

ESTTA Tracking number: **ESTTA737886**

Filing date: **04/05/2016**

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	ALUMA USA INC		
Entity	Corporation	Citizenship	WASHINGTON
Address	435 TESCONI CIR SANTA ROSA, CA 95401 UNITED STATES		

Correspondence information	GEOFFREY MACMILLAN DIRECTOR ALUMA USA INC 435 TESCONI CIR SANTA ROSA, CA 95401 UNITED STATES GMACMILLAN@ALUMAUSA.NET Phone:707-545-9344 X214
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### Applicant Information

Application No	86274262	Publication date	03/15/2016
Opposition Filing Date	04/05/2016	Opposition Period Ends	04/14/2016
International Registration No.	NONE	International Registration Date	NONE
Applicant	J.D. Williams & Company Limited Griffin House Manchester, M606ES UNITED KINGDOM		

### Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Women's clothing, namely, t-shirts, coats, rain coats, parkas, sport shirts, sports jerseys, sweatpants, sweatshirts, t-shirts, jeans, socks, shorts, tracksuits, polo shirts, jogging pants, swimwear, tights, gloves, mittens, scarves, sleepwear, pajamas, swimwear, lounge wear; women's intimate apparel, namely, underwear, slips, bras, lingerie, corsets; men's clothing, namely, suits, t-shirts, ties, jackets, cardigans, sweaters, coats, raincoats, polo shirts, sweat shirts, blazers, athletic wear and training wear, shorts trousers, vests, pajamas, and underwear; footwear; headgear, namely, hats, caps, and headbands
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### 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. Registration No.	3176900	Application Date	01/06/2006
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Registration Date	11/28/2006	Foreign Priority Date	NONE
Word Mark	ANTHOLOGY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 2005/04/00 First Use In Commerce: 2005/06/00 Jewelry		

Attachments	78786307#TMSN.png( bytes ) Statement.pdf(59192 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	/gjfmacmillan/
Name	GEOFFREY MACMILLAN
Date	04/05/2016

Opponent hereby asserts the following statements supporting its opposition to Applicant's registration on the grounds that granting registration to Applicant would likely cause confusion.

1. Distinctiveness. Opponent's registration and Applicant's mark are essentially identical in that the mark, regardless of any design, consists of the generic word ANTHOLOGY.
2. Time. Opponent's use of the mark ANTHOLOGY has been continuous since its first use in commerce in the United States since April, 2006. Opponent's mark has been actively maintained and renewed since its original registration.
3. Nature of Goods. Opponent's mark is for Jewelry; International Class 14 and US Classes 2, 27, 28 and 50. Applicant's mark is for Women's Clothing, Men's Clothing and Footwear and Headgear.

The goods of the parties exist in different classes and are not competitive and as such Opponent asserts not that the goods will be confused with each other but rather the goods are likely to confuse the consumer as to their source.

All of the involved goods of both parties are apparel adorned by persons. Today's marketing practices commonly implore branding models over an array of utilitarian goods under a single 'life-style' brand. Common examples are sporting equipment manufacturers expanding into clothing, sunglasses and accessories

Further, all the involved goods of both parties are designed for the consumer seeking fashion, style and personal image.

4. Nature of Trade. Opponent's goods are sold throughout the United States at department stores, through television broadcast networks, internet stores and through selected catalog and home-party sellers. A review of Applicant's business showed no exceptions to that same marketplace and as such would be able to sell their goods side-by-side those of Opponent's.
5. Overall degree of resemblance. The similarity of the marks in name, spelling, use, appearance, sound and ideas conveyed are virtually impossible to separate.