

ESTTA Tracking number: **ESTTA731661**

Filing date: **03/07/2016**

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	Lanceco Industries, Inc. DBA CG. Creations
Granted to Date of previous extension	03/05/2016
Address	P.O. Box 1001 Pearl River, NY 10965 UNITED STATES

Attorney information	Dara L. Onofrio, Esq. Onofrio Law 24 West Main Street - Suite 329 Clinton, CT 06413 UNITED STATES dara@onofriolaw.com Phone:860.552.0880
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**Applicant Information**

Application No	86485882	Publication date	01/05/2016
Opposition Filing Date	03/07/2016	Opposition Period Ends	03/05/2016
Applicant	Skagway Jewelry Co LLC 9002 Havensight Mall St. Thomas, 00802 VI		

**Goods/Services Affected by Opposition**

Class 035. First Use: 1979/12/09 First Use In Commerce: 1979/12/09 All goods and services in the class are opposed, namely: Retail jewelry stores
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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)

**Mark Cited by Opposer as Basis for Opposition**

U.S. Registration No.	4017244	Application Date	01/10/2011
Registration Date	08/23/2011	Foreign Priority Date	NONE
Word Mark	OMNI-LOK		

Design Mark	<b>OMNI-LOK</b>
Description of Mark	NONE
Goods/Services	Class 014. First use: First Use: 2011/02/15 First Use In Commerce: 2011/02/15 Jewelry

Attachments	85214252#TMSN.png( bytes ) OMNIopposition.pdf(62398 bytes ) ExhibitA.pdf(31972 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	/Dara L. Onofrio/
Name	Dara L. Onofrio, Esq.
Date	03/07/2016

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

In the Matter of Application Serial No. 86/485,882  
for the Mark OMNI  
filing date: December 14, 2014  
published for opposition in the Official Gazette  
on January 5, 2016

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Lanceco Industries, Inc	:	
DBA C.G. Creations	:	
Opposer ,	:	
	:	Opposition No.
V.	:	
	:	
Skagway Jewelry Co. LLC	:	
Applicant	:	
	:	

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Commissioner for Trademarks  
P.O.Box 1451  
Alexandria, VA 22313-1451

**NOTICE OF OPPOSITION**

Lanceco Industries, Inc. DBA C.G. Creations, (“Lanceco” or “Opposer”), a New York corporation with a mailing address of P.O. Box 1001, Pearl River, New York 10965 and offices at 146 Schoolhouse Road, Chestnut Ridge, NY 10977, believes that is will be damaged by the registration of the trademark OMNI which is the subject matter of Application Serial No. 86/485,882 as applied to jewelry stores in International Class 35.

As grounds in support of this opposition, Opposer alleges as follows:

1. Opposer is now and for over thirty five years has been engaged in the business of designing, manufacturing, marketing and selling high-quality jewelry in the United States. Lanceco supplies jewelry to major retailers, shopping networks, independent jewelers and internet sellers. For over the past five years Opposer has been marketing and selling jewelry in the United States under the trademark OMNI-LOK.

2. Opposer is the owner of United States Trademark Registration No 4,017,244 for the mark OMNI-LOK as applied to jewelry in International Class 14. Attached as Exhibit A, is a copy of the USPTO's TARR electronic database record for the mark OMNI-LOK issued August 23, 2011 which is valid and subsisting and owned by Opposer.
3. Since February 15, 2011, Opposer has adopted, used and continues to use its OMNI-LOK trademark on and in connection with jewelry.
4. The trademark OMNI-LOK is inherently distinctive.
5. Opposer has extended substantial resources in promoting its OMNI-LOK trademark in its advertising and promotional materials.
6. By virtue of Opposer's extensive and exclusive distribution, sale, promotion, and advertising of jewelry bearing the OMNI-LOK trademark, OMNI-LOK has become widely recognized throughout the United States as designating high quality products originating exclusively from Opposer.
7. Opposer has built up extensive goodwill in connection with the offering and sale of goods under Opposer's OMNI-LOK mark.
8. Applicant, on December 14, 2014, filed an application to register the mark OMNI, Serial No. 86/485,882, in International Class 35 for retail jewelry stores.
9. Opposer has used its OMNI-LOK mark long before the filing date of Applicant's OMNI mark.
10. The OMNI-LOK and OMNI marks are very similar in appearance.
11. Opposer's OMNI-LOK and Applicant's OMNI marks are identical in meaning.
12. Opposer's OMNI-LOK jewelry and Applicant's OMNI retail jewelry stores are capable of sale to the same class of purchasers.
13. Opposer's OMNI-LOK jewelry and Applicant's OMNI retail jewelry stores are capable of sale in the same channels of trade.
14. Applicant's OMNI mark is confusingly similar to Opposer's OMNI-LOK trademark.
15. Applicant's OMNI mark so resembles Opposer's previously used and registered OMNI-LOK trademark that if used on or in connection with jewelry stores it is likely to cause confusion, mistake, or deception in violation of section 2(d) of the Trademark Act (15 USC § 1052(d)).
16. Applicant's OMNI mark if used on or in connection with jewelry stores is likely to cause a false association, affiliation or connection as to the origin of Applicants jewelry in violation of Section 43 of the Trademark Act (15 USC § 1125(a)).
17. Applicant was aware of Opposer's rights before the filing date of the subject application.

