

ESTTA Tracking number: **ESTTA36360**

Filing date: **06/21/2005**

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	Dollar General Intellectual Property, L.P.
Granted to Date of previous extension	06/22/2005
Address	112 Lake Street Burlington, VT 05402 UNITED STATES

Attorney information	Daniele E. Bourgeois, Esq. Troutman Sanders LLP 600 Peachtree Street NE Suite 5200 Atlanta, GA 30308-2216 UNITED STATES trademarks@troutmansanders.com Phone:404-885-3406
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Applicant Information

Application No	76572734	Publication date	02/22/2005
Opposition Filing Date	06/21/2005	Opposition Period Ends	06/22/2005
Applicant	E.K. Success, Ltd. 125 Entin Road Clifton, NJ 07014		

UNITED STATES

Goods/Services Affected by Opposition

Class 016.

All goods and services in the class are opposed, namely: Paper stickers, paper, and paper ribbon

Attachments	Notice of Opposition(p1).tif (1 page) Notice of Opposition(p2).tif (1 page) Notice of Opposition(p3).tif (1 page)
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Signature	/Daniele E. Bourgeois/
Name	Daniele E. Bourgeois, Esq.
Date	06/21/2005

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

DOLLAR GENERAL)	
INTELLECTUAL PROPERTY, L.P,)	
)	
Opposer,)	Application Serial No. 76/572734
)	
v.)	Mark: FAMILY TRADITIONS
)	
E.K. SUCCESS, LTD.,)	Opposition No. _____
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

Opposer Dollar General Intellectual Property, L.P. (“Opposer”), for its Notice of Opposition against Application Serial No. 76/572734 for the mark FAMILY TRADITIONS filed by E.K. Success Ltd. (“Applicant”), believes that it will be damaged by and thus opposes registration of the mark which is the subject matter of Application No. 76/572734. As grounds for opposition, Opposer alleges as follows:

1. Opposer Dollar General Intellectual Property, L.P. is a Vermont limited partnership with a principal place of business located at 112 Lake Street, Burlington, Vermont 05402.
2. Upon information and belief, Applicant is a New York corporation with a principal place of business located at 125 Entin Road, Clifton, New Jersey 07014.
3. Application No. 76/572734 was published in the Official Gazette on February 22, 2005.
4. Opposer is the owner of the mark FAMILY TRADITIONS (the “FAMILY TRADITIONS Mark”) and owns federal trademark registration number 2,553,059 for the

FAMILY TRADITIONS Mark (hereinafter, “Opposer’s Mark”).

5. By virtue of widespread sales and extensive advertising and promotion of the products under Opposer’s Mark, Opposer’s Mark is well known by the general public and in the relevant industries, is recognized and relied upon as identifying Opposer’s products and as distinguishing them from the goods and services of others, and has come to represent and symbolize extremely valuable goodwill belonging exclusively to Opposer.

6. Applicant is the owner of Application Serial No. 76/572734 for the mark FAMILY TRADITIONS (“Applicant’s Mark”).

7. Applicant filed the instant application on January 29, 2004, for “paper stickers, paper, and paper ribbon” in International Class 16.

8. Opposer has continuously and exclusively used Opposer’s Mark in connection with those goods listed in its registration for the FAMILY TRADITIONS Mark, including “pillows, tables, chair pads, towels, kitchen towels, dish towels, comforters, curtains, bed sheets, mattress pads, tablecloths not of paper, shower curtains, crocheted cloth doilies, fabric table runners made of lace, fabric table scarves made of lace, rugs, rubber bath mats,” along with photo frames and photo albums, originating through Opposer prior to Applicant’s filing date in the PTO, and constructive and/or actual first use date, if any, in United States commerce for Applicant’s Mark.

9. Opposer’s rights in Opposer’s Mark are superior to Applicant’s rights in the Applicant’s Mark.

10. The use and registration of Applicant’s Mark is likely to cause confusion in the minds of the purchasing public and to cause the purchasing public to assume that the goods

identified by such mark are sold by Opposer or that such goods originate with or are in some way connected to Opposer, which they are not, in violation of 15 U.S.C. §§ 1052(d) and 1125(a).

11. Applicant is not, and was not at the time of the filing of Application Serial No. 76/572734, the rightful owner of any FAMILY TRADITIONS mark.

12. Use and registration of Applicant's Mark will be injurious to Opposer in violation of Section 13 of the Trademark Act, 15 U.S.C. § 1063(a).

WHEREFORE, Opposer believes that it will be damaged by the registration of the Applicant's Mark and prays that said Application No. 76/572734 be refused, and that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

This 21st day of June, 2005.

Respectfully submitted,

TROUTMAN SANDERS LLP



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