

ESTTA Tracking number: **ESTTA753839**

Filing date: **06/22/2016**

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	Paper Ink Press, LLC
Granted to Date of previous extension	07/06/2016
Address	3903 Hwys. 6 & 24 Palisade, CO 81526 UNITED STATES
Attorney information	H. Michael Brucker H. Michael Brucker Law Corp. 5855 Doyle Street, Suite 110 Emeryville, CA 94608 UNITED STATES michael@hmblawoffice.com Phone:510-654-6200

**Applicant Information**

Application No	86765971	Publication date	03/08/2016
Opposition Filing Date	06/22/2016	Opposition Period Ends	07/06/2016
Applicant	True Fabrications, Inc. Legal Seattle, WA 98103 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 016. First Use: 2015/03/23 First Use In Commerce: 2015/04/02 All goods and services in the class are opposed, namely: Gift bags; Gift wrapping paper; Metallic gift wrapping paper; Paper gift bags; Paper gift bags for wine; Paper gift cards; Paper gift tags; Paper gift wrap; Paper stationery; Stationery writing paper and envelopes; Tissue paper
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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.	4951249	Application Date	09/23/2015
Registration Date	05/03/2016	Foreign Priority Date	NONE
Word Mark	WRAP AND REVEL		

Design Mark	<b>WRAP AND REVEL</b>
Description of Mark	NONE
Goods/Services	Class 016. First use: First Use: 2014/04/05 First Use In Commerce: 2014/04/05 Paper gift bags; Tissue paper; Wrappingpaper

Related Proceedings	92226510
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Attachments	86765464#TMSN.png( bytes ) NotofOpp.pdf(69361 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	/H. Michael Brucker/
Name	H. Michael Brucker
Date	06/22/2016

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

In Re Application Serial No. 86765971

Filing Date: September 23, 2015

Mark: REVEL PAPER

Publication Date: March 8, 2016

Opposition No.

Int'l Class: 016

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PAPER INK PRESS, LLC,

Opposer

Against

TRUE FABRICATIONS, INC.

Applicant

\_\_\_\_\_ /

**NOTICE OF OPPOSITION**

Paper Ink Press, LLC (“PIP” or “Opposer”), a Colorado limited liability corporation with a business address of 3903 Highway 6 & 24, Palisade, CO 81526, believes that it will be damaged by registration of the mark REVEL PAPER, the subject of the above-identified application serial no. 86765971, and hereby opposes registration of such mark and requests that

the application to register such mark to Applicant True Fabrications, Inc. (“Applicant”) be refused.

As grounds in support of its Opposition, PIP asserts as follows:

1. Applicant seeks under Application Serial No. 86765971 to register REVEL PAPER as a trademark in International Class 016 in connection with “Gift bags; Gift wrapping paper; Metallic gift wrapping paper; Paper gift bags; Paper gift bags for wine; Paper gift cards; Paper gift tags; Paper gift wrap; Paper stationery; Stationery writing paper and envelopes; Tissue paper”, as evidenced by the publication of said mark in the Official Gazette of the February 9, 2016 issue.

2. PIP has, since March 5, 2014, and continuously thereafter, used the mark WRAP AND REVEL on Paper gift bags; Paper gift wrap; Paper party straws; Stickers; Tissue paper; and Paper stationery, in interstate commerce. An application for Opposer's mark WRAP AND REVEL was filed on September 23, 2015 and accorded serial no. 86765464, which application issued into registration no. 4951249 on May 3, 2016.

3. PIP has superior rights as to the mark REVEL PAPER by virtue of its usage of the mark WRAP AND REVEL and which usage predates Applicant's usage.

4. Opposer has sold WRAP AND REVEL brand paper products identified in ¶2 above throughout the United States (as well as worldwide). Opposer has developed extremely valuable goodwill in respect of its use of WRAP AND REVEL by virtue of its efforts, expenditures for promotional activities and the excellence of its products.

5. Applicant's mark, REVEL PAPER, is confusingly similar to Opposer's mark WRAP AND REVEL. When the mark REVEL PAPER is applied to goods traveling in the same channels of commerce as those sold by the Opposer, it so resembles Opposer's mark as to be

likely to be confused therewith and mistaken therefor, and will lead to deception or mistakes as to the origin of Applicant's goods bearing Applicant's mark.

6. Applicant lists in its description of products: "Gift bags; Gift wrapping paper; Metallic gift wrapping paper; Paper gift bags; Paper gift bags for wine; Paper gift cards; Paper gift tags; Paper gift wrap; Paper stationery; Stationery writing paper and envelopes; Tissue paper". Opposer's goods are "Paper gift bags; Paper gift wrap; Paper party straws; Stickers; Tissue paper; Paper stationery". In that there are identical goods sold by Applicant and Opposer (paper gift wrap, paper gift bags, tissue paper and paper stationery) and other similar paper goods, it is presumed that the goods of each party travel in the same channels of trade to the same customers. If Applicant were permitted to use and register REVEL PAPER for its IC 016 products, confusion in trade resulting in damage and injury to Opposer is inevitable because Applicant's mark is so similar to Opposer's mark. Customers familiar with Opposer's WRAP AND REVEL mark and its reputation in the field of paper products in general would be likely to buy Applicant's REVEL PAPER paper products as and for a product made and sold by Opposer. Any such confusion in trade inevitably would result in loss of sales to the Opposer.

7. Furthermore, any defect, objection or fault found with Applicant's products marketed under the REVEL PAPER mark would necessarily reflect upon and seriously injure the reputation that Opposer has established for its products merchandised under its WRAP AND REVEL mark.

8. If Applicant is granted the registration herein opposed, it would thereby obtain at least a *prima facie* exclusive right to the use of its mark. Such registration would be a source of damage and injury to Opposer.

9. The applicable statutory filing fee is paid herewith.

10. The Application was published in the Official Gazette on March 8, 2016. PIP obtained an extension of time to oppose the Application to July 6, 2016. Thus, this opposition is timely filed with respect to Applicant's mark.

WHEREFORE, PIP prays that application serial no. 86765971 be rejected, that no registration of the mark REVEL PAPER be issued to Applicant and this opposition be sustained in favor of Opposer PIP and such other and further relief as is just and proper.

Date: June 21, 2016

Respectfully submitted,

PAPER INK PRESS, LLC

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