

ESTTA Tracking number: **ESTTA661403**

Filing date: **03/16/2015**

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	J&G Marketing of South Florida, Inc.
Granted to Date of previous extension	03/21/2015
Address	10819 SW188th St Miami, FL 33157 UNITED STATES

Correspondence information	J&G Marketing of South Florida, Inc. 10819 SW188th St Miami, FL 33157 UNITED STATES rjvanderwall@gmail.com, rjvpa@ix.netcom.com Phone:786-374-6000
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**Applicant Information**

Application No	86376698	Publication date	01/20/2015
Opposition Filing Date	03/16/2015	Opposition Period Ends	03/21/2015
Applicant	FOAMCRAFT, INC. 9230 Harrison Park Court Indianapolis, IN 46216 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 020. First Use: 2014/08/25 First Use In Commerce: 2014/08/25 All goods and services in the class are opposed, namely: Bean bag chairs
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**Grounds for Opposition**

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)
Other	Unfair Competition based on 15 U.S.C. 1125(a) and the common law

**Mark Cited by Opposer as Basis for Opposition**

U.S. Registration No.	4529784	Application Date	11/14/2005
Registration Date	05/13/2014	Foreign Priority Date	NONE

Word Mark	COZY SAC
Design Mark	<b>COZY SACK</b>
Description of Mark	NONE
Goods/Services	Class 020. First use: First Use: 2013/01/31 First Use In Commerce: 2013/01/31 Chair beds; Chair cushions; Chair pads; Chairs; Easy-chairs; Lounge chairs Class 028. First use: First Use: 2013/01/31 First Use In Commerce: 2013/01/31 Bean bags

Attachments	78753192#TMSN.png( bytes ) GRDS-OPP.pdf(4259 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	/rjvanderwall/
Name	Robert J. Van Der Wall
Date	03/16/2015

Opposition to the mark KOZE is based on the registration for the mark COZY SACK. COZY is the primary and dominant aspect of the Opposer's mark and is a phonetic identity with the KOZE mark opposed. This results in a likelihood of confusion in violation of Section 2(d) of the Lanham Act.