

ESTTA Tracking number: **ESTTA697052**

Filing date: **09/21/2015**

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	Leachco, Inc.
Granted to Date of previous extension	10/10/2015
Address	130 E. 10th Street, No. 4 Ada, OK 74820 UNITED STATES

Attorney information	Mary M. Lee MARY M. LEE PC 1300 E. 9th Street, No. 4 Edmond, OK 73034 UNITED STATES mail@marymlee.com Phone:405-285-4490
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Applicant Information

Application No	86563698	Publication date	08/11/2015
Opposition Filing Date	09/21/2015	Opposition Period Ends	10/10/2015
Applicant	J&G Marketing of South Florida Inc. 10819 S.W. 188th Street Miami, FL 33157 UNITED STATES		

Goods/Services Affected by Opposition

Class 020. First Use: 2014/09/30 First Use In Commerce: 2014/09/30 All goods and services in the class are opposed, namely: frameless foam furniture, related cushions, pillows, chair pads, bean bag furniture, lounge chairs, easy-chairs, chair beds
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Grounds for Opposition

The mark is merely descriptive	Trademark Act section 2(e)(1)
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Related Proceedings	91223240
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Attachments	4400-226 Notice of Opposition COZY.pdf(15533 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	/Mary M. Lee/
Name	Mary M. Lee
Date	09/21/2015

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

*In the matter of Application No. 86/563,698
For the Mark COZY
Published in the Official Gazette on August 11, 2015*

Leachco, Inc.,

Opposer,

v.

Opposition No. _____

J&G Marketing of South Florida, Inc.,
Applicant.

COMMISSIONER FOR TRADEMARKS
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Commissioner:

Opposer, Leachco, Inc. (“Leachco”), a corporation organized and existing under the laws of the State of Oklahoma, having a business address at 130 E. 10th Street, Ada, Oklahoma 74820, believes it will be damaged by registration of the mark COZY shown in Application No. 86/563,698 and hereby opposes same. As grounds for the opposition, Leachco alleges as follows:

1. Leachco is the owner of U.S. Trademark Application No. 86/560,347 for the mark COZY DOZY for sleeping bags.
2. J&G Marketing of South Florida, Inc. (“Applicant”) filed Opposition No. 91223240, now pending, against Leachco’s COZY DOZY application.

3. Because Opposition No. 91223240 is based in part on Applicant's alleged mark COZY in Application No. 86/563,698, Leachco has standing to oppose the COZY application.

4. Leachco is a manufacturer and seller of a wide range of baby and maternity products and of various bedding and pillow products. In particular, Leachco sells lounging pillows for toddlers, children, and adults. Leachco also makes and sells nursing and maternity pillows, nursing cover-ups, and cushions for supporting babies in car seats, high chairs, and the like.

5. The descriptive term "cozy" and related terms are common descriptive terms frequently used by Leachco and others in the bedding and/or maternity and/or baby product industries to describe their products.

6. Leachco would be damaged in its business and its ability to describe and to advertise its products if Applicant is granted a registration for COZY.

7. In Application No. 86/563,698, Applicant seeks to register COZY for frameless foam furniture, related cushions, pillows, chair pads, bean bag furniture, lounge chairs, easy-chairs, and chair beds.

8. The phrase "cozy" is merely descriptive of the goods listed in the COZY application.

9. If a registration were issued to Applicant for the term COZY, Applicant would thereby gain at least a prima facie exclusive right to the use thereof and, therefore, such registration would do damage and injury to Leachco. Such registration would be a source of damage and injury to Leachco and others who currently use, or will

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing NOTICE OF OPPOSITION has been served upon Applicant, J&G Marketing of South Florida, Inc., by mailing the same by First Class Mail, postage prepaid, to Applicant's attorney of record:

Robert J. Van Der Wall, Esq.
ROBERT J VAN DER WALL PA
21511 S.W. 87th Court
Cotler Bay, Florida 33189-7309

on September 21, 2015.

/Mary M. Lee/