

ESTTA Tracking number: **ESTTA486300**

Filing date: **07/30/2012**

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	Simon Golub & Sons, Inc.
Granted to Date of previous extension	08/15/2012
Address	5506 Sixth Avenue South Seattle, WA 98108 UNITED STATES

Attorney information	Zachary Wright Wright Law PLLC 999 Third Avenue, Suite 3000 Seattle, WA 98104 UNITED STATES zwright@wright.pro Phone:206-971-3350
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Applicant Information

Application No	85466468	Publication date	04/17/2012
Opposition Filing Date	07/30/2012	Opposition Period Ends	08/15/2012
Applicant	Benjamin, Vernella 190 Fieldmere Street Elmont, NY 11003 UNITED STATES		

Goods/Services Affected by Opposition


Class 014. All goods and services in the class are opposed, namely: Jewelry; Watches


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3368612	Application Date	05/07/2007
Registration Date	01/15/2008	Foreign Priority Date	NONE
Word Mark	CARO74		

Design Mark			
Description of Mark	The mark consists of the word/number CARO 74 with the word CARO in block capital letters underlined with 2 horizontal swirls and the stylized number 74 slightly larger and to the right of the word CARO.		
Goods/Services	Class 014. First use: First Use: 2006/06/01 First Use In Commerce: 2007/05/06 Cut diamonds		

U.S. Application No.	85531375	Application Date	02/01/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	CARO74		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 2006/06/01 First Use In Commerce: 2007/05/06 Cut diamonds; Diamonds; Jewelry		

U.S. Application No.	85634631	Application Date	05/24/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	VALINA BY CARO		

Design Mark	VALINA BY CARO
Description of Mark	NONE
Goods/Services	Class 014. First use: Cut diamonds; Diamonds; Jewelry

Attachments	77174216#TMSN.jpeg (1 page)(bytes) 85531375#TMSN.jpeg (1 page)(bytes) 85634631#TMSN.jpeg (1 page)(bytes) NOTICE OF OPPOSITION re Sagi Caro (with attachments).pdf (13 pages) (3308291 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	/Zachary A Wright/
Name	Zachary Wright
Date	07/30/2012

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

In the matter of:

Mark : Sagi Caro
Serial No. : 85/466,468
Publication Date : April 17, 2012

Simon Golub & Sons, Inc.,)	
)	
Opposer,)	Opposition No. _____
)	
v.)	
)	
Vernella Benjamin,)	
)	
Applicant.)	
)	

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

NOTICE OF OPPOSITION

Simon Golub & Sons, Inc., a Washington corporation ("Opposer"), located at 5506 6th Avenue South, Seattle, WA 98108, believes it would be damaged by registration of the Sagi Caro & design mark, Serial No. 85/466468, owned by Vernella Benjamin ("Applicant"), in International Class 14, and hereby opposes the same.

GROUND FOR OPPOSITION

1. Opposer is the owner of the following United States trademark registration, current status and current title information for which are attached as Exhibit A:

CARO74 & Design	Registration No. 3,368,612
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2. Opposer is also the owner of the following United States trademark applications, current status and current title information for which are also attached as Exhibit A:

CARO74	Application No. 85/531,375
VALINA BY CARO	Application No. 85/634,631

3. Opposer, directly and through its predecessor-in-interest, is and has been engaged in the sale and marketing of goods in the United States under the trademark CARO74 since at least as early as June 2006.

4. Opposer has used its marks in commerce extensively and has acquired a considerable and valuable goodwill and recognition for its marks. Both the public and the jewelry trade have come to associate the CARO74 mark with Opposer and Opposer's goods.

5. Applicant's trademark is confusingly similar to Opposer's trademarks and is likely, when applied to the International Class 14 goods of Applicant, to cause confusion or to cause mistake or to deceive.

6. Applicant's mark is highly similar to several of Opposer's trademarks, and it makes an identical or very similar commercial impression to Opposer's marks.

7. The key portion of Applicant's mark is composed of the word "Caro", the dominant portion of Applicant's CARO74 mark.

8. Applicant's mark incorporates the word portion of Opposer's CARO74 mark in its entirety.

9. The relevant consumer is likely to perceive Applicant's Sagi Caro mark as merely the addition of a "SAGI" house mark or name to Opposer's CARO74 mark.

