

ESTTA Tracking number: **ESTTA620161**

Filing date: **08/07/2014**

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	Westtown School
Granted to Date of previous extension	08/09/2014
Address	975 Westtown Road West Chester, PA 19382-5700 UNITED STATES

Attorney information	John F. A. Earley III Harding, Earley, Follmer & Frailey, P.C. 86 The Commons at Valley Forge East 1288 Valley Forge Road, P.O. Box 750 Valley Forge, PA 19482-0750 UNITED STATES jackearley@hardingearley.com Phone:610-935-2300
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Applicant Information

Application No	86162162	Publication date	06/10/2014
Opposition Filing Date	08/07/2014	Opposition Period Ends	08/09/2014
Applicant	Return to the Light, Inc. 1750 N. Troy Street Arlington, VA 22201 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. First Use: 2013/11/01 First Use In Commerce: 2013/11/01 All goods and services in the class are opposed, namely: Public advocacy to promote awareness of the importance of the Quaker boarding school education

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	86189469	Application Date	02/10/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	TURN TO THE LIGHT WESTTOWN SCHOOL 1799		
Design Mark			

Description of Mark	The mark consists of TURN TO THE LIGHT WESTTOWN SCHOOL 1799 and silhouette, candle and book design.
Goods/Services	Class 036. First use: First Use: 1965/00/00 First Use In Commerce: 1965/00/00 Charitable fund raising services; association services, namely, promoting interests of Westtown School and its alumni

U.S. Application No.	86174714	Application Date	01/24/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	WESTTOWN SCHOOL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1799/00/00 First Use In Commerce: 1799/00/00 Education and entertainment services, namely, conducting education programs and courses of instruction, and conducting athletic and cultural events; charitable fund raising services; association services, namely, promoting interests of Westtown School and its alumni		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	WESTTOWN SCHOOL		
Goods/Services	boarding school services; services of providing a Quaker boarding school education; education and entertainment services, namely, conducting education programs and courses of instruction, and conducting athletic and cultural events; charitable fund raising services; association services, namely, promoting interests of Westtown School and its alumni		

Attachments	86189469#TMSN.png(bytes) 86174714#TMSN.png(bytes) Notice of Opposition.pdf(1875395 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	/John F. A. Earley III/
Name	John F. A. Earley III
Date	08/07/2014

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

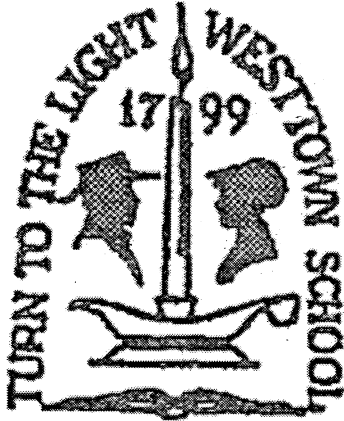
In re the Matter of: U.S. Application Serial No. 86/162,162
Mark Opposed: RETURN TO THE LIGHT WESTTOWN SCHOOL 1799 and design

Westtown School,)	
)	
Opposer,)	Opposition No. _____
v.)	
)	
Return to the Light, Inc.,)	
)	
Applicant)	
)	

NOTICE OF OPPOSITION

Opposer, Westtown School, hereby opposes registration of the mark RETURN TO THE LIGHT WESTTOWN SCHOOL 1799 and design, which is the subject of U.S. Application Serial No. 86/162,162. As grounds in support of this opposition, Opposer alleges as follows:

1. Opposer, Westtown School, is a Pennsylvania corporation, having an address of 975 Westtown Road, West Chester, Pennsylvania 19382-5700.
2. Opposer owns all rights, title, and interest in and to the mark



and the good will associated therewith for charitable fund raising services and association services, namely, promoting interests of Westtown School and its alumni.

3. Opposer, via itself, or any related entity, or any licensee, or any predecessor in interest, has for many years, and since long prior to any date of first use upon which Applicant can rely, used, and is now using, the mark



in commerce in connection with charitable fund raising services and association services, namely, promoting interests of Westtown School and its alumni. Said mark of Opposer is

symbolic of extensive good will and recognition built up by Opposer through substantial amounts of time and effort.

