

ESTTA Tracking number: **ESTTA448551**

Filing date: **12/28/2011**

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	JKL Partners LLC
Granted to Date of previous extension	12/28/2011
Address	76 LaSalle Road Hartford, CT 06107 UNITED STATES
Attorney information	James A. Power Jr Power Del Valle LLP 233 W. 72nd Street New York, NY 10023 UNITED STATES jp@powerdel.com

Applicant Information

Application No	85277680	Publication date	08/30/2011
Opposition Filing Date	12/28/2011	Opposition Period Ends	12/28/2011
Applicant	O'Neal, Clifford c/o Loeb & Loeb LLP, Suite 2200 10100 Santa Monica Boulevard, Suite 2200 Los Angeles, CA 90067 UNITED STATES		

Goods/Services Affected by Opposition


Class 025. All goods and services in the class are opposed, namely: Clothing, namely, shirts, pants, jackets, sweaters, sweatshirts, sweat suits, shorts, sleepwear, underwear, swimwear, beach cover-ups, socks, gloves, neckties, scarves, headwear, and footwear
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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 No.	77827145	Application Date	09/15/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ARIYA		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: Blouses; Clogs; Coats; Denims; Dresses; Footwear; Gloves; Hats; Jackets; Jeans; Leggings; Lingerie; Pants; Rainwear; Sandals; Scarfs; Shirts; Shorts; Skirts; Sleepwear; Slippers; Socks; Sweaters; Swim wear; T-shirts; Tops; Undergarments

Attachments	77827145#TMSN.jpeg (1 page)(bytes) Aryei Notice Opposition.pdf (4 pages)(44621 bytes)
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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	/jpower/
Name	James A. Power Jr
Date	12/28/2011

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

_____)	Attorney Ref. 256.610
JKL PARTNERS, LLC,)	
)	
Opposer,)	
)	In the Matter of:
v.)	
)	Application No. 85/277,680
CLIFFORD O'NEAL,)	
)	Mark: ARYEI
Applicant.)	
_____)	

Commissioner for Trademarks
Arlington, Virginia 22202-3513

NOTICE OF OPPOSITION

Opposer JKL Partners, LLC., a Connecticut limited liability company having a place of business at 76 LaSalle Road, West Hartford, Connecticut, believes that it will be damaged by the registration sought in the above identified application and hereby opposes such registration on the following grounds:

1. Clifford O'Neal ("Applicant"), on March 25, 2011, filed in the United States Patent and Trademark Office application ser. no. 85/277,680 to register the mark ARYEI on the Principal Register for "clothing, namely shirts, pants, jackets, sweaters, sweatshirts, sweat suits, shorts, sleepwear, underwear, swimwear, beach coverups, socks, gloves, neckties, scarves, headwear, and footwear" in international class 25, claiming a *bona fide* intent to use the mark in commerce, pursuant to section 1(b) of the Lanham Act.

2. Upon information and belief, applicant has not used the mark ARYEI in the United States or in Commerce in international class 25 at any time prior to the filing of its application.

3. Pending in the United States Patent and Trademark Office is the application of JKL Partners, LLC (“Opposer”), ser. no. 77/827,145 filed September 15, 2009, to register ARIYA as its trademark on the Principal Register for “blouses, clogs, coats, denim, dresses, footwear, gloves, hats, jackets, jeans, leggings, lingerie, pants, rainwear, sandals, scarfs, shirts, shorts, skirts, sleepwear, slippers, socks, sweaters, swim wear, t-shirts, tops, undergarments” in international class 25, on the basis of its *bona fide* intent to use the mark in Commerce, pursuant to section 1(b) of the Act.

4. Opposer has been using its ARIYA trademark in Commerce in the United States, through its licensor, Onyx Design Group, LLC, in connection with the sale of denim jeans and pants since long prior to Applicant’s filing of its application to register ARYEI and any use of that mark by Applicant. Opposer has thus acquired valuable good will in the ARIYA trademark and a reputation for quality jeans and apparel throughout the United States.

5. Applicant’s proposed mark ARYEI is confusingly similar to Opposer’s ARIYA mark in appearance, sound and/or commercial impression.

6. The goods described in Applicant’s application are similar to and substantially overlap those listed in Opposer’s application and are classified in the same international class 25.

7. The respective goods of Opposer and Applicant are identical or closely related and are likely to travel through the same channels of trade to the same classes

of purchasers.

8. Applicant's proposed ARYEI mark used on and in connection with apparel is likely to cause confusion, to cause mistake or to deceive consumers and the trade as to the source, origin or sponsorship of Applicant's goods and Opposer's ARIYA goods.

9. Applicant's registration of the mark ARYEI in international class 25 would be inconsistent with Opposer's exclusive rights to use and register the mark ARIYA for the goods identified in its pending application, would create an incorrect record, may be used unfairly as a basis for questioning Opposer's lawful use of its marks and would, therefore, interfere with Opposer's rights to use said mark in Commerce.

10. Applicant should therefore be refused registration of ARYEI as a trademark for apparel on the grounds that it is likely to cause confusion, to cause mistake or to deceive in violation of section 2(d) of the Act.

WHEREFORE, Opposer prays that this opposition be sustained, that registration of the mark ARYEI to Applicant in international class 25 be refused, and that Opposer be granted such other and further relief as this Board deems just and proper.

JKL PARTNERS, LLC

New York, New York
December 28, 2011

By: /jpower/
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Attorneys for Opposer

Certificate of Filing and Service

It is hereby certified that, on December 28, 2011, the foregoing Notice of Opposition was transmitted to the Board via ESTTA and that a copy thereof was served by first class mail, postage prepaid, in an envelope addressed to the correspondent and attorney of record for Applicant, as follows:

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