

ESTTA Tracking number: **ESTTA744463**

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

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	Cowboy Artists of America
Granted to Date of previous extension	06/29/2016
Address	P.O. Box 2002 Salmon, ID 83467 UNITED STATES
Attorney information	Emily A. Bayton Lewis Roca Rothgerber Christie LLP 201 East Washington Street, Suite 1200 Phoenix, AZ 85004 UNITED STATES Trademarks@LRRC.com Phone:(602) 262-5311

Applicant Information

Application No	86770702	Publication date	03/01/2016
Opposition Filing Date	05/04/2016	Opposition Period Ends	06/29/2016
Applicant	CALATLANTIC GROUP, INC. 15360 BARRANCA PARKWAY IRVINE, CA 92618 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Real estate listing, leasing and brokerage services; real estate management services; mortgage financing services; mortgage brokerage services; mortgage lending services; mortgage investment services; real estate escrow services; insurance services, namely, providing homeowner hazard and flood insurance to home purchasers, providing evidence of insurance in connection with the closing of residential real estate transactions; real estate title insurance underwriting services; homeowner's insurance underwriting services
Class 037. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Residential and commercial building construction; land development services, namely, planning and laying out of residential and commercial communities; real estate development; construction consultation
Class 042. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Architectural design; residential building design; interior design services; design of specialty interior and exterior environment settings
Class 045. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Real estate closing services; real estate title searching services

Applicant Information

Application No	86772171	Publication date	01/12/2016
Opposition Filing Date	05/04/2016	Opposition Period Ends	
Applicant	CALATLANTIC GROUP, INC. 15360 BARRANCA PARKWAY IRVINE, CA 92618 UNITED STATES		

Goods/Services Affected by Opposition

Class 042. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Interior design services; design of specialty interior and exterior environmentsettings

Applicant Information

Application No	86772187	Publication date	01/12/2016
Opposition Filing Date	05/04/2016	Opposition Period Ends	
Applicant	CALATLANTIC GROUP, INC. 15360 BARRANCA PARKWAY IRVINE, CA 92618 UNITED STATES		

Goods/Services Affected by Opposition

Class 042. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Interior design services; design of specialty interior and exterior environmentsettings

Applicant Information

Application No	86772110	Publication date	01/12/2016
Opposition Filing Date	05/04/2016	Opposition Period Ends	
Applicant	CALATLANTIC GROUP, INC. 15360 BARRANCA PARKWAY IRVINE, CA 92618 UNITED STATES		

Goods/Services Affected by Opposition

Class 042. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Interior design services; design of specialty interior and exterior environmentsettings

Applicant Information

Application No	86772097	Publication date	01/12/2016
Opposition Filing Date	05/04/2016	Opposition Period Ends	
Applicant	CALATLANTIC GROUP, INC. 15360 BARRANCA PARKWAY IRVINE, CA 92618		

	UNITED STATES
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Goods/Services Affected by Opposition

Class 042. First Use: 0 First Use In Commerce: 0
 All goods and services in the class are opposed, namely: Interior design services; design of specialty interior and exterior environmentsettings

Applicant Information

Application No	86772044	Publication date	01/12/2016
Opposition Filing Date	05/04/2016	Opposition Period Ends	
Applicant	CALATLANTIC GROUP, INC. 15360 BARRANCA PARKWAY IRVINE, CA 92618 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. First Use: 0 First Use In Commerce: 0
 All goods and services in the class are opposed, namely: Mortgage financing services; mortgage brokerage services; mortgage lending services; mortgage investment services

Applicant Information

Application No	86772034	Publication date	01/05/2016
Opposition Filing Date	05/04/2016	Opposition Period Ends	
Applicant	CALATLANTIC GROUP, INC. 15360 BARRANCA PARKWAY IRVINE, CA 92618 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. First Use: 0 First Use In Commerce: 0
 All goods and services in the class are opposed, namely: Mortgage financing services; mortgage brokerage services; mortgage lending services; mortgage investment services