4. Opposer, via itself, or any related entity, or any licensee, or any predecessor in interest, has used the mark



in commerce since at least as early as 1965 in connection with charitable fund raising services and association services, namely, promoting interests of Westtown School and its alumni.

5. Opposer, on February 10, 2014, filed an application to register the mark



for charitable fund raising services and association services, namely, promoting interests of Westtown School and its alumni. The application was assigned Serial No. 86/189,469, and is based on Opposer's use of the mark in commerce.

6. Opposer owns all rights, title, and interest in and to mark WESTTOWN SCHOOL and the good will associated therewith in connection with the following services: boarding school services; services of providing a Quaker boarding school education; education and entertainment services, namely, conducting education programs and courses of instruction, and conducting athletic and cultural events; charitable fund raising services; and association services, namely, promoting interests of Westtown School and its alumni.

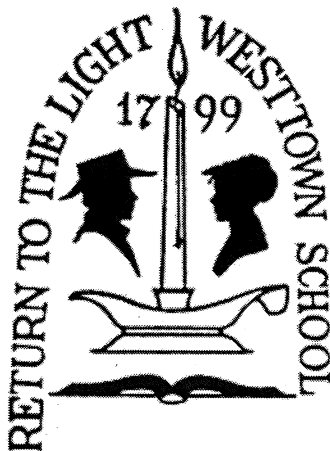
7. Opposer, via itself, or any related entity or any licensee, or any predecessor in interest, has for many years, and since long prior to any date of first use upon which Applicant can rely, used, and is now using, the mark WESTTOWN SCHOOL in connection with the following services: boarding school services; services of providing a Quaker boarding school education; education and entertainment services,

namely, conducting education programs and courses of instruction, and conducting athletic and cultural events; charitable fund raising services; and association services, namely, promoting interests of Westtown School and its alumni. Said mark of Opposer is symbolic of extensive good will and recognition built up by Opposer through substantial amounts of time and effort.

8. Opposer, on January 27, 2014, filed an application to register the mark WESTTOWN SCHOOL (standard character form) in connection with the following services: education and entertainment services, namely, conducting education programs and courses of instruction, and conducting athletic and cultural events; charitable fund raising services; and association services, namely, promoting interests of Westtown School and its alumni. The application was assigned Serial No. 86/174,714 and was based on Opposer's use of the mark in commerce.

9. Applicant, Return to the Light, Inc., is a Virginia corporation, having an address at #694, 1750 N. Troy Street, Arlington, Virginia 22201.

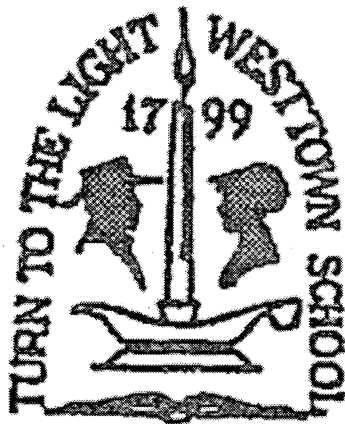
10. Applicant, on January 10, 2014, filed an application to register the mark



for services described as “public advocacy to promote awareness of the importance of the Quaker boarding school education.” The application was assigned Serial No. 86/162,162

and is based on Applicant's asserted date of first use of November 1, 2013 and Applicant's asserted date of first use in commerce of November 1, 2013.

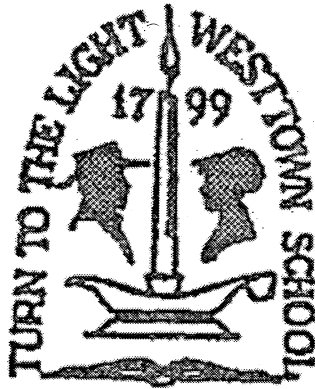
11. Opposer's date of first use in commerce of the mark



precedes Applicant's asserted date of first use in commerce of November 1, 2013 and Applicant's application filing date of January 10, 2014. Thus, Opposer has priority based on its earlier use date.

