

ESTTA Tracking number: **ESTTA381445**

Filing date: **12/01/2010**

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 | SCHOOL ZONE LLC |
| Granted to Date of previous extension | 12/01/2010 |
| Address | 5425 N. Keystone Avenue #200 Indianapolis, IN 46220 UNITED STATES |

| | |
|----------------------|--|
| Attorney information | E. Victor Indiano Indiano Law Group 1 N. Pennsylvania St #1300 Indianapolis, IN 46204 UNITED STATES vic@iplawindiana.com Phone:3178220033 |
|----------------------|--|

Applicant Information

| | | | |
|------------------------|--|------------------------|------------|
| Application No | 76699181 | Publication date | 08/03/2010 |
| Opposition Filing Date | 12/01/2010 | Opposition Period Ends | 12/01/2010 |
| Applicant | ARMOUTH INTERNATIONAL INC. 18 West 33rd Street New York, NY 10001 UNITED STATES | | |

Goods/Services Affected by Opposition

| |
|---|
| Class 025. All goods and services in the class are opposed, namely: CLOTHING, NAMELY, SCHOOL UNIFORMS, SHIRTS, BLOUSES, PANTS, SKIRTS, SOCKS, JACKETS, SWEATERS, SHORTS AND FOOTWEAR |
|---|

Grounds for Opposition

| | |
|-------|---|
| Other | The Opposer has superior rights in the mark since Opposer used the mark SCHOOL ZONE since before the Applicant, in manner that is likely to cause confusion |
|-------|---|

| | |
|-------------|--|
| Attachments | 2 - AA Notice of Opposition - Opposer School Zone LLC as filed 01dec2010.pdf (4 pages)(32952 bytes) 02 - Exhibit A to letter of 01 Dec 2010 to Armouth.pdf (6 pages)(2502574 bytes) |
|-------------|--|

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 | /E. Victor Indiano/ |
| Name | E. Victor Indiano |
| Date | 12/01/2010 |

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

| | | |
|-----------------------------|---|------------------------|
| SCHOOL ZONE, LLC |) | |
| Opposer, | | Mark: SCHOOL ZONE |
| | | Serial No.: 76/699,181 |
| ARMOUTH INTERNATIONAL, INC. |) | |
| Applicant | | Filed: 26 August 2009 |

NOTICE OF OPPOSITION
PURSUANT TO 15 U.S.C. SECTION 1063

Opposer, School Zone, LLC., by its attorneys Indiano Law Group, alleges on knowledge as to its own acts and otherwise on information and belief and as grounds for opposition as follows:

1. Opposer believes that allowing Application Serial No. 76/699,181 to proceed to registration will cause Opposer damage.
2. Opposer, School Zone, LLC., is a Limited Liability Company organized and existing under the laws of the State of Indiana, whose principal place of business is at 5425 N. Keystone Avenue, Suite 200, Indianapolis, Indiana 46220.
3. Applicant, Armouth International, Inc., on information and belief is a corporation organized and existing under the laws of the State of New York, doing business at 18 West 33rd Street, New York, New York 10001.
4. On August 26, 2009, Applicant filed Application Serial No. 76/699,181 for SCHOOL ZONE (“Applicant’s Mark) as a trademark for “clothing, namely school uniforms, shirts, blouses, pants, skirts, socks, jackets, sweaters, shorts and footwear in International Class 25 (“Applicant’s Goods”). Such application was published for opposition in the Official Gazette on 3 August 2010.
5. Opposer is the owner of the mark SCHOOL ZONE (“Opposer’s Mark”), as a service mark and trade name, as applied to a wide range of services directed to retail consumers.