Applicant Information

Application No	86772077	Publication date	01/12/2016
Opposition Filing Date	05/04/2016	Opposition Period Ends	
Applicant	CALATLANTIC GROUP, INC. 15360 BARRANCA PARKWAY IRVINE, CA 92618 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. First Use: 0 First Use In Commerce: 0
 All goods and services in the class are opposed, namely: Real estate listing, leasing and brokerage services; real estate management services; mortgage financing services; mortgage brokerage services; mortgage lending services; mortgage investment services; real estate escrow services; insurance services, namely, providing homeowner hazard and flood insurance to home purchasers, providing evidence of insurance inconnection with the closing of residential real estate transactions; real es-

tate title insurance underwriting services;homeowner's insurance underwriting services
Class 037. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Residential and commercial building construction; land development services, namely, planning and laying out of residential and commercial communities; real estate development; construction consultation
Class 042. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Architectural design; residential building design; interior design services; design of specialty interior and exterior environment settings
Class 045. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Real estate closing services; real estate title searching services

Applicant Information

Application No	86772062	Publication date	01/12/2016
Opposition Filing Date	05/04/2016	Opposition Period Ends	
Applicant	CALATLANTIC GROUP, INC. 15360 BARRANCA PARKWAY IRVINE, CA 92618 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Real estate listing, leasing and brokerage services; real estate management services; mortgage financing services; mortgage brokerage services; mortgage lending services; mortgage investment services; real estate escrow services; insuranceservices, namely, providing homeowner hazard and flood insurance to home purchasers, providing evidence of insurance inconnection with the closing of residential real estate transactions; real estate title insurance underwriting services;homeowner's insurance underwriting services
Class 037. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Residential and commercial building construction; land development services, namely, planning and laying out of residential and commercial communities; real estate development; construction consultation
Class 042. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Architectural design; residential building design; interior design services; design of specialty interior and exterior environment settings
Class 045. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Real estate closing services; real estate title searching services

Applicant Information

Application No	86770748	Publication date	01/05/2016
Opposition Filing Date	05/04/2016	Opposition Period Ends	
Applicant	CALATLANTIC GROUP, INC. 15360 BARRANCA PARKWAY IRVINE, CA 92618 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Real estate listing, leasing and brokerage

services; real estate management services
Class 037. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Residential and commercial building construction; land development services, namely, planning and laying out of residential and commercial communities; real estate development; construction consultation
Class 042. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Architectural design; residential building design; interior design services; design of specialty interior and exterior environment settings

Applicant Information

Application No	86770724	Publication date	01/05/2016
Opposition Filing Date	05/04/2016	Opposition Period Ends	
Applicant	CALATLANTIC GROUP, INC. 15360 BARRANCA PARKWAY IRVINE, CA 92618 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Real estate listing, leasing and brokerage services; real estate management services
Class 037. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Residential and commercial building construction; land development services, namely, planning and laying out of residential and commercial communities; real estate development; construction consultation
Class 042. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Architectural design; residential building design; interior design services; design of specialty interior and exterior environment settings

Applicant Information

Application No	86770766	Publication date	01/05/2016
Opposition Filing Date	05/04/2016	Opposition Period Ends	
Applicant	CALATLANTIC GROUP, INC. 15360 BARRANCA PARKWAY IRVINE, CA 92618 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Insurance services, namely, providing homeowner hazard and flood insurance to home purchasers, providing evidence of insurance in connection with the closing of residential real estate transactions; real estate title insurance underwriting-services; homeowner's insurance underwriting services
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Applicant Information

Application No	86770759	Publication date	01/05/2016
Opposition Filing Date	05/04/2016	Opposition Period Ends	
Applicant	CALATLANTIC GROUP, INC.		

	15360 BARRANCA PARKWAY IRVINE, CA 92618 UNITED STATES
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Goods/Services Affected by Opposition

Class 036. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Insurance services, namely, providing homeowner hazard and flood insurance to home purchasers, providing evidence of insurance in connection with the closing of residential real estate transactions; real estate title insurance underwriting services; homeowner's insurance underwriting services
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Applicant Information

Application No	86770784	Publication date	01/05/2016
Opposition Filing Date	05/04/2016	Opposition Period Ends	
Applicant	CALATLANTIC GROUP, INC. 15360 BARRANCA PARKWAY IRVINE, CA 92618 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Mortgage financing services; mortgage brokerage services; mortgage lending services; mortgage investment services
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Applicant Information

Application No	86770774	Publication date	01/05/2016
Opposition Filing Date	05/04/2016	Opposition Period Ends	
Applicant	CALATLANTIC GROUP, INC. 15360 BARRANCA PARKWAY IRVINE, CA 92618 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Mortgage financing services; mortgage brokerage services; mortgage lending services; mortgage investment services
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Applicant Information