18. The registration of the OMNI mark will improperly give to Applicant the appearance of exclusive statutory ownership rights in a mark that is confusingly similar to the OMNI-LOK mark in violation and derogation of the prior and superior rights of Opposer in the OMNI-LOK trademark.
19. Applicants' application to register and use the mark OMNI has and will continue to interfere with Opposer's OMNI-LOK mark and will seriously damage Opposer, its business and its goodwill.
20. By reason of the foregoing, Opposer believes that it shall be irreparably damaged by the registration of Applicant's mark.

WHEREFORE, Opposer requests that this opposition is sustained and that the application by Applicant to register OMNI (Serial No. 86/485,882) be refused.

The filing fee in the sum of \$300 is filed herewith.

This 7<sup>th</sup> day of March 2016.

Respectfully submitted,

By: /Dara L. Onofrio/  
Dara L. Onofrio  
Attorney for Opposer

Onofrio Law  
24 West Main Street – Suite 329  
Clinton CT. 06413  
860.552.0880  
dara@onofriolaw.com

## CERTIFICATE OF SERVICE

The undersigned attorney for Opposer hereby certifies that she served by first class mail, postage prepaid, a copy of the foregoing:

Upon Applicant, namely

Johnson Legal PLLC  
1245 White Drive  
Fairfax, Virginia 22030

Attention: Lance Johnson, Esq.

This March 7, 2016

          /Dara L. Onofrio/            
Dara L. Onofrio

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**Mark:** OMNI-LOK

# OMNI-LOK

**US Serial Number:** 85214252

**Application Filing Date:** Jan. 10, 2011

**US Registration Number:** 4017244

**Registration Date:** Aug. 23, 2011

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:** Yes

**Register:** Principal

**Mark Type:** Trademark

**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.

**Status Date:** Aug. 23, 2011

**Publication Date:** May 17, 2011

**Notice of Allowance Date:** Jul. 12, 2011

## Mark Information

**Mark Literal Elements:** OMNI-LOK

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Jewelry

**International Class(es):** 014 - Primary Class

**U.S Class(es):** 002, 027, 028, 050

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Feb. 15, 2011

**Use in Commerce:** Feb. 15, 2011

## Basis Information (Case Level)

**Filed Use:** No

**Currently Use:** Yes

**Amended Use:** No

**Filed ITU:** Yes

**Currently ITU:** No

**Amended ITU:** No

**Filed 44D:** No

**Currently 44D:** No

**Amended 44D:** No

**Filed 44E:** No

**Currently 44E:** No

**Amended 44E:** No

**Filed 66A:** No

**Currently 66A:** No

**Filed No Basis:** No

**Currently No Basis:** No

## Current Owner(s) Information

**Owner Name:** Lanceco Industries, Inc.

**DBA, AKA, Formerly:** DBA C.G. Creations

**Owner Address:** P.O. Box 1001  
Pearl River, NEW YORK UNITED STATES 10965

**Legal Entity Type:** CORPORATION

**State or Country Where  
Organized:** NEW YORK

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Dara L. Onofrio, Esq.

**Docket Number:** FF 124

**Attorney Primary Email** [dara@onofriolaw.com](mailto:dara@onofriolaw.com)**Attorney Email Authorized:** No**Address:****Correspondent****Correspondent** Dara L. Onofrio, Esq.**Name/Address:** ONOFRIO LAW

24 West Main Street - Suite 329

Clinton, CONNECTICUT UNITED STATES 06413

**Phone:** 860.552.0770**Correspondent e-mail:** [dara@onofriolaw.com](mailto:dara@onofriolaw.com)**Correspondent e-mail** Yes  
**Authorized:****Domestic Representative - Not Found****Prosecution History**

<b>Date</b>	<b>Description</b>	<b>Proceeding Number</b>
Sep. 23, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 23, 2011	REGISTERED-PRINCIPAL REGISTER	
Jul. 21, 2011	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jul. 20, 2011	LAW OFFICE REGISTRATION REVIEW COMPLETED	68658
Jul. 15, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jul. 15, 2011	STATEMENT OF USE PROCESSING COMPLETE	76985
Jul. 12, 2011	USE AMENDMENT FILED	76985
Jul. 15, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76985
Jul. 12, 2011	TEAS STATEMENT OF USE RECEIVED	
Jul. 12, 2011	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
May 17, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 17, 2011	PUBLISHED FOR OPPOSITION	
Apr. 13, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	68658
Apr. 12, 2011	ASSIGNED TO LIE	68658

Mar. 30, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 29, 2011	ASSIGNED TO EXAMINER	76406
Jan. 14, 2011	NOTICE OF PSEUDO MARK MAILED	
Jan. 13, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 13, 2011	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

**TM Staff Information - None**

### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Jul. 20, 2011

**Assignment Abstract Of Title Information - None recorded**

**Proceedings - None recorded**