6. Primarily, Opposer's services involve the sale of clothing products to consumers at the retail level, in both "brick and mortar" retail store locations and over the Internet through an on-line store.
7. The goods sold by the Opposer in his "SCHOOL ZONE" brand retail establishment include clothing, namely school uniforms, shirts, blouses, pants, skirts, socks, jackets, sweaters, shorts and footwear.
7. Opposer is now and has been, prior to any date which may be claimed by Applicant, engaged in the use of Opposer's Mark for retail clothing store services wherein goods sold in the establishment are the same type of goods as Applicant's goods. Opposer opened its first retail store at 5425 N. Keystone Avenue, Indianapolis, Indiana 46220 in 2007. Photographs showing the Opposer's Keystone Avenue store are attached hereto as Exhibit A. Currently, Opposer operates its retail stores in Indianapolis, Indiana, including the original Keystone Avenue store.
8. In addition to its retail store locations, Opposer also provides its retail clothing store services to consumers, under its SCHOOL ZONE mark on the Internet at www.GoSchoolZone.com. Screen shots of Opposer's website are shown in Exhibit B.
9. Opposer is now and has been, prior to any date which may be claimed by Applicant, engaged in the sale of a wide variety of services related to the sale of goods related to the goods set forth in the Applicant's trademark application, in interstate commerce.
10. The use by Opposer of the Opposer's Mark for the Opposer's services alleged herein, is long prior to any date which may be lawfully claimed by Applicant, and Opposer has priority.
11. Opposer's Mark has been in continuous, open and notorious use in the United States from 2007, to the present date.
12. Opposer began using the mark SCHOOL ZONE at least as early as 2007, by providing retail store services in interstate commerce.
13. Upon information and belief, Applicant intends to distribute and sell its goods

through the same channels of trade as Opposer's (retail store services and website sales), and direct its respective goods to the same type of ultimate consumer as Opposer.

14. The Opposer's Mark and Applicant's Mark are confusingly similar when applied to the goods and services of the parties.
15. The goods of Applicant and the services of Opposer are closely related and Applicant's intended use of SCHOOL ZONE in connection with its goods is without the consent or permission of Opposer.
16. Since Opposer owns the Opposer's Mark by virtue of prior use, then mistake or deception as to the source of origin of Applicant's goods will arise and will injure and damage the Opposer and its goodwill.
17. The registration of the mark SCHOOL ZONE to Applicant will cause the relevant purchasing public to erroneously assume and thus be confused, misled, or deceived, that Applicant's goods are made by, licensed by, controlled by, sponsored by, or in some way connected, related or associated with Oppose, all to Opposer's irreparable damage.
18. Opposer believes that it is and will be damaged by registration of the mark applied for by Applicant.

WHEREFORE, Opposer prays that the application for registration of SCHOOL ZONE, Serial No. 76/699,181, filed on 26 August 2009, be denied and that this Opposition be sustained.

Respectfully submitted for Opposer,
SCHOOL ZONE, LLC

By: /E. Victor Indiano/
E. Victor Indiano
INDIANO LAW GROUP
One N. Pennsylvania Street
Suite 1300
Indianapolis, IN 46204
(317) 822-0033

Dated: 01 December 2010

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Opposer's Notice of Opposition by first class postage prepaid mail by depositing the same with the U.S. Postal Service on this first day of December, 2010 to the attorney for the Applicant at the following address:

Brian M. Gaynor
Ezra Sutton & Associates, PA
900 Route 9
Woodbridge, NJ 07095

/E. Victor Indiano/
E. Victor Indiano

Exhibit A
Photos of one of Opposer's
Retail Stores





Exhibit B

Screen Shots of Opposer's Website



GoSchoolZone.com
School P.T.A Student Uniforms Club

About us

About School Zone . . .

School Zone is a corporate owned business founded in 2007. School Zone has been working hard to serve our customers with all their uniform needs. School Zone's only business is school clothing and we design school logos and our goal in the near future is to manufacture our school uniforms. Each school has a unique look.

School Zone is a large school uniform supplier in Indianapolis, IN serving over 200,000 Students. School Zone's hard-working, highly dedicated and very knowledgeable staff is committed to serving students and parents with second-to-none customer service and the highest quality uniforms at a very reasonable price. Our only goal is customer satisfaction. School Zone spares no effort or expense in meeting this goal.

The School Zone team works directly with each school to meet their needs and provide an individual look which goes from the daily wear, sports, spirit wear, to the design of logos. Our design and product development department works year round incorporating fresh ideas into a practical and fashionable garment that provides not only comfort but a sense of style!

