

ESTTA Tracking number: **ESTTA38245**

Filing date: **07/11/2005**

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

<b>Name</b>	LeRoux Entertainment Corporation of Amer
<b>Granted to Date of previous extension</b>	07/13/2005
<b>Address</b>	2400 Chattahoochee Drive Duluth, GA 30097 UNITED STATES
<b>Party who filed Extension of time to oppose</b>	LeRoux Entertainment Corporation of America
<b>Relationship to party who filed Extension of time to oppose</b>	ESTTA form truncated the name.

<b>Attorney information</b>	Mark L. Seigel Mark L. Seigel Attorney at Law LLC 5825 Glenridge Drive Suite 1-204 Atlanta, GA 30328 UNITED STATES mlseigel@bellsouth.net Phone:404-531-4860
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#### Applicant Information

<b>Application No</b>	78392529	<b>Publication date</b>	03/15/2005
<b>Opposition Filing Date</b>	07/11/2005	<b>Opposition Period Ends</b>	07/13/2005
<b>Applicant</b>	Army and Air Force Exchange Service P.O. Box 650059 Dallas, TX 752650059 UNITED STATES		

### **Goods/Services Affected by Opposition**

Class 035.  
All goods and services in the class are opposed, namely: retail gift items and souvenirs shop

<b>Attachments</b>	Statement of Grounds.pdf ( 2 pages )
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<b>Signature</b>	/Mark L. Seigel/
<b>Name</b>	Mark L. Seigel
<b>Date</b>	07/11/2005

**Opposition to  
Application Serial No. 78392529**

The above-identified Plaintiff, LeRoux Entertainment Corporation of America (“Plaintiff”) believes that it will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same.

The grounds for opposition are as follows:

1. Plaintiff is the owner of U.S. Trademark Application Serial Number 78188265 for the mark GIFTS GALORE for “retail catalog services featuring gift items sold primarily to elementary schools for use in their holiday gift program in the school fundraising industry, namely, costume jewelry, calculators, picture frames, novelties, toys, prizes, statues, bird feeders, coffee mugs, globes, plush animals, tools, housewares, candles, candle holders, glassware, keychains, stationery, figurines, cups, straws, plaques, magnets, compasses, electronics, games, balls, nautical products, hats, gloves, ties, vases, flowers, thermometers, rain gauges, glasses, sunglasses, music boxes, lamps, jewelry boxes, snow globes, cosmetics, cosmetic accessories, pet toys, ornaments, pencil sharpeners, pens, pencils, memo pads, diaries, binoculars, umbrellas, flashlights, tape measurers, baby teethingers, baby rattles, baby bibs, baby utensils, baby bowls, baby cups, musical instruments, bags, purses, wallets, candy, banks, hair accessories, rings, necklaces, pendants, bracelets, pins, anklets, dolls, clocks, watches, chimes, wind chimes, birdhouses, plush toys, stuffed animals, stuffed toys, action figures, basketballs, baseballs, soccer balls, bats, volleyballs, four square balls, kick balls, decorations, party supplies, birthday party supplies, party favors, balloons, hats, caps, baseball caps, costumes, masks, perfume, glitter, hairspray, makeup, fingernail polish, tattoos, jewelry, toy jewelry, learning toys, wooden toys, radio controlled toys, remote controlled toys, laser lights, lava lamps, oil lamps, water lamps, stoplight toys, mirror balls, disco balls,

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laser pointers, lighted keychains, keyboards” in Class 35, the application for which was filed on November 23, 2002.

2. Plaintiff, through its predecessor-in-interest, first used its GIFTS GALORE mark at least as early as January 1981, and first used its mark in interstate commerce at least as early as January 1981.

3. Defendant filed U.S. Trademark Application Serial Number 78392529 on March 29, 2004, claiming an intent to use the mark GIFTS GALORE for “retail gift items and souvenirs shop” in International Class 35.

4. Plaintiff first used its GIFTS GALORE mark in commerce prior to the Defendant’s filing date.

5. Defendant’s GIFTS GALORE mark so resembles Plaintiff’s GIFTS GALORE mark as to be likely, when applied to the goods and/or services of the Defendant, to cause confusion.

6. The registration sought by the Defendant should be refused because Plaintiff has priority of use.

WHEREFORE Plaintiff prays that the Opposition be SUSTAINED.