

ESTTA Tracking number: **ESTTA767604**

Filing date: **08/30/2016**

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	Liberty Investment Exchange, Inc.		
Entity	Corporation	Citizenship	Virginia
Address	PO Box 307 La Canada, CA 91011 UNITED STATES		

Correspondence information	aal435@aol.com Assitant to the President Liberty Investment Exchange, Inc. PO Box 307 La Canada, CA 91011 UNITED STATES aal435@aol.com Phone:626-826-0025		
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Applicant Information

Application No	86764673	Publication date	08/02/2016
Opposition Filing Date	08/30/2016	Opposition Period Ends	09/01/2016
Applicant	Samuel Aaron, Inc. 31-00 47th Avenue Long Island City, NY 11101 UNITED STATES		

Goods/Services Affected by Opposition

Class 014. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Jewelry
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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.	4379491	Application Date	12/07/2012
Registration Date	08/06/2013	Foreign Priority Date	NONE
Word Mark	JUST BECAUSE...WEAR PRECIOUS-STAY PRECIOUS		

Design Mark	<p style="text-align: center;">Just Because... Wear Precious-Stay Precious</p>
Description of Mark	NONE
Goods/Services	Class 014. First use: First Use: 2012/10/01 First Use In Commerce: 2012/10/01 Jewelry made in whole or significant part of precious metals and precious stones

Attachments	85797344#TMSN.png(bytes) ESTTA Pleading - Liberty I. Exchange.pdf(161053 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 Facsimile or email (by agreement only) on this date.

Signature	/Al Lavallee/
Name	aal435@aol.com
Date	08/30/2016

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

NOTICE OF OPPOSITION

Opposed Application:

Serial# 86764673

Mark: JUST BECAUSE YOU'RE SPECIAL

Applicant: Samuel Aaron, Inc.

Opposer:

Liberty Investment Exchange, Inc.

Corporation: Virginia State

PO Box 307

LaCanada, CA 91011

United States

Mark: JUST BECAUSE...WEAR PRECIOUS-STAY PRECIOUS

Registration #: 4,379,491

We are opposing the issuance of a trademark to Samuel Aaron, Inc. for
JUST BECAUSE YOU'RE SPECIAL for the following reasons:

1 - We are opposing the Applicant's Mark due to the likelihood of confusion that
exists with their Mark and our Mark since we are direct competitors in the same
industry.

2 - We disagree strongly with applicant's statement that "the parties' marks' differ
significantly in sight, sound and commercial impression, and customers are
sufficiently accustomed to distinguishing between marks using JUST BECAUSE in
the jewelry field or related retail services that there is no likelihood of confusion

between Applicant's Mark and our Mark".

#3 – We agree with the Applicant's statement, "Whether the similarity is likely to provoke confusion is the crucial question" and as such we point out that both the Applicant's Mark and our Mark begin with JUST BECAUSE as a common element. Consumers may easily assume that the products come from the same source since many marketing and branding statements reuse the same words in tag lines to establish continuity in describing different product selections.

#4 – Although JUST BECAUSE is a colloquial phrase, both Applicant's and our Mark begins with JUST BECAUSE and it may appear to the consumer that the products these marks refer to actually belong to the same source company.

#5 – Applicant's argument that each mark contains a "different number of words and uses different punctuation and that is sufficient to differentiate the Marks" is irrelevant for the reason stated in #4 above.

#6 – Applicant listed our Mark along with three other marks as examples, one in class 035, and three in class 014 that have JUST BECAUSE in their marks that now co-exist in the trademark registry demonstrates that consumers have the ability to differentiate between these marks.

JUST BECAUSE... SOMETIMES NO REASON IS THE
BEST REASON OF ALL! Class 035, Reg. # 4,543,056

FAT ASS JEWELRY CO – JUST BECAUSE YOUR JEANS DON'T FIT DOESN'T MEAN
YOUR JEWELRY CAN'T ! Class 014, Reg. # 4,497,783

...JUST BECAUSE BRACELET Class 014, Reg. # 4,888,521

We disagree with this statement because none of the marks listed belong to companies that are direct competitors of ours in product or marketplace. However the Applicant's product line is very similar and in some cases identical in category and we share customers and their avenues of sales distribution are the same as our's.

#5 – Both Applicant and our company trade in the exact same industry and share many of the same large, multi-location, volume retailers. In fact we both exhibit in the largest fine jewelry trade show in North America each summer held in Las Vegas NV. At the JCK Jewelry Show our booths are located in the same exhibition hall, within 200' of each other as evidenced below.



JCK Jewelry Industry Trade Show - 2016

Samuel Aaron - Booth PC 330 located in Plumb Club area

Liberty Investment Exchange – Booth S11840 located in Currents area

CONCLUSION

For the reasons enumerated herein, we respectfully submit that there exist numerous areas of confusion between Applicant's Mark and our Mark and therefore the registration for the mark JUST BECAUSE YOU'RE SPECIAL should not be approved.

Al Lavalley
Assistant to the President
Liberty Investment Exchange, Inc.
PO Box 307
La Canada, CA 91011