Application No	86772146	Publication date	01/12/2016
Opposition Filing Date	05/04/2016	Opposition Period Ends	
Applicant	CALATLANTIC GROUP, INC. 15360 BARRANCA PARKWAY IRVINE, CA 92618 UNITED STATES		

Goods/Services Affected by Opposition

Class 042. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Interior design services; design of specialty
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interior and exterior environmentsettings

Applicant Information

Application No	86772132	Publication date	01/26/2016
Opposition Filing Date	05/04/2016	Opposition Period Ends	
Applicant	CALATLANTIC GROUP, INC. 15360 BARRANCA PARKWAY IRVINE, CA 92618 UNITED STATES		

Goods/Services Affected by Opposition

Class 042. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Interior design services; design of specialty interior and exterior environmentsettings

Applicant Information

Application No	86770812	Publication date	01/19/2016
Opposition Filing Date	05/04/2016	Opposition Period Ends	
Applicant	CALATLANTIC GROUP, INC. 15360 BARRANCA PARKWAY IRVINE, CA 92618 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Real estate escrow services; real estate title insurance underwriting services

Class 045. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Real estate closing services; real estate title searching services

Applicant Information

Application No	86770798	Publication date	01/19/2016
Opposition Filing Date	05/04/2016	Opposition Period Ends	
Applicant	CALATLANTIC GROUP, INC. 15360 BARRANCA PARKWAY IRVINE, CA 92618 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Real estate escrow services; real estate title insurance underwriting services

Class 045. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Real estate closing services; real estate title searching services

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols, or brings them into contempt, or disrepute	Trademark Act Section 2(a)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	926589	Application Date	07/16/1970
Registration Date	01/04/1972	Foreign Priority Date	NONE
Word Mark	CA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 200. First use: First Use: 1964/09/00 First Use In Commerce: 1964/09/00 INDICATING MEMBERSHIP IN APPLICANT		

U.S. Registration No.	3186188	Application Date	08/19/2005
Registration Date	12/19/2006	Foreign Priority Date	NONE
Word Mark	CA		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 016. First use: First Use: 1982/12/31 First Use In Commerce: 1982/12/31 Printed art reproductions; a series of books of art</p> <p>Class 035. First use: First Use: 1982/12/31 First Use In Commerce: 1982/12/31 Association services, namely, promoting the interests of artists; arranging and-conduction of art auction sales</p> <p>Class 041. First use: First Use: 1982/12/31 First Use In Commerce: 1982/12/31 Art exhibitions; arranging of art exhibitions; organizing entertainment events in the nature of trail rides and related social events of interest to artists</p> <p>Class 200. First use: First Use: 1982/12/31 First Use In Commerce: 1982/12/31 Collective membership indicating membership in an organization of artists whose subject matter is the American West</p>

Attachments	<p>72365423#TMSN.png(bytes) 78696868#TMSN.png(bytes) Cowboy Artists Notice of Opposition.pdf(629860 bytes)</p>
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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	/EMILY A. BAYTON/
Name	Emily A. Bayton
Date	05/04/2016

published January 5, 2016; CA CALATLANTIC INSURANCE and Design, Ser. No. 86/770,759, published January 5, 2016; CA CALATLANTIC MORTGAGE and Design, Ser. No. 86/770,784, published January 5, 2016; CA CALATLANTIC MORTGAGE and Design, Ser. No. 86/770,774, published January 5, 2016; CA CALATLANTIC DESIGN CENTER and Design, Ser. No. 86/772,171, published January 12, 2016; CA CALATLANTIC DESIGN CENTER and Design, Ser. No. 86/772,187, published January 12, 2016; CA CALATLANTIC DESIGN STUDIO and Design, Ser. No. 86/772,110, published January 12, 2016; CA CALATLANTIC DESIGN STUDIO and Design, Ser. No. 86/772,097, published January 12, 2016; CA CALATLANTIC FINANCIAL SERVICES and Design, Ser. No. 86/772,044, published January 12, 2016; CA CALATLANTIC GROUP, INC. and Design, Ser. No. 86/772,077, published January 12, 2016; CA CALATLANTIC GROUP, INC. and Design, Ser. No. 86/772,062, published January 12, 2016; CA CALATLANTIC MYSTYLE DESIGN CENTER and Design, Ser. No. 86/772,146, published January 12, 2016; CA CALATLANTIC TITLE and Design, Ser. No. 86/770,812, published January 19, 2016; CA CALATLANTIC TITLE and Design, Ser. No. 86/770,798, published January 19, 2016; CA CALATLANTIC MYSTYLE DESIGN CENTER and Design, Ser. No. 86/772,132, published January 26, 2016; and CA and Design, Ser. No. 86/770,702, published March 1, 2016 filed by CalAtlantic Group, Inc. (the “CA Applications”) and hereby opposes these applications under §2 of the Trademark Act of July 5, 1946, as amended (15 U.S.C. § 1051 *et seq.*).

