

ESTTA Tracking number: **ESTTA731010**

Filing date: **03/03/2016**

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	Snappy Towels, Inc.		
Entity	Corporation	Citizenship	Canada
Address	122 Lindsey Ave. Toronto, M6H1E6 CANADA		

Attorney information	Matthew H. Swyers The Trademark Company 344 Maple Ave. West, PMB 151 Vienna, VA 22180 UNITED STATES mswyers@thetrademarkcompany.com Phone:8009068626		
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Applicant Information

Application No	86694086	Publication date	02/02/2016
Opposition Filing Date	03/03/2016	Opposition Period Ends	03/03/2016
Applicant	The Snap Towel 333 Washington Boulevard #423 Marina Del Rey, CA 90292 UNITED STATES		

Goods/Services Affected by Opposition

Class 024. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Towels for use in cosmetology, beauty, and hair care industries. Towels for use in sports and exercise industries. Dishtowels for drying

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 No.	86858844	Application Date	12/28/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SNAPPY TOWELS		

Design Mark	SNAPPY TOWELS
Description of Mark	NONE
Goods/Services	Class 024. First use: First Use: 2015/04/00 First Use In Commerce: 2015/04/00 Bath towels; Beach towels; Towels

Attachments	86858844#TMSN.png(bytes) Notice of Opposition.pdf(178258 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	/Matthew H. Swyers/
Name	Matthew H. Swyers
Date	03/03/2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board

In the Matter of Serial No.: 86/694,086 for the trademark application
SNAP TOWEL

Snappy Towels, Inc.,	:	
	:	
Opposer,	:	
	:	
vs.	:	Opposition No. _____
	:	
The Snap Towel,	:	
	:	
Applicant.	:	

NOTICE OF OPPOSITION

COMES NOW Opposer, Snappy Towels, Inc., a Canadian corporation with a principal business mailing address of 122 Lindsey Ave., Toronto, ON, Canada M6H1E6 (hereinafter, “Opposer”), by counsel, The Trademark Company, PLLC and states that it believes it will be damaged by the registration of the trademark SNAP TOWEL as more fully set forth in Serial No. 86/694,086 as filed for by The Snap Towel, a California Corporation with a principal business mailing address of 33 Washington Boulevard, #423, Marina Del Rey, California 90292 (hereinafter “Applicant”) and, accordingly, opposes the granting of said registration.

As grounds for this opposition, it is alleged that:

1. For many years, Opposer has been engaged in the towel industry.
2. Opposer is the owner of Federal Trademark Application Serial No. 86/858,844, which was filed on December 28, 2015, for the mark SNAPPY TOWELS (hereinafter “Opposer’s Mark”) for use in connection with the following goods: “Bath towels; Beach towels; Towels” in International Class 24 (hereinafter “Opposer’s Goods”).

3. Opposer's Federal Trademark Application Serial No. 86/858,844 for Opposer's Mark SNAPPY TOWELS claims a date of first use of the mark in commerce in April 2015.

4. Opposer has spent large sums of money and expended tremendous effort in promoting Opposer's Goods under Opposer's Mark, of which has become well known and associated exclusively with Opposer and Opposer's Goods. The goodwill of the business connected with the use of, and symbolized by, the Opposer's Mark is an asset of incalculable value.

5. As a result of Opposer's continuous use of Opposer's Mark and the high quality of Opposer's Goods, Opposer has established an excellent quality in identifying and distinguishing Opposer's Goods.

6. On or about July 15, 2015, Applicant filed an Intent-to-Use Application with the United States Trademark Office ("USPTO") for the mark SNAP TOWEL (hereinafter "Applicant's Mark") as more fully set forth in Serial No.: 86/694,086, for use in connection with the following goods: "Towels for use in cosmetology, beauty, and hair care industries. Towels for use in sports and exercise industries. Dish towels for drying" in International Class 24 (hereinafter "Applicant's Goods").

7. Upon information and belief, Applicant is The Snap Towel, a California Corporation with a principal business mailing address of 33 Washington Boulevard, #423, Marina Del Rey, California 90292.

8. Applicant's Application for Applicant's Mark was assigned Application Serial No. 86/694,086.

9. Upon information and belief, Applicant's Application for Applicant's Mark was filed on an intent-to-use filing basis and has not established a date of first use in commerce.

10. Applicant's mark published for opposition on or about February 2, 2016.
11. There is no issue of priority. Upon information and belief, Applicant has not acquired rights in Applicant's Mark before Opposer acquired rights in Opposer's Mark.
12. Applicant's applied-for mark is confusingly similar to Opposer's Mark as more fully-identified in Federal Trademark Appl. Serial No. 86/858,844.
13. Upon information and belief, Opposer began using Opposer's Mark for Opposer's Goods in commerce prior to Applicant's use of Applicant's Mark for Applicant's Goods in commerce.
14. Upon information and belief, Applicant's Goods will be offered to the same classes of consumers and at least through some of the same channels of trade as Opposer's Goods under Opposer's Mark. As applied to Applicant's Goods, Applicant's Mark so resembles the Opposer's Mark that it is likely to cause confusion, or cause to mistake, or to deceive as to the source of the goods.
15. Upon information and belief, registration of Applicant's Mark will diminish and dilute the distinctive quality of Opposer's Mark. Customers and potential customers are likely to believe that Applicant's Goods originate from, or are sponsored and approved by Opposer when that is not the case. Any dissatisfaction with Applicant's Goods would reflect upon and irreparably damage Opposer's reputation and goodwill embodied in Opposer's Mark.
16. If Applicant is granted the registration of the application as more fully identified by Serial No. 86/694,086 it would support statutory rights for Applicant in violation and derogation of Opposer's prior rights which would be a source of damage to Opposer.

17. Opposer will be damaged by the registration of Applicant's Mark for Applicant's Goods covered in International Class 24 as more fully set forth hereinabove as a result of the aforementioned confusion, mistake, and deception.

18. By reason of the foregoing, Applicant is not entitled to registration of the trademark SNAP TOWEL as more fully identified in Federal Trademark Application Serial No.: 86/694,086 for Applicant's Goods covered in International Class 24.

WHEREFORE, Opposer respectfully requests that the Application Serial No. 86/694,086 be rejected, that no registration be issued thereon to Applicant and that this opposition be sustained in favor of the Opposer.

Respectfully submitted this 3rd day of March, 2016.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/

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Counsel for Opposer

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

In the Matter of Serial No.: 86/694,086 for the trademark application
SNAP TOWEL

Snappy Towels, Inc.,	:	
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Opposer,	:	
	:	
vs.	:	Opposition No. _____
	:	
The Snap Towel,	:	
	:	
Applicant.	:	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a copy of the foregoing this 3rd day of March, 2016
to be served, via first class mail, postage prepaid, upon:

Bradley Sniderman
Law Office Of Bradley Sniderman
23679 Calabasas Rd # 558
Calabasas, CA 91302-1502

The Snap Towel
333 Washington Boulevard #423
Marina Del Rey, CA 902

/Matthew H. Swyers/
Matthew H. Swyers