

ESTTA Tracking number: **ESTTA664972**

Filing date: **04/05/2015**

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	DaniloIvancevic
Granted to Date of previous extension	04/08/2015
Address	422 Richards st Suite 300 Vancouver, BC V6B2Z4 CANADA

Domestic Representative	Jeremy Ivancevic 2704 Kansas Ave South Gate, CA 90280 UNITED STATES drjeremy28@yahoo.com Phone:949 230-6921
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Applicant Information

Application No	86337953	Publication date	12/09/2014
Opposition Filing Date	04/05/2015	Opposition Period Ends	04/08/2015
Applicant	Donald J. Trump 725 Fifth Avenue New York, NY 10022 UNITED STATES		

Goods/Services Affected by Opposition

Class 003. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Body and beauty care cosmetics, namely, hair shampoos and conditioners, body wash, body lotion, bath oil, mouthwash, hairspray, sun care lotions, bath crystals, soaps and shaving cream

Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
Other	Applicant has no bona fide intent to use mark as indicated in section 1(b) of the trademark act.

Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	MARALAGO		
Goods/Services	Body and beauty care cosmetics, namely hair shampoos and condi-		

	tioners, body wash, body lotions, bath oil, hairspray, sun care lotions, soaps, and shaving cream.
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Attachments	IN THE UNITED STATES AND TRADEMARK OFFICE.pdf(142326 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	/jeremyivancevic/
Name	Jeremy Ivancevic
Date	04/05/2015

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

Danilo Ivancevic
Opposer,

V

Donald J Trump
Applicant.

Trademark Opposition

Mark: MARALAGO

Serial No. 86337953

Filed: 2014-07-15

Published: June 14th, 2006

NOTICE OF OPPOSITION

Danilo Ivancevic as opposer
422 Richards street – Suite 300
Vancouver, B.C. Canada V6B 2Z4
(604) 330-9919

The above-identified opposer believes that he will be damaged by registration of the mark shown in the above identified application, and hereby opposes the same.

The grounds for opposition are as follows:

1. On July 15, 2014, Donald J. Trump filed an “intent to use” trademark application assigned Serial No. 86337953. The application to register the mark MAR-A-LAGO (“the applicants mark”) for use in connection with the sale of Body and beauty care cosmetics, namely hair shampoos and conditioners, body wash, body lotion, bath oil, mouthwash, hairspray, sun care lotions, bath crystals, soaps and shaving cream. (IC 003)
2. On December 9th, 2014, the application for the applicant’s Mark was published for opposition in the Official Gazette. On January 8th, 2015, Opposer timely filed for an

extension of time to oppose the application of Applicant's Mark which was granted until February 7th, 2015. On February 8th, 2015 Opposer filed and additional timely extension of time to oppose which was granted until April 8th, 2015.

3. On August 2nd, 2013, Danilo Ivancevic filed an "intent to use" trademark application with the "CANADIAN INTELLECTUAL PROPERTY OFFICE" assigned File No. 163084. The application was to register the mark MARALAGO for use in connection with the sale of Beauty supplies namely shampoos, conditioners, skin moisturizing lotions, hair dye, makeup, mascara, blush, eyeliner, lipstick, foundation, tanning lotions, and Spa, salon, and cosmetic services namely facials, exfoliating treatments, body tanning treatments, body massage, scalp massage, hot rock body treatments, hydro therapy, body wraps, cellulite wraps and treatments, haircuts, hair conditioning, manicures, pedicures, application of acrylic nails, nail polishing, and makeup applications.
4. On November 4th, 2014, the Opposer's Canadian trademark application was published for opposition. No opposition was filed. On February 20th, 2015 Opposer received a "Notice of Allowance" Declaration form from the Canadian Intellectual Property Office paving an undisturbed path to registration.

"NO" BONA FIDE OR GOOD FAITH INTENT TO USE

Opposer alleges that applicant does not have a "bona fide" intent to use the trademark MAR-A-LAGO for the following reasons. Applicant Donald J. Trump has filed many applications for the trademark MAR-A-LAGO that ultimately were abandoned. The first trademark application, Serial No. 74108999 was filed on October 25th, 1990, for use in connection with furniture. It was ABANDONED, Abandonment date July 1st, 1992. Three more were filed on October 11th, 1995, The first of the three, Serial No. 75004177 was for the sale of cosmetics, lotions and skincare products, namely hand, face, and skin lotions, skin and facial mousses, and mud packs, perfume, and hair care products, namely hair mousses, shampoos and conditioners. (IC 003) "ABANDONED" Abandonment date March 4th, 1997.

5. The second application filed on October 11th, 1995, Serial No. 75004175 for use in connection with beauty salon services, namely providing facials, manicures, acrylics, tips and wraps, hand treatments, and pedicures, and health, fitness and spa services featuring personal fitness evaluation, power waking, yoga, and massage.(IC 042) "ABANDONED" Abandonment date March 4th, 1997.

6. The third application filed on October 11th, 1995, Serial No. 75004176 for use in connection with clothing namely bathing suits, exercise wear, namely exercise shorts, pants, and tops, robes, swim wear cover ups, shorts, shirts, caps, visors, blouses, skirts, slacks, jackets, hair bands, hair wraps, and scarves. (IC 025) "ABANDONED" abandonment date March 18th, 1997.

"NO" BONA FIDE INTENT OR GOOD FAITH TO USE

(IN CANADA)

7)

On August 9th, 2003, Applicant filed an application for the trademark MAR A LAGO (Application No. 1190000) with the Canadian Intellectual property office, for use in connection with fitness classes in the nature of aerobics, body sculpting, step straining, water fitness, yoga and personal fitness training, spa services and treatments, namely massage, reflexology, mud body treatments, aloe vera body treatments, cellulite treatments, exfoliating treatments, hot rock treatments, body wraps, body bronzing, hydrotherapy, aromatherapy, manual lymph drainage, facial treatments and beauty salon services namely, haircuts, blow dry hair styling, hair colouring, hair glossing, hair highlighting, hair perming, hair, relaxing, hair foiling, makeup application, eyebrow grooming, manicures, pedicures, acrylic nails, nail wraps and nail fill ins, provision of restaurant and lounge services, cosmetic surgery, cosmetic, dentistry services, esthetic treatment services, cosmetician services. This application was also "ABANDONED". Abandonment date April 10th, 2006.

CONCLUSION

Applicant's trademark MAR-A-LAGO is identical in spelling and class as Opposer's trademark MARALAGO. Applicant has a 25 year history of filing trade mark applications for MAR-A-LAGO and then abandoning them. Based on the extensive history of abandonment by the applicant, Opposer sincerely believes applicant has no bona fide or good faith intent to use MAR-A-LAGO in connection with his current application. Approval of applicant's application will only tie the hands of the Opposer while he waits for Applicant Donald J. Trump to once again "ABANDON" his application.

On information and belief, Applicant has failed to satisfy the requirements of Trademark Act 1 (b) and trademark rules and regulations. For the forgoing reasons Opposer believes he will be damaged by applicant's registration.

WHEREFORE, Opposer respectfully requests that registration of the mark shown in Application Serial No. 86337953 be refused and that this opposition be sustained in favor of Opposer.

Dated April 6th, 2015

Danilo Ivancevic

Opposer