

ESTTA Tracking number: **ESTTA544990**

Filing date: **06/25/2013**

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	Amado Ortiz		
Entity	Individual	Citizenship	UNITED STATES
Address	39 Springwood Way East Hampton, NY 11937 UNITED STATES		

Attorney information	Wendy E. Miller Cooper & Dunham LLP 30 Rockefeller Plaza New York, NY 10112 UNITED STATES wmiller@cooperdunham.com, tm@cooperdunham.com, rs@cooperdunham.com, rgs@cooperdunham.com, brian@easthamptonlawyer.com Phone:212-278-0400
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### Applicant Information

Application No	85773073	Publication date	05/28/2013
Opposition Filing Date	06/25/2013	Opposition Period Ends	06/27/2013
Applicant	Woolcott, Rosalind 2 Sawmill Lane East Hampton, NY 11937 UNITED STATES		

### Goods/Services Affected by Opposition

Class 042. All goods and services in the class are opposed, namely: Architectural design
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### Grounds for Opposition

The mark is merely descriptive	Trademark Act section 2(e)(1)
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Related Proceedings	Opposition No. 91211151
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Attachments	Notice of Opposition - Ortiz.pdf(77556 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	/Wendy E. Miller/
Name	Wendy E. Miller
Date	06/25/2013

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

U.S. App. No. : 85/773,073  
Filed : November 6, 2012  
Trademark : the modern manor house

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AMADO ORTIZ,	X	
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	:	
Opposer,	:	Opposition No. _____
	:	
v.	:	
	:	
ROSALIND WOOLCOTT,	:	
	:	
Applicant.	:	
	X	

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**NOTICE OF OPPOSITION**

Amado Ortiz, an individual and resident of the State of New York, having an address at 39 Springwood Way, East Hampton, NY 11937 (hereinafter “Ortiz” or “Opposer”), believes that he will be damaged by the registration of the mark shown in U.S. Appln. No. 85/773,073, owned by Rosalind Woolcott, an individual having an address at 2 Sawmill Lane, East Hampton, NY 11937 (hereinafter “Applicant”), and hereby opposes issuance of that registration.

As grounds for the opposition, Opposer states as follows:

1. Applicant seeks to register “the modern manor house” as a trademark for “architectural design” services, based on an intent to use the mark in commerce. Applicant has disclaimed the terms “modern” and “house.”

2. The term “modern manor house” is merely descriptive of, or is a generic term for, a particular style of architecture. Prior to Applicant’s filing date, architects and home builders such as Opposer, who is an architect, have used the term “modern manor house” and variants thereof to describe homes which are designed and/or built according to this architectural style.

3. Accordingly, registration to Applicant of the designation “modern manor house” will interfere with Opposer’s ability to use that term to describe homes which he designs of the “modern manor house” architectural style and, therefore, would be a source of damage and injury to Opposer and others in the home design and home building industry who similarly use, or wish to use, the designation “modern manor house” to describe homes and home designs which embody that particular style of architecture.

WHEREFORE, Opposer prays that its opposition be sustained and that the registration sought by Applicant be refused.

Dated: June 25, 2013

Respectfully submitted,

By:         /Wendy E. Miller/          
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Attorneys for Opposer