

ESTTA Tracking number: **ESTTA720378**

Filing date: **01/13/2016**

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	Castella Imports, Inc.
Granted to Date of previous extension	01/13/2016
Address	60 Davids Drive Hauppauge, NY 11788 UNITED STATES
Attorney information	RALPH N. GABOURY, ESQ. F. Chau & Associates, LLC 130 WOODBURY ROAD WOODBURY, NY 11797 UNITED STATES mail@chauiplaw.com, gaboury@chauiplaw.com, toledano@chauiplaw.com, chau@chauiplaw.com, garramone@chauiplaw.com Phone:516-692-8888

**Applicant Information**

Application No	86253027	Publication date	09/15/2015
Opposition Filing Date	01/13/2016	Opposition Period Ends	01/13/2016
Applicant	Internet Promise Group LLC 2390 Crenshaw Blvd. Ste 239 Torrance, CA 90501 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 042. First Use: 2014/02/15 First Use In Commerce: 2014/02/15 All goods and services in the class are opposed, namely: Product design and development of new technologies for others in the field of, e-commerce transactions, cyber security, mobile devices, and health sciences
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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)
Other	Opposer will be further damaged by the registration sought because such registration will support and assist Applicant in the confusing and misleading use of the mark sought to be registered, and will give color of exclusive statutory rights to Applicant in violation and derogation of the prior and superior rights of Opposer.

## Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4538090	Application Date	04/07/2011
Registration Date	05/27/2014	Foreign Priority Date	NONE
Word Mark	A COMPANY LIKE NO OTHER		
Design Mark	<p style="text-align: center;">A COMPANY LIKE NO OTHER</p>		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2007/12/00 First Use In Commerce: 2007/12/00 WHOLESALE DISTRIBUTORSHIP IN THE FIELD OF MEDITERRANEAN FOOD PRODUCTS, SPECIALTY FOODS AND SPICES		

Attachments	85288607#TMSN.png( bytes ) Notice of Opposition A COMPANY LIKE NO OTHER ON THE PLANET - FILED 1-13-2016.pdf(163275 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	/Ralph Gaboury/
Name	RALPH N. GABOURY, ESQ.
Date	01/13/2016

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

In the matter of Application Ser. No. 86/253027  
For the mark: A COMPANY LIKE NO OTHER ON THE PLANET  
Date of Filing: April 15, 2014

CASTELLA IMPORTS, INC.,

Opposer,

v.

INTERNET PROMISE GROUP LLC,

Applicant.

Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**

Castella Imports, Inc. (“Castella” or “Opposer”), a New York corporation, with an address at 60 Davids Drive, Hauppauge, NY 11788, will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same in its entirety.

The grounds for Opposition are as follows:

1. Since at least 2007, Castella has used the mark A COMPANY LIKE NO OTHER to brand its wholesale food distributorship services, for which it owns United States Trademark Registration No. 4538090 (the “Registered Mark”). In connection with its wholesale food distribution services, Opposer uses its Internet website to promote and offer for sale its services and various food products.

2. Castella has invested substantial monetary and other resources in the Registered Mark, which through advertising and promotion has resulted in tremendous value and recognition of the Registered Mark throughout the United States.

3. Notwithstanding Opposer's preexisting rights in and to the Registered Mark, on April 15, 2014, well after Opposer began using the Registered Mark in commerce, Applicant filed an application for registration of A COMPANY LIKE NO OTHER IN THE WORLD. The Application was assigned Serial No. 86253027, and the mark was published for opposition in the Official Gazette on September 15, 2015.

4. Applicant's mark A COMPANY LIKE NO OTHER IN THE WORLD is nearly identical to Opposer's Registered Mark, but for the addition of the words "IN THE WORLD" to the end of Applicant's mark. Given the fact that the marks at issue are nearly identical in appearance, sound and connotation, Applicant's use of A COMPANY LIKE NO OTHER IN THE WORLD is likely to cause confusion and will damage Opposer thereby. Opposer's pre-existing Registered Mark for A COMPANY LIKE NO OTHER and Applicant's mark share the first eight words, which constitute the most distinctive aspect of each mark. Further, given that Opposer uses the mark on the Internet and promotes its services using the Internet, there is a likelihood of confusion with respect to Applicant's Internet-related services, given the similarities in the visual appearance of the marks.

5. Accordingly, Applicant's use of A COMPANY LIKE NO OTHER IN THE WORLD suggests that Applicant is planning to trade off the valuable goodwill that Opposer has developed in the Registered Mark. Accordingly, Opposer will be damaged by the registration sought because consumers will be likely to believe, falsely, that Applicant's services are authorized, sponsored or approved by Opposer or that Opposer is otherwise affiliated or connected with Applicant, in violation of Section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a).

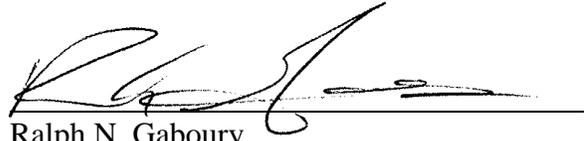
6. In addition, Applicant's registration and use of A COMPANY LIKE NO OTHER IN THE WORLD will damage Opposer because Applicant's use of this designation would be

confusingly similar to Opposer's Registered Mark. As such, Applicant's use of A COMPANY LIKE NO OTHER IN THE WORLD is likely to cause confusion, deception, and/or mistake among the consuming public in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

7. Opposer will be further damaged by the registration sought because such registration will support and assist Applicant in the confusing and misleading use of the mark sought to be registered, and will give color of exclusive statutory rights to Applicant in violation and derogation of the prior and superior rights of Opposer.

WHEREFORE, as Opposer will be damaged by the registration sought, Opposer respectfully requests that the Application be denied. Submitted herewith is the filing fee to cover the fee for filing this Notice of Opposition.

Dated: January 13, 2016



Ralph N. Gaboury

F. CHAU & ASSOCIATES, LLC

Attorneys for Opposer  
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