

ESTTA Tracking number: **ESTTA423012**

Filing date: **08/02/2011**

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

Proceeding	91198716
Party	Plaintiff Smart & Final Stores LLC
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Submission	Motion for Summary Judgment
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Date	08/02/2011
Attachments	S655- Motion for MSJ.pdf ( 2 pages )(33784 bytes )

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

SMART & FINAL STORES, LLC

Opposer,

v.

BRUCEANDTOM (BAT)

Applicant.

Opposition No. 91198716

T.M. : SMART  
S.N. : 86/010,849  
FILED : April 9, 2010

**OPPOSER'S MOTION FOR SUMMARY JUDGMENT**

Opposer Smart & Final Stores, LLC hereby moves for summary judgment that the above-identified opposition be sustained on the grounds that there is a likelihood of confusion between the marks of Opposer referenced in its Notice of Opposition and Applicant's mark SMART.

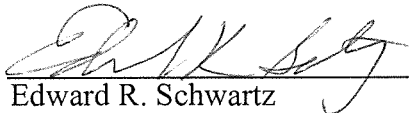
This Motion is based on this Motion, the Memorandum submitted herewith, the declaration of Gary M. Somes, the complete records of this proceeding and such other and further evidence as may be adduced in connection with this Motion.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

Dated: August 1, 2011

By



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ERS/blv

**CERTIFICATE OF TRANSMISSION AND SERVICE**

I certify that on August 2, 2011, the foregoing OPPOSER'S MOTION FOR SUMMARY JUDGMENT is being electronically transmitted for filing to the:

Commissioner for Trademarks  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

I further certify that on August 2, 2011, the foregoing document described as OPPOSER'S MOTION FOR SUMMARY JUDGMENT is being served by mailing a copy thereof by U.S. Postal Service, first-class mail, addressed to:

Bruce Slesinger, Partner  
Thomas Collom, Partner  
BruceAndTom(BAT)  
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*Applicant, BruceAndTom (BAT)*

By   
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