

ESTTA Tracking number: **ESTTA171739**

Filing date: **10/30/2007**

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	Triboro Quilt Manufacturing Corp.
Granted to Date of previous extension	11/07/2007
Address	172 South Broadway White Plains, NY 10605-1885 UNITED STATES

Attorney information	Karin Segall Darby & Darby PC P.O. Box 770 Church Street Station New York, NY 10008-0770 UNITED STATES tmocket@darbylaw.com,ksegall@darbylaw.com
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Applicant Information

Application No	77061901	Publication date	07/10/2007
Opposition Filing Date	10/30/2007	Opposition Period Ends	11/07/2007
Applicants	Decker, Lori May 1905 Dahlia Ct Great Falls, MT 59404 UNITED STATES Decker, David Paul 1905 Dahia Ct Great Falls, MT 59404 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Baby bunting; Hats; Head scarves; Jackets; Scarves; Shoulder scarves; Sleeved or sleeveless jackets; Small hats
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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. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		

Word Mark	CUDDLE TIME
Goods/Services	infant bedding

Attachments	cuddlequilts.pdf (3 pages)(27855 bytes)
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Signature	/karin segall/
Name	Karin Segall
Date	10/30/2007

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

TRIBORO QUILT MANUFACTURING
CORP.,

Opposer,

v.

DAVID PAUL DECKER and LORI MAY
DECKER.,

Applicants.

BOX TTAB - NO FEE

Opposition No. _____

(Serial No. 77/061,901)

NOTICE OF OPPOSITION

Triboro Quilt Manufacturing Corp. (“Triboro”), a corporation organized and existing under the laws of New York, located and doing business at 172 Broadway, White Plains, New York 10605 believes it will be damaged by the registration of the designation CUDDLEQUILTS (“Applicants’ s Mark”) as shown in Application Serial No. 77/061,901 (the “Application”), for “baby bunting; hats; head scarves; jackets; scarves; shoulder scarves; sleeved or sleeveless jackets; small hats” in Class 25, filed by David Paul Decker and Lori May Decker (“Applicants”), and hereby opposes the same.

The grounds for opposition are as follows:

1. Since at least as early as 1986, and long prior to the acts of Applicants alleged herein, Opposer and its predecessors in interest have been engaged in the creation, manufacture, marketing and sale in interstate commerce of a variety of infants’ clothing and bedding (“Opposer’ s Goods”),

including infants' blankets under the mark CUDDLE TIME ("Opposer's Mark").

2. Since long prior to the acts of Applicants herein alleged, Opposer's Mark has been continuously used in connection with Opposer's Goods.

3. Opposer has a long history of adopting, using and registering various CUDDLE formative marks, such as CUDDLE CARE, CUDDLE SHOP, CUDDLE SHEET, CUDDLE BUDDIES, CUDDLE WARMER and CUDDLE DRY, all for use with Opposer's Goods.

4. Applicants' Mark combines the term CUDDLE with the generic word QUILTS.

5. Applicants' Mark is similar in overall commercial impression, appearance and sound to Opposer's Mark, such that the use of Applicants's Mark is likely to cause confusion, mistake or deception with Opposer's Mark.

6. Applicants' Mark is similar to the CUDDLE formative marks that Opposer has used at various times, such that use of Applicant's Mark is likely to cause confusion, mistake or deception with Opposer and/or Opposer's Mark.

7. Applicants' Mark and Opposer's Mark are confusingly similar, such that consumers are likely to conjure an association between Applicants' Mark and Opposer's Mark and are likely to be confused, mistaken and deceived into believing that the goods of Applicants are provided, sponsored, licensed or approved by Opposer, that Applicants' and Opposer's goods emanate from the same source and/or that Applicants is in some other fashion connected or associated with Opposer, all to Opposer's injury.

8. The goods identified in the Application are related to goods in connection with which Opposer uses Opposer's Mark.

9. Registration of the Mark by Applicants is barred by the provisions of 15 U.S.C. § 1052(d), for the reason that it consists of or comprises a mark which so resembles Opposer's Mark