As grounds for opposition, Cowboy Artists, by its attorneys, Lewis Roca Rothgerber Christie LLP, respectfully alleges as follows:

1. Opposer, Cowboy Artists, is an Arizona non-profit corporation with its principal place of business at P.O. Box 2002, Salmon, Idaho 83467.

2. According to Patent and Trademark Office (“PTO”) records, CalAtlantic Group, Inc. (“Applicant”) is a Delaware corporation with its principal place of business at 15360 Barranca Parkway, Irvine, California 92618.

3. Cowboy Artists was granted an extension of time to oppose the CA Applications, and this Notice of Opposition is being filed prior to the deadline to oppose.

Cowboy Artists' CA® Marks

4. The Cowboy Artists of America is one of the nation's oldest and most prestigious organizations of western artists. Membership is by invitation only and each member is referred to as being a "CA." Members often sign their art with CA immediately following their name to signify their membership in the Cowboy Artists of America. The Cowboy Artists of America's mission is to authentically preserve and perpetuate the culture of western life in fine art, and the organization is deeply committed to preserving the interests of its artists.

5. Cowboy Artists began using its CA Design, Fed. Reg. No. 0926589 shown below, in commerce in 1964 as a collective membership mark.



6. Cowboy Artists obtained a Principal Registration for its CA Design on January 4, 1972 as a collective membership mark for "indicating membership in applicant." This registration is subsisting and incontestable and therefore constitutes conclusive evidence of the validity of the mark therein and of Cowboy Artists' exclusive right to use the mark in connection with the identified services. *See Exhibit A.*

7. In 1982, Cowboy Artists begin using a CA Stylized Design in commerce, Fed. Reg. No. 3186188 shown below.



(“CA Stylized Design”)

8. Cowboy Artists obtained a Principal Registration for its CA Stylized Design on December 19, 2006 as a collective membership mark for “printed art reproductions; a series of books of art” in Class 16, “association services, namely, promoting the interests of artists; arranging and conduction of art auction sales” in Class 35, and “art exhibitions; arranging of art exhibitions; organizing entertainment events in the nature of trail rides and related social events of interest to artists” in Class 41. This registration is subsisting and incontestable and therefore constitutes conclusive evidence of the validity of the mark therein and of Cowboy Artists’ exclusive right to use the mark in connection with the identified goods and services. *See* Exhibit B.

9. Cowboy Artists’ use and registration of its CA marks predates that of Applicant’s filing dates by many years and its marks have become well known.

10. The Cowboy Artists of America is not a commercial organization and to protect its members, who are highly-respected and established artists, Cowboy Artists carefully protects the use of its name and trademarks against unauthorized commercial use – or the appearance of unauthorized commercial use.

11. Cowboy Artists has expended a significant amount of time, effort, and money promoting the CA Design and CA Stylized Design as collective membership marks. As a result, Cowboy Artists has developed substantial goodwill in the CA Marks.

12. The CA Design and CA Stylized Design are both known by consumers due to continuous and widespread use of the CA Design for over fifty years and the CA Stylized Design for over thirty years.

Applicant’s CA Applications

13. According to PTO records, Applicant filed the first of its CA Applications, Serial Nos. 86/772,034; 86/770,748; 86/770,724; 86/770,766; 86/770,759; 86/770,784; 86/770,774; and 86/772,171, on September 29, 2015. These CA Applications cover services in International Classes 36 (e.g. “mortgage financing services” and “real estate listing, leasing and brokerage services”), 37 (e.g. “residential and commercial building construction”), 42 (e.g. “interior design services”). The remaining CA Applications were filed shortly thereafter. A chart of the CA Applications detailing the filing particulars is attached at Exhibit C.

14. Applicant filed all of its CA Applications under Section 1(b) as intent to use applications. Applicant has not alleged use of any of the marks shown in its CA Applications.

