On information and belief, Applicant did not use BFD in commerce for services relating to restaurants prior to the filing date of application Ser. No. 86224809.

7. On information and belief, Applicant has not used BFD in commerce for services relating to restaurants at any point after the filing date of application Ser. No. 86224809.

8. On July 29, 2014, application Ser. No. 86224809 was published for opposition.

9. Opposer is the owner of Ser. Nos. 86224960 and 86225653 and, by making its trademark applications of record, Opposer has standing to oppose application Ser. No. 86224809.

10. Opposer's trademark application Ser. Nos. 86224960 and 86225653 were filed under Section 1(a) of the Trademark Act based upon Opposer's actual use of the BFD BIG FRONT DOOR and BFD marks in conjunction with "catering services; restaurant services; take-out restaurant services" in commerce at least as early as December 15, 2011.

11. The marks set forth in Ser. No. 86224960 and 86225653 were first used in

commerce prior to any actual use or constructive use of the mark set forth in application Ser. No. 86224809.

12. The mark set for in application Ser. No. 86224809 is identical in appearance to Ser. No. 86225653 and is similar in appearance to Opposer's mark in Ser. No. 86224960.

13. The marks set forth in Ser. Nos. 86224960 and 86225653 and the mark forth in application Ser. No. 86224809 are confusingly similar.

14. The services set forth in Ser. Nos. 86224960 and 86225653 are closely related, if not identical, to those set forth in application Ser. No. 86224809.

15. The conditions surrounding the marketing of the services set forth in Ser. Nos. 86224960 and 86225653 and the services set forth in application Ser. No. 86224809 are such that they could be encountered by the same purchasers under circumstances that could give rise to the mistaken belief that the services originate from a common source.

16. The services set forth in application Ser. No. 86224809 are likely to be marketed in the same channels of trade as the services provided by Opposer under Ser. Nos. 86224960 and 86225653.

17. Opposer will be damaged by the issuance of the mark set forth in Ser. No. 86224809. Specifically, the mark set forth in application Ser. No. 86224809 is identical to and/or comprises a mark which so resembles the marks set forth in Ser. Nos. 86224960 and 86225653 as to be likely to cause confusion, or to cause mistake, or to deceive, under Trademark Act Section 2(d), 15 U.S.C. § 1052(d).

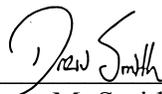
18. Registration of the mark set forth in the application Ser. No. 86224809 should

also be refused pursuant to Trademark Act Section 2(a), 15 U.S.C. § 1052(a), on the grounds that any use by Applicant of the mark BFD will falsely suggest a connection between Applicant and Opposer named herein, to the damage of Opposer.

WHEREFORE, Opposer requests that application Ser. No. 86224809 be refused registration.

Respectfully submitted,

Big Front Door, LLC

By: 

Drew M. Smith
Gabrielle A. Holley

Opposer's Attorneys

HOLLEY & MENKER, PA
P.O. Box 1219
Sausalito, California 94966
T: 720-289-2300
F: 415-480-3255
westdocket@holleymenker.com

Generated on: This page was generated by TSDR on 2014-07-22 13:10:48 EDT

Mark: BFD BIG FRONT DOOR

BFD BIG FRONT DOOR

US Serial Number: 86224960

Application Filing Date: Mar. 18, 2014

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

Status: An Office action suspending further action on the application has been sent (issued) to the applicant. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Jun. 22, 2014

Mark Information

Mark Literal Elements: BFD BIG FRONT DOOR

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Catering services; Restaurant services; Take-out restaurant services

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 15, 2011

Use in Commerce: Dec. 15, 2011

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Big Front Door, LLC

DBA, AKA, Formerly: DBA big front door

Owner Address: 4135 Park Boulevard
San Diego, CALIFORNIA 92103
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: CALIFORNIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Gabrielle A. Holley

Docket Number: 2279.TM2982U

Attorney Primary Email Address: westdocket@holleymenker.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: GABRIELLE A. HOLLEY
HOLLEY & MENKER, P.A.

PO BOX 96
SOLANA BEACH, CALIFORNIA 92075-0096
UNITED STATES

Phone: 888 750 4407

Fax: 858 876 1604

Correspondent e-mail: westdocket@holleymenker.com gholley@holleymenker.com gabrielleholley@gmail.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 22, 2014	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Jun. 22, 2014	LETTER OF SUSPENSION E-MAILED	6332
Jun. 22, 2014	SUSPENSION LETTER WRITTEN	81840
Jun. 20, 2014	ASSIGNED TO EXAMINER	81840
Apr. 02, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 21, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: HETZEL, DANNEAN

Law Office Assigned: LAW OFFICE 106

File Location

Current Location: TMEG LAW OFFICE 106 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: Jun. 22, 2014

Generated on: This page was generated by TSDR on 2014-07-22 13:12:10 EDT

Mark: BFD

BFD

US Serial Number: 86225653

Application Filing Date: Mar. 19, 2014

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

Status: An Office action suspending further action on the application has been sent (issued) to the applicant. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Jun. 22, 2014

Mark Information

Mark Literal Elements: BFD

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Catering services; Restaurant services; Take-out restaurant services

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 15, 2011

Use in Commerce: Dec. 15, 2011

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Big Front Door, LLC

DBA, AKA, Formerly: DBA big front door

Owner Address: 4135 Park Boulevard
San Diego, CALIFORNIA 92103
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: CALIFORNIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Gabrielle A. Holley

Docket Number: 2279.TM2983U

Attorney Primary Email Address: westdocket@holleymenker.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: GABRIELLE A. HOLLEY
HOLLEY & MENKER, P.A.

PO BOX 96
SOLANA BEACH, CALIFORNIA 92075-0096
UNITED STATES

Phone: 888 750 4407

Fax: 858 876 1604

Correspondent e-mail: westdocket@holleymenker.com gholley@holleymenker.com gabrielleholley@gmail.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 22, 2014	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Jun. 22, 2014	LETTER OF SUSPENSION E-MAILED	6332
Jun. 22, 2014	SUSPENSION LETTER WRITTEN	81840
Jun. 20, 2014	ASSIGNED TO EXAMINER	81840
Apr. 03, 2014	NOTICE OF PSEUDO MARK E-MAILED	
Apr. 02, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 22, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: HETZEL, DANNEAN

Law Office Assigned: LAW OFFICE 106

File Location

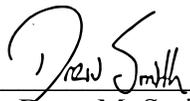
Current Location: TMEG LAW OFFICE 106 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: Jun. 22, 2014

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this the 30th day of July 2014, a true and correct copy of the foregoing Notice of Opposition was sent by first class mail to Applicant, Elliot H. Cohen, at the following address listed in the TSDR database:

Elliot H. Cohen
189 Bellafonte Ct.
Camarillo, CA 93012



Drew M. Smith