

ESTTA Tracking number: **ESTTA766730**

Filing date: **08/25/2016**

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	Douglas & Grahame Ltd
Granted to Date of previous extension	08/27/2016
Address	15 Sloefield Drive Carrickfergus, Northern Ireland, BT38 8GX UNITED KINGDOM
Domestic Representative	Scott D. Woldow Smith, Gambrell, Russell, LLP 1055 Thomas Jefferson St. NW, Suite 400 Washington, DC 20007 UNITED STATES swoldow@sgrlaw.com Phone:202-263-4300

Applicant Information

Application No	86820701	Publication date	06/28/2016
Opposition Filing Date	08/25/2016	Opposition Period Ends	08/27/2016
Applicant	Eagle Phoenix International Investment limited A Suite, 22nd Floor, No:58 shanghai, 201207 CHINA		

Goods/Services Affected by Opposition

Class 024. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: cotton and silk and wool fabrics for men's and women's and children's clothing

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. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	DOUGLAS & GRAHAME		
Goods/Services	Clothing and fashion.		

Attachments	douglasandgrahame.pdf(25005 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	/SW/
Name	Scott D. Woldow
Date	08/25/2016

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

In the Matter of Application Serial No. 86/820701
Published: June 28, 2016

Douglas & Grahame Ltd)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
Eagle Phoenix International Investment limited)	
DBA clothing , fabrics)	
)	
Applicant.)	

NOTICE OF OPPOSITION

In the matter of the application of Eagle Phoenix International Investment limited for registration of the mark DOUGLAS & GRAHAME, filed on November 15, 2015, application Serial No. 86/820,701, published in the Official Gazette on June 28, 2016, Douglas & Grahame Ltd believes that it will be damaged by registration of the mark shown in Serial No. 86/820,701, and hereby opposes registration.

The grounds for opposition are as follows.

1. Opposer is now and has been engaged in the clothing and fashion business.
2. Opposer is the owner of the DOUGLAS & GRAHAME trademark.
3. Upon information and belief, Opposer first adopted and used the DOUGLAS & GRAHAME trademark in 1924.

4. Opposer has used and continues to the DOUGLAS & GRAHAME trademark.
5. Opposer's DOUGLAS & GRAHAME trademark is symbolic of goodwill and consumer recognition built up by Opposer through substantial amounts of time and effort in advertising and promotion.
6. Notwithstanding Opposer's rights in and to its DOUGLAS & GRAHAME mark, Applicant on November 15, 2015, filed an application for registration of the mark DOUGLAS & GRAHAME.
7. The DOUGLAS & GRAHAME trademark was approved for publication in association with "cotton and silk and wool fabrics for men's and women's and children's clothing," in Class 24. The application was assigned Serial No. 86/820,701 and was published for opposition in the Official Gazette of June 28, 2016.
8. The use of Opposer's DOUGLAS & GRAHAME mark has been valid and continuous and has not been abandoned.
9. Applicant's mark, DOUGLAS & GRAHAME, when used in connection with the goods set forth in its application, is confusingly similar to Opposer's use of its DOUGLAS & GRAHAME mark.
10. Registration of Applicant's mark and use by it for its products is likely to cause confusion, mistake and deception. The marks are identical in appearance, sound, and meaning.
11. Applicant's fabrics for clothing are highly similar and directly related to Opposer's clothing products.
12. The identical nature of the marks and the nearly identical nature of the goods exacerbate the likelihood of confusion regarding the marks and the likelihood of confusion as to sponsorship or affiliation.

13. If Applicant is permitted to register its mark, DOUGLAS & GRAHAME, and uses the mark in commerce in association with the goods specified in the application, it will cause confusion in the trade resulting in damage and injury to Opposer. Persons familiar with Opposer's mark would be likely to confuse Applicant's goods as a product made, sold, or sponsored by Opposer. Any such confusion in the trade would inevitably result in loss of sales to Opposer.

14. In addition to the harm identified in the preceding paragraphs, any defect, objection or fault found with Applicant's products marketed under the DOUGLAS & GRAHAME mark would necessarily reflect badly upon and significantly injure the reputation which Opposer has established for its products.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's mark, and prays that registration be denied.

Please charge Deposit Account No. 02-4300 for any additional fees which may be required.

DATED this 25th day of August, 2016.

Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, LLP

/SW/

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In the Matter of Application Serial No. 86/820701
Published: June 28, 2016

Douglas & Grahame Ltd)	
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Opposer,)	
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v.)	Opposition No. _____
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Eagle Phoenix International Investment limited)	
DBA clothing , fabrics)	
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Applicant.)	

CERTIFICATE OF SERVICE

I, Scott D. Woldow, counsel for Douglas & Grahame Ltd, do hereby certify that the **NOTICE OF OPPOSITION** was served upon applicant by placing a copy of same in first class mail, postage prepaid, addressed as follows:

EAGLE PHOENIX INTERNATIONAL INVESTMENT LIMITED
XINJINQIAO ROAD
A SUITE, 22ND FLOOR, NO:58
SHANGHAI, CHINA 201207

This 25th day of August, 2016

_____/SW/_____
Scott D. Woldow