

ESTTA Tracking number: **ESTTA744068**

Filing date: **05/03/2016**

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	Thomas E Guess		
Entity	Individual	Citizenship	UNITED STATES
Address	105 Brady Court Cary, NC 27511 UNITED STATES		

Attorney information	Matthew H. Swyers, Esq. The Trademark Company, PLLC 344 Maple Avenue West, PBM 151 Vienna, VA 22180 UNITED STATES mswyers@thetrademarkcompany.com Phone:(800) 906-8626		
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Applicant Information

Application No	86836660	Publication date	05/03/2016
Opposition Filing Date	05/03/2016	Opposition Period Ends	06/02/2016
Applicant	Lead Consortium Investments 14725 Bruce St Bellflower, CA 90706 UNITED STATES		

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: Clothing, namely, T-shirts, hats, pants, sweatpants, sweatshirts, socks, sweaters, button-up shirts, leggings, long sleeved shirts, shorts, tank tops, belts, bikinis, and scarves

Grounds for Opposition

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

U.S. Registration No.	4308943	Application Date	08/01/2012
Registration Date	03/26/2013	Foreign Priority Date	NONE
Word Mark	GREED		

Design Mark	<h1>GREED</h1>
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2011/11/21 First Use In Commerce: 2011/11/21 Hats; Hooded sweatshirts; Jackets; Jeans; Pants; Shirts; Shoes

U.S. Registration No.	4372249	Application Date	12/11/2012
Registration Date	07/23/2013	Foreign Priority Date	NONE
Word Mark	GREED IS GOLD		
Design Mark	<h1>GREED IS GOLD</h1>		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2012/10/00 First Use In Commerce: 2012/10/00 Hats; Hooded sweatshirts; Jackets; Jeans; Pants; Shirts; Shoes		

Attachments	85692703#TMSN.png(bytes) 85800036#TMSN.png(bytes) Notice of Opposition.pdf(91257 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, Esq.
Date	05/03/2016

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

Serial No. 86/836,660
For the mark HONOR&GREED,

Guess, Thomas E.,	:	
	:	
Opposer,	:	
	:	
vs.	:	Opposition No. _____
	:	
Lead Consortium Investments LLC,	:	
	:	
Applicant.	:	

NOTICE OF OPPOSITION

COMES NOW Thomas E. Guess, a United States citizen, with an address of 105 Brady Court, Cary, North Carolina, 27511 (hereinafter, “Opposer”), by counsel, The Trademark Company, states that he believes he will be damaged by the registration of the trademark HONOR&GREED as more fully set forth in Serial No. 86/836,660 as filed for by Lead Consortium Investments LLC, a California Limited Liability Company with a principal place of business of 14725 Bruce Street, Bellflower, California 90706 (hereinafter “Applicant”) and, accordingly, hereby opposes the granting of said registration.

As grounds for this opposition, it is alleged that:

1. For many years, Thomas E. Guess (referred to as “Opposer”) has been and now is engaged in the production, distribution, and sale of hats, hooded sweatshirts, jackets, pants, jeans, shirts, and shoes.

2. Specifically, Opposer is the owner of the United States Patent and Trademark Registration No. 4,308,943, which was registered on March 26, 2013 for the mark GREED used

in connection with “Hats; Hooded sweatshirts; Jackets; Jeans; Pants; Shirts; Shoes” in International Class 25. The registration maintains a date of first use of November 21, 2011.

3. Opposer is also the owner of the United States Patent and Trademark Registration No. 4,372,249 which was registered on July 23, 2013 for the mark GREED IS GOLD, used in connection with “Hats; Hooded sweatshirts; Jackets; Jeans; Pants; Shirts; Shoes” in International Class 25. The Registration maintains a date of first use of October 2012.

4. Opposer has used Opposer’s Marks for his goods in the United States since at least as early as November 21, 2011. As a result of Opposer’s long use of Opposer’s Marks and the high quality of goods, and in view of Opposer’s advertising, promotion, and/or sale of the goods in association with Opposer’s Marks, he has established a distinctive quality and is known to the relevant trade and public as identifying and distinguishing Opposer’s goods.

5. On December 2, 2015, Applicant filed an application to register the trademark HONOR&GREED (hereinafter “Applicant’s Mark”) used in connection with “Clothing, namely, T-shirts, hats, pants, sweatpants, sweatshirts, socks, sweaters, button-up shirts, leggings, long sleeved shirts, shorts, tank tops, belts, bikinis, and scarves” in International Class 25 (hereinafter “Applicant’s goods”). This application was assigned Application No. 86/836,660.

6. Upon information and belief, the Applicant’s application was filed on an intent-to-use basis.

7. Upon information and belief, Applicant has not sold or offered any goods under Applicant’s Mark.

8. 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 Marks.

9. Upon information and belief, Applicant's goods are offered to the same classes of consumers and at least through some of the same channels of trade as Opposer's goods. As applied to Applicant's goods, Applicant's Mark so resembles the Opposer's Marks that it is likely to cause confusion, or cause to mistake, or to deceive as to the source of the goods.

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

11. Upon information and belief, registration of Applicant's Mark will diminish and dilute the distinctive quality of Opposer's Marks. One viewing Applicant's Mark will associate the mark with Opposer's goods, resulting in damage to Opposer.

12. Opposer will be damaged by Applicant's registration of Applicant's Mark for the goods identified in US Serial No. 86/836,660 as a result of the aforementioned confusion, mistake, and deception.

13. By reason of the foregoing, Applicant is not entitled to registration of Applicant's Mark, Serial No. 86/836,660 in International Class 25.

WHEREFORE, Opposer respectfully requests that the Application, Serial No. 86/836,660 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 May, 2016.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/

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