

ESTTA Tracking number: **ESTTA717708**

Filing date: **12/30/2015**

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	Narrative Capital Partners LLC
Granted to Date of previous extension	12/30/2015
Address	130 East 67th Street New York, NY 10065 UNITED STATES

Attorney information	Naomi Jane Gray HARVEY SISKIND LLP Four Embarcadero Center, 39th Floor San Francisco, CA 94111-4115 UNITED STATES ngray@harveysiskind.com, sdevoto@harveysiskind.com Phone:415-354-0100
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Applicant Information

Application No	86541546	Publication date	09/01/2015
Opposition Filing Date	12/30/2015	Opposition Period Ends	12/30/2015
Applicant	Todd Sammann 612 El Cerco Place Pacific Palisades, CA 90272 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Investment of funds for others; private equity fund investment services; funds investment services; financing and loan services; mezzanine financing and loan services; real estate investment services; real estate investment advisory services; financial investment in the field of real estate; real estate funds investment services; financial due diligence services in the field of real estate; and real estate acquisition services

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	NARRATIVE CAPITAL		

Goods/Services	Funds investment services; financing and loan services; investment advisory services.
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Attachments	00069416.PDF(29675 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	/Naomi Jane Gray/
Name	Naomi Jane Gray
Date	12/30/2015

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8 Attorneys for Opposer,
9 Narrative Capital Partners, LLC

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

13 NARRATIVE CAPITAL PARTNERS, LLC,
14 a Delaware corporation,

15 Opposer,

16 v.

17 TODD SAMMANN, an individual,

18 Applicant.

19 **NOTICE OF OPPOSITION**

20 Opposition No.

21 App. Serial No. 86541546

22 Mark: NARRATIVE CAPITAL

23 Narrative Capital Partners, LLC, a Delaware corporation, having its principal place of business
24 at 130 East 67th Street, New York, New York 10065 (“Narrative Capital” or “Opposer”), believes that it
25 will be damaged by registration of the mark NARRATIVE CAPITAL shown in Application Serial No.
26 86541546 (the “Opposed Mark” shown in the “Opposed Application”). Todd Sammann, an individual,
27 having a place of business at 612 El Cerco Place, Pacific Palisades, California, 90272 (“Applicant”),
28 filed the Opposed Application, which Narrative Capital hereby opposes.

As grounds for opposition, Narrative Capital alleges:

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1 | estate; real estate funds investment services; financial due diligence services in the field of real estate;
2 | and real estate acquisition services.”

3 | 7. These services are closely related to, and in some cases identical to or overlapping,
4 | the services offered by Opposer. For example, Opposer offers the following services to third parties
5 | under its NARRATIVE CAPITAL name and mark: investment of funds for others; private equity
6 | fund investment services; funds investment services; financing and loan services; and mezzanine
7 | financing and loan services.

8 | 8. Moreover, the marks at issue are identical. In view of the closely related nature of the
9 | parties’ services, Applicant’s mark will appear to consumers to share a common source, sponsorship,
10 | or affiliation with Opposer and its NARRATIVE CAPITAL mark.

11 | 9. Given the association of NARRATIVE CAPITAL with Opposer, consumer confusion
12 | is likely. When relevant customers see the parties’ marks in the marketplace, they are likely to draw
13 | the false conclusion that Applicant and his services share a common source, sponsorship, or
14 | affiliation with Opposer or its services.

15 | 10. Accordingly, the Opposed Mark should be denied registration under Section 2(d) of
16 | the Lanham Act, 15 U.S.C. § 1052(d), because its use is likely to cause confusion with Opposer’s
17 | NARRATIVE CAPITAL mark. Opposer is neither affiliated with nor a sponsor of Applicant, and
18 | the services identified by the Opposed Mark do not originate from Opposer.

19 | 11. Registration of the Opposed Mark would be inconsistent with Opposer’s established
20 | service mark rights under common law, and would damage Opposer.

21 | 12. Registration of the Opposed Mark would also be inconsistent with Opposer’s use of
22 | “Narrative Capital” as a trade name, and would damage Opposer.

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1 **PRAYER**

2 WHEREFORE, Opposer prays that Application Serial No. 86541546 be rejected, that no
3 registration thereon be issued to Applicant, and that this Opposition be sustained in favor of Opposer.
4 Opposer hereby appoints as its attorneys Harvey Siskind LLP, a law firm composed of members of the
5 Bar of the State of California, with full power to prosecute this Opposition, transact all relevant business
6 with the U.S. Patent and Trademark Office and the United States Courts and receive all official
7 communication in connection with this Opposition.

8 Dated: December 30, 2015

Respectfully submitted,

9 HARVEY SISKIND LLP
10 NAOMI JANE GRAY

11 By /Naomi Jane Gray /

12 Naomi Jane Gray

13 Attorneys for Opposer,
14 Narrative Capital Partners, LLP

CERTIFICATE OF TRANSMISSION

I hereby certify that a true and correct copy of the attached NOTICE OF OPPOSITION (Serial No. 86541546) is being electronically transmitted to the Trademark Trial and Appeal Board on December 30, 2015.

/Naomi Jane Gray/
Naomi Jane Gray

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