12. Opposer's dates of first use of the mark WESTTOWN SCHOOL in commerce precedes Applicant's asserted date of first use in commerce of November 1, 2013 and Applicant's application filing date of January 10, 2014. Thus, Opposer has priority based on its earlier use dates.

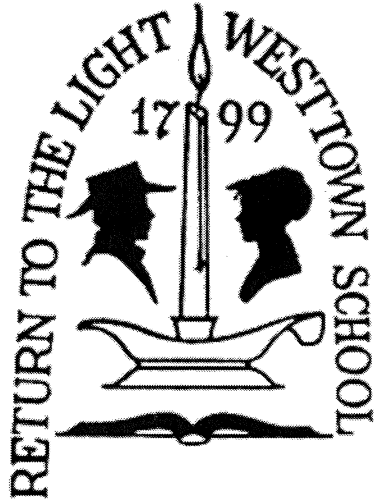
13. Opposer's U.S. Trademark Application Serial No. 86/189,469 for the mark



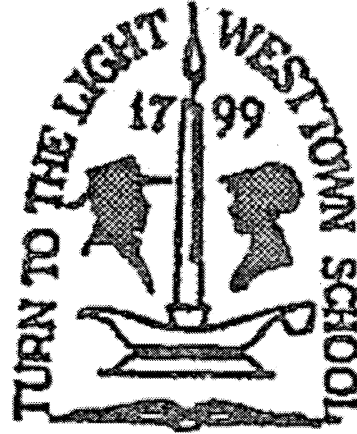
has been refused registration on the grounds of likelihood of confusion with the mark of Applicant's U.S. Application Serial No. 86/162,162. Thus, registration of Applicant's mark of its U.S. Application Serial No. 86/162,162 on the Principal Register is a source of damage and injury to the Opposer, in that it interferes with the ability of Opposer to secure a registration for its mark of its U.S. Application Serial No. 86/189,469 and casts a cloud upon Opposer's rights in connection with its mark.

14. Opposer's U.S. Trademark Application Serial No. 86/174,714 for the mark WESTTOWN SCHOOL has been refused registration on the grounds of likelihood of confusion with the mark of Applicant's U.S. Application Serial No. 86/162,162. Thus, registration of Applicant's mark of its U.S. Application Serial No. 86/162,162 on the Principal Register is a source of damage and injury to the Opposer, in that it interferes with the ability of Opposer to secure a registration for its mark of its U.S. Application Serial No. 86/174,714 and casts a cloud upon Opposer's rights in connection with its mark.

15. Applicant's mark shown below so resembles Opposer's previously used mark shown below as be likely, when applied to Applicant's services, to cause confusion, mistake, or deception under § 2(d) of the Trademark Act:



Applicant's Mark



Opposer's Mark

16. Further, Applicant's mark of its U.S. Application Serial No. 86/162,162 falsely suggests a connection with Opposer pursuant to § 2(a) of the Trademark Act.

17. Opposer will be damaged for the reasons set forth herein if the opposition is not sustained.

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WHEREFORE, it is respectfully requested that this opposition be sustained and that registration to Applicant be refused.

Respectfully submitted,
Harding, Earley, Follmer & Frailey, P.C.



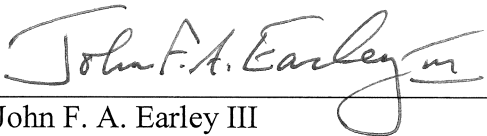
John F. A. Earley III, Registration No. 31,350
Frank J. Bonini, Jr., Registration No. 35,452
Harding, Earley, Follmer & Frailey, P.C.
86 The Commons at Valley Forge East
1288 Valley Forge Road
P.O. Box 750
Valley Forge, PA 19482-0750
Telephone: 610-935-2300
Facsimile: 610-935-0600
Attorneys for Opposer

Date: 8-7-2014

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the forgoing NOTICE OF OPPOSITION has been served on Applicant this 7TH day of August 2014 via first class mail, postage prepaid, to

Paul C. Jorgensen
The Jorgensen Law Firm PLLC
Suite 300
1250 24th Street NW
Washington, D.C. 20037
Attorney for Applicant



John F. A. Earley III