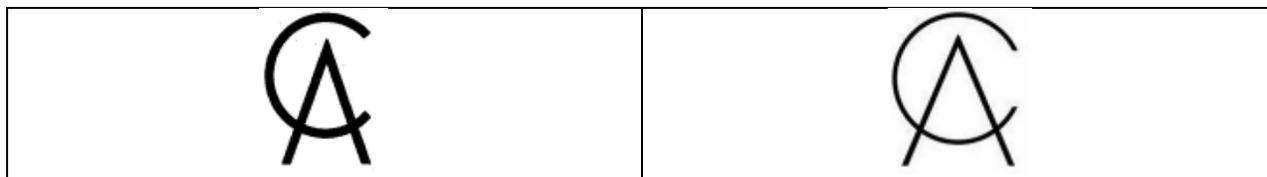
15. Cowboy Artists’ prior and exclusive rights in its CA Design and CA Stylized Design were established and of public record prior to the filing dates of all CA Applications, and therefore pursuant to Section 22 of the Lanham Act, 15 U.S.C. § 1072, Applicant was on constructive notice of those rights prior to the filing of the CA Applications. .

Likelihood of Confusion (15 U.S.C. § 1052(d))

16. Registration of Applicant’s CA Applications is likely to cause confusion, or mistake, or to deceive consumers as to the source of each party’s goods and services and may lead consumers to falsely infer the existence of an affiliation, connection or association between Cowboy Artists and Applicant when none exists, in violation 15 U.S.C. § 1052(d).

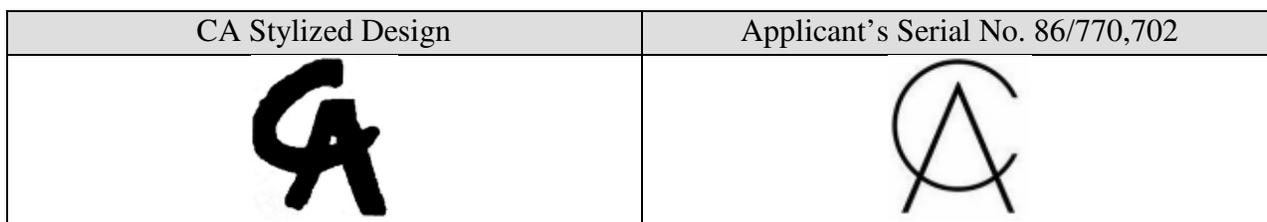
17. The design element present in all of the CA Applications is nearly identical to Cowboy Artists’ CA Design, as shown below, using Applicant’s application Ser. No. 86/770,702 as a representative example of the CA Applications.

CA Design	Applicant’s Serial No. 86/770,702
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18. The design shown in application Ser. No. 86/770,702 is the same design used in all of the CA Applications and is nearly identical to the CA Design. Both designs are comprised of the letters “C” and “A,” with the letter “C” positioned directly over and slightly above the letter “A,” so that the bottom portion of the letter “C” provides the cross completing the letter “A.” Both designs also feature nearly identical san-serif fonts.

19. The design element present in all of the CA Applications is also similar in commercial impression to Cowboy Artists’ CA Stylized Design, as shown below, using Applicant’s application Ser. No. 86/770,702 as a representative example of the CA Applications.



20. The design shown in application Ser. No. 86/770,702 is the same design used in all of the CA Applications and is similar to the CA Stylized Design. Both designs are comprised of the letters “C” and “A,” with the letter “C” positioned directly over and slightly above the letter “A,” so that the bottom portion of the letter “C” provides the cross completing the letter “A.”

21. The services covered by the CA Applications are sufficiently similar as to cause a likelihood of confusion. Ten of the CA Applications cover interior design services and design of specialty interior and exterior environmental settings services in Class 42, which are not limited in scope to any particular design style and thus must be interpreted to cover all designs styles,

including country western/western design. These design services directly overlap with Cowboy Artists' goods and services. Moreover, as the Board knows, "in assessing the relatedness of the goods and/or services, the more similar the marks at issue, the less similar the goods or services need to be to support a finding of likelihood of confusion." TMEP § 1207.01(a). "Thus, even if the goods in question are different from, and thus not related to, one another in kind, the same goods can be related in the mind of the consuming public as to the origin of the goods. It is this sense of relatedness that matters in the likelihood of confusion analysis." *Recot, Inc. v. Becton*, 214 F.3d 1322, 1329 (Fed. Cir. 2000).

22. In view of the above, Cowboy Artists will be damaged by registration of Applicant's CA Applications.

23. For all the foregoing reasons, registration of the CA Applications would be inconsistent with Cowboy Artists' rights in its CA Design and CA Stylized Design and would damage Cowboy Artists by creating a likelihood of confusion with its prior registered marks.

