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Filing date: **02/27/2015**

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

Proceeding	91220465
Party	Defendant Abraham, Sumner J., Abraham, Carolyn D.
Correspondence Address	ABRAHAM, SUMNER J. 5974 BROKEN BOW LN PORT ORANGE, FL 32127-7580  flabraham@bellsouth.net
Submission	Opposition/Response to Motion
Filer's Name	Sumneer J. Abraham
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Signature	/s/ Sumner J. Abraham
Date	02/27/2015
Attachments	Response to Opposition.pdf(634852 bytes )

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

Sunday Afternoons, Inc.	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. <u>91220456</u>
	)	Serial No. <u>86281394</u>
Sumner J. Abraham	)	
Carolyn D. Abraham,	)	
	)	
Applicant,	)	
_____	)	

Commissioner for Trademarks  
Trademark Trial and Appeals Board  
U.S. Patent and Trademark Office  
P.O. Box 1451  
Alexandria, VA 22313-1451

**RESPONSE TO SUNDAY AFTERNOONS NOTICE OF OPPOSITION**

Applicants Sumner J. Abraham and Carolyn D. Abraham submit this Response to the Notice of Opposition for registration of the mark *Sunday Nite*, filed by Opposer, Sunday Afternoons, Inc, as follows:

The grounds for registration are as follows:

1. Applicants admit to the allegations of Paragraphs 1 through 12.
2. As to Paragraph 13, Applicants deny that Applicant's applied for goods are the same as and closely related to the goods which Opposer offers under the SUNDAY AFTERNOONS mark in U.S. Commerce. The goods which the Opposer offers are sun protective hats and clothing. The goods the Applicants offer have no added sun protection.

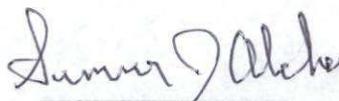
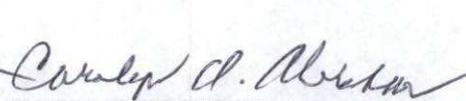
3. As to Paragraph 14, Applicants deny that Applicant's mark *Sunday Nite*, is substantially similar to Opposer's SUNDAY AFTERNOONS Mark , sharing the same prominent wording SUNDAY and having a confusingly similar overall impression. The Applicants mark is hand written in an original black font with a tear drop inserted between the words Sunday and Nite.

4. As to Paragraph 15, Applicants deny that if Applicants register and use the mark for the Applied for goods in the U.S., it is likely to cause confusion, mistake and deception among consumers regarding the source of Applicant's goods or registration of Applicant's Mark may damage the goodwill and consumer recognition that Opposer has built up in its Sunday Afternoons Mark. The Applicant's applied for goods are not being advertised and sold to consumers as sun protective clothing and it is unlikely that confusion, mistake and deception will occur among consumers.

WHEREFORE, Applicants respectfully requests that the Notice of Opposition be rejected and that Applicant's mark be allowed to proceed to registration.

Dated this 27th day of February 2015.

Respectfully Submitted,

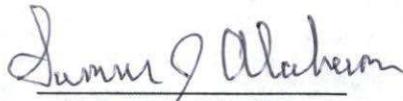
 

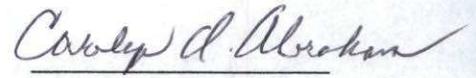
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing RESPONSE TO NOTICE OF OPPOSITION was served by First Class Mail upon Opposer at the address of record below this 27<sup>th</sup> day of February 2015:

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Sumner J. Abraham

  
Carolyn D. Abraham