Home

School Zone Days

About us

Contact Us



SHOP HOME

UNIFORMS
CATEGORIES

PACK #1: MULTI
UNIFORM PACK-
SAVE \$20/SIZES
4-7

PACK #2: MULTI
UNIFORM PACK-
SAVE \$20 SIZES
7-14

PACK #3: MULTI
UNIFORM PACK-
SAVE \$20 SIZES
16-20

PACK #4: MULTI
UNIFORM PACK-
SAVE \$20 /
HUSKY/PLUS

BOYS UNIFORMS

GIRLS
UNIFORMS

ADULT
UNIFORMS

UNISEX
UNIFORM

BOYS SIZE
CHARTS

GIRLS SIZE
CHARTS

VIEW CART

GLOTV.NET

Shop Home

Multi-Uniforms Packs:
pick 5 Polos - 5 Pants - 1 Belt in one or many colors.

BACK TO SCHOOL REBATE
ORDER A WEEK WORTH OF UNIFORMS
AND RECEIVE A \$20 REBATE
You must order:
5 polos (any color) + 5 pants (any color) + 1 belt

www.GoSchoolZone.com

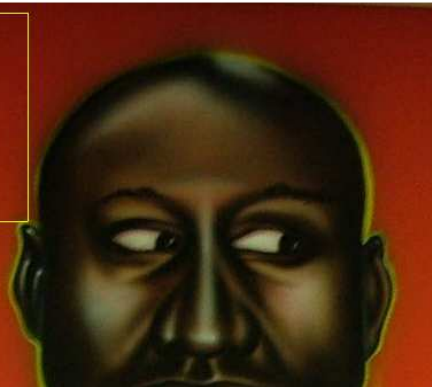
5 polos + 5 pants + 1 belt = Multi Uniform Pack!
only for sizes 4-20

This Offer is For Website Orders Only

5 easy steps:

1. Pick your Multi-Uniforms Pack
2. Pick 5 Polos (1 color or variety of colors/click on picture to choose options)
3. Pick 5 Pants (1 color or variety of colors/click on picture to choose options)
4. Pick 1 Belt
5. Check Out Shopping Cart
6. Receive Rebate Check With Your Order

Click on item to choose options(ex.size , color , ect.....)





For School Uniforms is here: SCHOOL ZONE!
The finest labels in school uniforms: DICKIES®,
FRENCH TOAST® and many more!
Tail items available online here at our store or
for bulk and special orders.

Go to [http://www.goschoolzone.com](#)
for more information.



HERE TO GO SHOPPING NOW!



**REGISTER SCHOOL FOR R.T.A. FUNDRAISING PROGRAM
CLICK HERE NOW!**

starting @ **\$99.99**



**5 Polo+ 5 Pant + 1 Belt =
Multi Uniforms Pack!**

The advertisement features a black background. At the top, the text "starting @ \$99.99" is written in red. Below this is a photograph of a white cardboard box for a "School Zone Multi Uniforms Pack". The box has the "School Zone" logo and "Multi Uniforms Pack" printed on it. At the bottom of the ad, the text "5 Polo+ 5 Pant + 1 Belt = Multi Uniforms Pack!" is written in yellow and red.

**School Zone Days
CLICK HERE**



School Zone Day



Store Hours & Locations

Store Hours

Tuesday – Friday: 10am – 7pm

Saturday: 10am-6pm

Sunday & Monday : closed

School Zone Locations

1. 5425 N. Keystone Ave.

Indianapolis, In.

317-253-7889

2. 7139 N. Michigan Rd.

Indianapolis, In.

317-329-7889

3. 9435 E. Washington St.

Indianapolis, In

317-897-7889

School Zone Days

◀ November 2010 ▶

| Sun | Mo | Tue | Wed | Thu | Fri | Sat |
|-----|----|-----|-----|-----|-----|-----|
| | 1 | 2 | 3 | 4 | 5 | 6 |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 28 | 29 | 30 | | | | |

with CoffeeCup Web Calendar www.coffee

[Home](#)

[About us](#)