False Connection with an Institution (15 U.S.C. § 1052(a))

24. The CA Applications are the same as, or at the very least a close approximation of, the name and identity of Cowboy Artists and its members.

25. The CA Applications, when used in connection with general design or other related services that could relate to the American west, would be recognized as pointing uniquely and unmistakably to the Cowboy Artists and its members.

26. Neither Cowboy Artists nor any of its members are in any way connected to Applicant or any goods or services offered under Applicant's CA Applications.

27. The fame and reputation of the Cowboy Artists and its CA marks is such that if Applicant's marks are used to identify items associated with the American west, a connection with the Cowboy Artists and its members will be presumed.

28. Applicant's CA Applications are not registrable under Section 43(a) of the Lanham Act in view of the false connection with Cowboy Artists.

WHEREFORE, it is respectfully prayed that this Opposition be sustained and the Applicant's CA Applications be denied registration.

DATED this 4th day of May, 2016.

By /s/ Emily Bayton

Emily Bayton

David Jackson

Lewis Roca Rothgerber Christie LLP

201 E. Washington Street, Suite 1200

Phoenix, Arizona 85004

Telephone: (602) 262-5311

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing NOTICE OF OPPOSITION has been served on the Applicant's Attorney of Record, by mailing and emailing said copy on 4 May 2016 by First Class Mail, postage prepaid to the following:

Emilia F. Cannella
Ropes & Gray LLP
800 Boylston Street, Suite 3600
Boston, Massachusetts 02199

And

Evan Gourvitz
Ropes & Gray LLP
1211 Avenue of the Americas
New York, New York 10036

Dated: May 4, 2016

/s/ Karen Wildman

Exhibit A

Exhibit A

United States Patent Office

926,589

Registered Jan. 4, 1972

PRINCIPAL REGISTER Collective Membership Mark

Ser. No. 365,423, filed July 16, 1970



Cowboy Artists of America (unincorporated association)
% Cowboy Hall of Fame, 1700 NE. 63rd
Oklahoma City, Okla. 73111

For: INDICATING MEMBERSHIP IN APPLICANT,
in CLASS 200.

First use during September 1964; in commerce during
September 1964.

R. M. ROSS, Examiner



United States Patent and Trademark Office

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Record 1 out of 1

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Word Mark	CA
Goods and Services	IC 200. US 200. G & S: INDICATING MEMBERSHIP IN APPLICANT. FIRST USE: 19640900. FIRST USE IN COMMERCE: 19640900
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	72365423
Filing Date	July 16, 1970
Current Basis	1A
Original Filing Basis	1A
Registration Number	0926589
Registration Date	January 4, 1972
Owner	(REGISTRANT) COWBOY ARTISTS OF AMERICA UNINCORPORATED ASSOCIATION OKLAHOMA C/O COWBOY HALL OF FAME, 1700 N.E. 63RD OKLAHOMA CITY OKLAHOMA 73111 (LAST LISTED OWNER) COWBOY ARTISTS OF AMERICA NONPROFIT CORPORATION ARIZONA 2114 W. Grant Road, #42 Tucson ARIZONA 85745
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Emily A. Bayton
Type of Mark	COLLECTIVE MEMBERSHIP MARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20120222.

Renewal 3RD RENEWAL 20120222
**Live/Dead
Indicator** LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)

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Exhibit B

Exhibit B

Int. Cls.: 16, 35 and 41

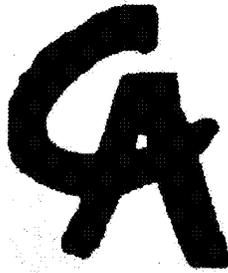
Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, 50, 100, 101,
102, 107 and 200

Reg. No. 3,186,188

United States Patent and Trademark Office

Registered Dec. 19, 2006

TRADEMARK
SERVICE MARK
COLLECTIVE MEMBERSHIP
PRINCIPAL REGISTER



COWBOY ARTISTS OF AMERICA (ARIZONA
NON-PROFIT CORPORATION)
35550 NINE IRONS RANCH ROAD
WICKENBURG, AZ 85390

FOR: PRINTED ART REPRODUCTIONS; A SERIES OF BOOKS OF ART, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 12-31-1982; IN COMMERCE 12-31-1982.