10. Applicant's mark also appears in its application in a curved, script-type letters that are quite similar to the script of the "74" in Opposer's CARO 74 design mark registration.

11. Opposer's CARO74 mark and the text portion of Applicant's Sagi Caro design mark are both composed entirely of non-English words that do not have an independent meaning in English, making confusion more likely.

12. The goods listed in the International Class 14 portion of Applicant's application are exactly same as or highly related to Opposer's goods sold under the CARO74 mark.

13. Applicant's application covers "jewelry" without any limitation regarding type of metal or gemstones or channels of trade, and so it is therefore assumed to cover exactly the same types of products as Opposer's CARO74 products, sold through exactly the same channels of trade.

14. Opposer is and has been engaged in the sale and marketing of goods that are the same as or highly related to those listed by Applicant in the above-identified application since long before November 7, 2011, the filing date of Applicant's intent-to-use application.

15. The overall commercial impression of Applicant's mark is likely to cause confusion, mistake or deception with respect to Opposer's longstanding trademark, and such confusion, mistake or deception may cause harm to Opposer's reputation for superior quality that it has developed during the use of its CARO74 mark.

16. By reason of the foregoing, Opposer would be greatly damaged by the registration of the Sagi Caro design mark to Applicant in International Class 14.

RELIEF REQUESTED

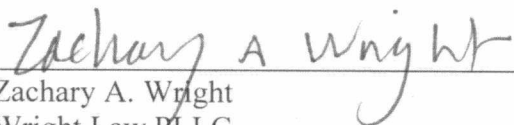
A. Registration of the International Class 14 portion of the above-identified application, Serial No. 85/466,468, must be refused in accordance with Section 2(d) of the Trademark Act of 1946, 15 U.S.C. § 1052(d), on the grounds that Applicant's mark is highly similar to Opposer's trademarks and is likely to cause confusion, mistake and deception.

B. Opposer respectfully requests that International Class 14 be deleted from Applicant's above-identified application and that this opposition be sustained.

Dated: July 30, 2012.

Respectfully submitted,

WRIGHT LAW PLLC



Zachary A. Wright

Wright Law PLLC

999 Third Avenue, Suite 3000

Seattle, WA 98104

Phone: 206-971-3350

Facsimile: 206-577-5099

Email: zwright@wright.pro

Counsel for Opposer

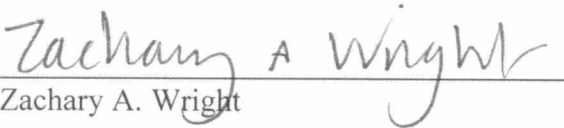
SIMON GOLUB & SONS, INC.

CERTIFICATE OF SERVICE

I, Zachary A. Wright, hereby certify that a true and complete copy of the foregoing Notice of Opposition has been served on Applicant by mailing said copy, via first class mail, postage prepaid, to Applicant as follows:

Vernella Benjamin
190 Fieldmere St
Elmont, NY 11003-2007

Dated: July 30, 2012



Zachary A. Wright

EXHIBIT A

**Current Status and Title Information for
Opposer's Trademark Registration and Applications**

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-07-30 14:32:41 ET

Serial Number: 77174216 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3368612

Mark



(words only): CARO74

Standard Character claim: No

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2008-01-15

Filing Date: 2007-05-07

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

Transformed into a National Application: No

Registration Date: 2008-01-15

Register: Principal

Law Office Assigned: LAW OFFICE 108

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2008-01-15

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. SIMON GOLUB & SONS, INC.

Address:

SIMON GOLUB & SONS, INC.
5506 - 6TH AVENUE SOUTH
SEATTLE, WA 981080866
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Washington

GOODS AND/OR SERVICES

International Class: 014**Class Status:** Active

Cut diamonds

Basis: 1(a)**First Use Date:** 2006-06-01**First Use in Commerce Date:** 2007-05-06

ADDITIONAL INFORMATION

Color(s) Claimed: Color is not claimed as a feature of the mark.**Disclaimer:** "74"**Description of Mark:** The mark consists of the word/number CARO 74 with the word CARO in block capital letters underlined with 2 horizontal swirls and the stylized number 74 slightly larger and to the right of the word CARO.**Translation:** The foreign wording in the mark translates into English as beloved.**Design Search Code(s):****26.17.02** - Bands, wavy; Bars, wavy; Lines, wavy; Wavy line(s), band(s) or bar(s)**26.17.13** - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-11-04 - Automatic Update Of Assignment Of Ownership