FOR: ASSOCIATION SERVICES, NAMELY, PROMOTING THE INTERESTS OF ARTISTS; ARRANGING AND CONDUCTION OF ART AUCTION SALES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 12-31-1982; IN COMMERCE 12-31-1982.

FOR: ART EXHIBITIONS; ARRANGING OF ART EXHIBITIONS; ORGANIZING ENTERTAINMENT

EVENTS IN THE NATURE OF TRAIL RIDES AND RELATED SOCIAL EVENTS OF INTEREST TO ARTISTS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 12-31-1982; IN COMMERCE 12-31-1982.

FOR: COLLECTIVE MEMBERSHIP INDICATING MEMBERSHIP IN AN ORGANIZATION OF ARTISTS WHOSE SUBJECT MATTER IS THE AMERICAN WEST, IN CLASS 200 (U.S. CL. 200).

FIRST USE 12-31-1982; IN COMMERCE 12-31-1982.

OWNER OF U.S. REG. NO. 926,589.

SER. NO. 78-696,868, FILED 8-19-2005.

LINDA POWELL, EXAMINING ATTORNEY



United States Patent and Trademark Office

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Word Mark	CA
Goods and Services	IC 016. US 002 005 022 023 029 037 038 050. G & S: Printed art reproductions; a series of books of art. FIRST USE: 19821231. FIRST USE IN COMMERCE: 19821231
	IC 035. US 100 101 102. G & S: Association services, namely, promoting the interests of artists; arranging and conduction of art auction sales. FIRST USE: 19821231. FIRST USE IN COMMERCE: 19821231
	IC 041. US 100 101 107. G & S: Art exhibitions; arranging of art exhibitions; organizing entertainment events in the nature of trail rides and related social events of interest to artists. FIRST USE: 19821231. FIRST USE IN COMMERCE: 19821231
	IC 200. US 200. G & S: Collective membership indicating membership in an organization of artists whose subject matter is the American West. FIRST USE: 19821231. FIRST USE IN COMMERCE: 19821231
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	78696868
Filing Date	August 19, 2005
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	October 3, 2006
Registration Number	3186188
Registration Date	December 19, 2006
Owner	

(REGISTRANT) Cowboy Artists of America NON-PROFIT CORPORATION ARIZONA 35550
Nine Irons Ranch Road Wickenburg ARIZONA 85390

Attorney of Record Emily A. Bayton
Prior Registrations 0926589
Type of Mark TRADEMARK. SERVICE MARK. COLLECTIVE MEMBERSHIP MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

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Exhibit C

Exhibit C

CalAtlantic Group, Inc. Trademarks

Mark	Ser. No.	Classes	Filing Date/ Publication Date
CA 	86/770,702	36: Real estate listing, leasing and brokerage services; real estate management services; mortgage financing services; mortgage brokerage services; mortgage lending services; mortgage investment services; real estate escrow services; insurance services, namely, providing homeowner hazard and flood insurance to home purchasers, providing evidence of insurance in connection with the closing of residential real estate transactions; real estate title insurance underwriting services; homeowner's insurance underwriting services 37: Residential and commercial building construction; land development services, namely, planning and laying out of residential and commercial communities; real estate development; construction consultation 42: Architectural design; residential building design; interior design services; design of specialty interior and exterior environment settings 45: Real estate closing services; real estate title searching services	9/28/15 3/1/16
CA CALATLANTIC DESIGN CENTER  CALATLANTIC DESIGN CENTER	86/772,171	42: Interior design services; design of specialty interior and exterior environment settings	9/29/15 1/12/16
CA CALATLANTIC DESIGN CENTER  CALATLANTIC DESIGN CENTER	86/772,187	42: Interior design services; design of specialty interior and exterior environment settings	9/29/15 1/12/16

Mark	Ser. No.	Classes	Filing Date/ Publication Date
CA CALATLANTIC DESIGN STUDIO 	86/772,110	42: Interior design services; design of specialty interior and exterior environment settings	9/29/15 1/12/16
CA CALATLANTIC DESIGN STUDIO 	86/772,097	42: Interior design services; design of specialty interior and exterior environment settings	9/29/15 1/12/16
CA CALATLANTIC FINANCIAL SERVICES 	86/772,044	36: Mortgage financing services; mortgage brokerage services; mortgage lending services; mortgage investment services	9/29/15 1/12/16
CA CALATLANTIC FINANCIAL SERVICES 	86/772,034	36: Mortgage financing services; mortgage brokerage services; mortgage lending services; mortgage investment services	9/29/15 1/5/16
CA CALATLANTIC GROUP, INC. 	86/772,077	36: Real estate listing, leasing and brokerage services; real estate management services; mortgage financing services; mortgage brokerage services; mortgage lending services; mortgage investment services; real estate escrow services; insurance services, namely, providing homeowner hazard and flood insurance to home purchasers, providing evidence of insurance in connection with the closing of residential real estate transactions; real estate title insurance underwriting services; homeowner's insurance underwriting services 37: Residential and commercial building construction; land development services, namely, planning and laying out of residential and commercial communities; real estate development; construction consultation 42: Architectural design; residential building design; interior design services; design of specialty interior and exterior environment	9/29/15 1/12/16

Mark	Ser. No.	Classes	Filing Date/ Publication Date
		settings 45: Real estate closing services; real estate title searching services	
CA CALATLANTIC GROUP, INC. 	86/772,062	36: Real estate listing, leasing and brokerage services; real estate management services; mortgage financing services; mortgage brokerage services; mortgage lending services; mortgage investment services; real estate escrow services; insurance services, namely, providing homeowner hazard and flood insurance to home purchasers, providing evidence of insurance in connection with the closing of residential real estate transactions; real estate title insurance underwriting services; homeowner's insurance underwriting services 37: Residential and commercial building construction; land development services, namely, planning and laying out of residential and commercial communities; real estate development; construction consultation 42: Architectural design; residential building design; interior design services; design of specialty interior and exterior environment settings 45: Real estate closing services; real estate title searching services	9/29/15 1/12/16
CA CALATLANTIC HOMES 	86/770,748	36: Real estate listing, leasing and brokerage services; real estate management services 37: Residential and commercial building construction; land development services, namely, planning and laying out of residential and commercial communities; real estate development; construction consultation 42: Residential and commercial building construction; land development services, namely, planning and laying out of residential and commercial communities; real estate development; construction consultation	9/28/15 1/5/16

Mark	Ser. No.	Classes	Filing Date/ Publication Date
CA CALATLANTIC HOMES  CALATLANTIC HOMES	86/770,724	36: Real estate listing, leasing and brokerage services; real estate management services 37: Residential and commercial building construction; land development services, namely, planning and laying out of residential and commercial communities; real estate development; construction consultation 42: Architectural design; residential building design; interior design services; design of specialty interior and exterior environment settings	9/28/15 1/5/16
CA CALATLANTIC INSURANCE  CALATLANTIC INSURANCE	86/770,766	36: Insurance services, namely, providing homeowner hazard and flood insurance to home purchasers, providing evidence of insurance in connection with the closing of residential real estate transactions; real estate title insurance underwriting services; homeowner's insurance underwriting services	9/28/15 1/5/16
CA CALATLANTIC INSURANCE  CALATLANTIC INSURANCE	86/770,759	36: Insurance services, namely, providing homeowner hazard and flood insurance to home purchasers, providing evidence of insurance in connection with the closing of residential real estate transactions; real estate title insurance underwriting services; homeowner's insurance underwriting services	9/28/15 1/5/16
CA CALATLANTIC MORTGAGE  CALATLANTIC MORTGAGE	86/770,784	36: Mortgage financing services; mortgage brokerage services; mortgage lending services; mortgage investment services	9/28/15 1/5/16
CA CALATLANTIC MORTGAGE  CALATLANTIC MORTGAGE	86/770,774	36: Mortgage financing services; mortgage brokerage services; mortgage lending services; mortgage investment services	9/28/15 1/5/16

Mark	Ser. No.	Classes	Filing Date/ Publication Date
CA CALATLANTIC MYSTYLE DESIGN CENTER  CALATLANTIC MyStyle Design Center	86/772,146	42: Interior design services; design of specialty interior and exterior environment settings	9/29/15 1/12/16
CA CALATLANTIC MYSTYLE DESIGN CENTER  CALATLANTIC MyStyle Design Center	86/772,132	42: Interior design services; design of specialty interior and exterior environment settings	9/29/15 1/26/16
CA CALATLANTIC TITLE  CALATLANTIC TITLE	86/770,812	36: Real estate escrow services; real estate title insurance underwriting services 45: Real estate closing services; real estate title searching services	9/28/15 1/19/16
CA CALATLANTIC TITLE  CALATLANTIC TITLE	86/770,798	36: Real estate escrow services; real estate title insurance underwriting services 45: Real estate closing services; real estate title searching services	9/28/15 1/19/16