2009-10-28 - Automatic Update Of Assignment Of Ownership

2008-01-15 - Registered - Principal Register

2007-10-30 - Published for opposition

2007-10-10 - Notice of publication

2007-09-26 - Law Office Publication Review Completed

2007-09-25 - Assigned To LIE

2007-08-23 - Approved for Pub - Principal Register (Initial exam)

2007-08-23 - Examiner's Amendment Entered

2007-08-23 - Notification Of Examiners Amendment E-Mailed

2007-08-23 - EXAMINERS AMENDMENT E-MAILED

2007-08-23 - Examiners Amendment -Written

2007-08-08 - Teas/Email Correspondence Entered

2007-08-08 - Communication received from applicant
2007-08-08 - TEAS Response to Office Action Received
2007-08-02 - Notification Of Non-Final Action E-Mailed
2007-08-02 - Non-final action e-mailed
2007-08-02 - Non-Final Action Written
2007-07-24 - Assigned To Examiner
2007-05-11 - Notice Of Design Search Code And Pseudo Mark Mailed
2007-05-10 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

C&A DIAMONDS INTERNATIONAL, LLC
C&A DIAMONDS INTERNATIONAL, LLC
558 E MAIN ST
CANFIELD, OH 44406-1537
Phone Number: 330.533.9608
Fax Number: 330.533.9609

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2012-07-30 14:32:59 ET

Serial Number: 85531375 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark

CARO74

(words only): CARO74

Standard Character claim: Yes

Current Status: Application has been published for opposition. The opposition period begins on the date of publication.

Date of Status: 2012-06-26

Filing Date: 2012-02-01

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

The Information will be/was published in the Official Gazette on 2012-06-26

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 109

Attorney Assigned:
HALMEN KATHERINE E

Current Location: 650 -Publication And Issue Section

Date In Location: 2012-05-18

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Simon Golub & Sons, Inc.

Address:

Simon Golub & Sons, Inc.
5506 Sixth Avenue South
Seattle, WA 98108
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Washington

GOODS AND/OR SERVICES

International Class: 014
Class Status: Active
Cut diamonds; Diamonds; Jewelry
Basis: 1(a)
First Use Date: 2006-06-01
First Use in Commerce Date: 2007-05-06

ADDITIONAL INFORMATION

Translation: The English translation of "Caro" in the mark is "Beloved".

Prior Registration Number(s):
3368612

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2012-06-26 - Official Gazette Publication Confirmation E-Mailed
2012-06-26 - Published for opposition
2012-06-06 - Notification Of Notice Of Publication E-Mailed
2012-05-16 - Approved for Pub - Principal Register (Initial exam)
2012-05-10 - Assigned To Examiner
2012-02-08 - Notice Of Pseudo Mark Mailed
2012-02-07 - New Application Office Supplied Data Entered In Tram
2012-02-04 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Zachary Wright

Correspondent
ZACHARY WRIGHT
WRIGHT LAW PLLC
999 3RD AVE STE 3000
SEATTLE, WA 98104-4043
Phone Number: 206-971-3350
Fax Number: 206-577-5099

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2012-07-30 14:33:08 ET

Serial Number: 85634631 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark

VALINA BY CARO

(words only): VALINA BY CARO

Standard Character claim: Yes

Current Status: New application will be assigned to an examining attorney approximately 3 months after filing date.

Date of Status: 2012-05-31

Filing Date: 2012-05-24

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 042 -New Application Processing

Date In Location: 2012-05-31

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Simon Golub & Sons, Inc.

Address:

Simon Golub & Sons, Inc.
5506 Sixth Avenue South
Seattle, WA 98108
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Washington

GOODS AND/OR SERVICES

International Class: 014

Class Status: Active

Cut diamonds; Diamonds; Jewelry

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Translation: The English translation of CARO in the mark is beloved.

Prior Registration Number(s):

3368612

3371817

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2012-06-04 - New Application Office Supplied Data Entered In Tram

2012-05-28 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Zachary Wright

Correspondent

ZACHARY WRIGHT

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SEATTLE, WA 98104-4043

Phone Number: 206-971-3350

Fax Number: 206-577-5099
