

ESTTA Tracking number: **ESTTA636629**

Filing date: **11/03/2014**

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	Specialty Retailers, Inc.
Granted to Date of previous extension	11/01/2014
Address	10201 Main Street Houston, TX 77025 UNITED STATES

Correspondence information	Zachary A.P. Oubre Attorney McAfee & Taft 211 N. Robinson 10th Floor, Two Leadership Square Oklahoma City, OK 73102 UNITED STATES zach.oubre@mcafeetaft.com, tony.rahhal@mcafeetaft.com, rhonda.melton@mcafeetaft.com Phone: (405) 235-9621
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### Applicant Information

Application No	86237336	Publication date	09/02/2014
Opposition Filing Date	11/03/2014	Opposition Period Ends	11/01/2014
Applicant	Jayden Star LLC 385 5th Avenue, Suite 507 New York, NY 10016 UNITED STATES		

### Goods/Services Affected by Opposition

Class 014. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Jewelry
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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. Registration No.	3720456	Application Date	04/24/2009
Registration Date	12/08/2009	Foreign Priority Date	NONE
Word Mark	REBECCA MALONE		

Design Mark	<b>REBECCA MALONE</b>
Description of Mark	NONE
Goods/Services	Class 014. First use: First Use: 1997/00/00 First Use In Commerce: 1997/00/00 jewelry

Attachments	76697054#TMSN.png( bytes ) 20141103144834560.pdf(372517 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 Overnight Courier on this date.

Signature	/Zachary A.P. Oubre/
Name	Zachary A.P. Oubre
Date	11/03/2014

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

In re Application Serial No. 86/237,336  
Filing Date: March 31, 2014  
Mark: REBECCA SLOANE  
Published in the Official Gazette on September 2, 2014

Specialty Retailers, Inc.,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. _____
	)	
Jayden Star, LLC,	)	
	)	
Applicant.	)	

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**NOTICE OF OPPOSITION**

Specialty Retailers, Inc. (“SRI”) hereby opposes registration of the mark of United States Application Serial No. 86/237,336 (the “Opposed Application”), which was filed by Jayden Star, LLC (“Applicant”) in International Class 014 on March 31, 2014. SRI’s grounds for opposition are as follows:

1. SRI is a Texas Corporation with its principal place of business at 10201 Main Street, Houston, Texas, 77025.
2. As listed in the Opposed Application, Applicant is a Delaware corporation having an address of 385 5th Avenue, Suite 507, New York, New York 10016.
3. Applicant seeks to register the mark REBECCA SLOANE (the “Opposed Mark”) on the Principal Register for jewelry within International Class 014.

4. The Opposed Application was filed March 31, 2014 under Section 1(b), based on a bona fide intent to use Applicant's Mark in commerce or to use Applicant's Mark in commerce through a related company or licensee.

5. The Opposed Application was published for opposition on September 2, 2014.

6. SRI offers retail store services in the field of clothing, shoes and accessories throughout the United States.

7. SRI is the owner of the mark REBECCA MALONE, which is the subject of United States Registration No. 3,720,456 (the "456 Registration").

8. The '456 Registration issued on December 8, 2009 from an application filed on April 24, 2009 and is now incontestable.

9. The goods listed in the '456 Registration are "jewelry" in International Class 14, and SRI has continuously used the mark in commerce since at least as early as 1997.

10. A copy of the above-mentioned registration is attached as Exhibit A.

11. SRI has expended a great deal of effort and large sums of money to market and promote its goods associated with the REBECCA MALONE mark, and the mark is very well known by consumers throughout the United States in connection with SRI's jewelry products. By carefully controlling the quality of the goods associated with the REBECCA MALONE mark, SRI has built up an excellent reputation and valuable goodwill in association therewith. REBECCA MALONE mark is recognized by consumers and customers as identifying and distinguishing SRI as the source and origin of the associated goods.

12. The Opposed Mark is very similar to the REBECCA MALONE mark in terms of appearance, sound, connotation and commercial impression. The goods identified in the Opposed Application directly overlap the goods covered by SRI's registration for the REBECCA

MALONE mark. The Opposed Application contains no geographic restrictions and no restrictions on trade channels.

13. As a result, contemporaneous use of the Opposed Mark and the REBECCA MALONE mark is likely to cause confusion and lead to deception as to the origin of the goods that are associated with the Opposed Mark. Consumers will purchase Applicant's products under the mistaken belief that such products originate from SRI or are somehow affiliated or associated with SRI, thereby resulting in significant damage and injury to both SRI and the consuming public.

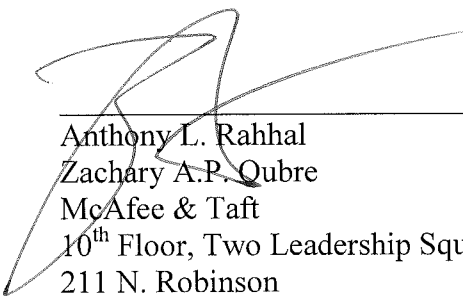
14. SRI's goodwill and reputation will be jeopardized by Applicant's registration of the Opposed Mark. Poor quality of the goods of Applicant will greatly harm SRI's reputation and translate to lost sales by SRI.

15. Registration of the Opposed Mark would allow Applicant to be unjustly enriched by, and reap the benefit of, the goodwill and reputation that SRI and its predecessors-in-interest have developed in association with the REBECCA MALONE mark.

16. If Applicant is allowed to register the Opposed Mark, it will obtain statutory rights to the mark that will conflict with and substantially degrade SRI's rights in the REBECCA MALONE mark and the above-mentioned registration.

WHEREFORE, SRI prays that the Opposed Application be refused and that this Opposition be sustained and any other and further relief as is deemed just and proper.

Respectfully submitted,



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McAfee & Taft  
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Attorneys for Opposer

**CERTIFICATE OF MAILING**

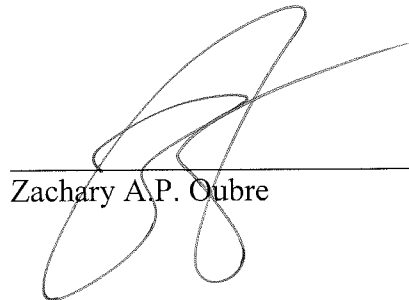
I hereby certify that a true and complete copy of the foregoing NOTICE OF OPPOSITION has been served on Applicant via Federal Express this 3<sup>rd</sup> day of November 2014 to:

Jayden Star LLC  
385 5th Avenue, Suite 507  
New York, NEW YORK 10016  
UNITED STATES

and mailing said copy this 3<sup>rd</sup> day of November 2014, via first class, certified mail, return receipt requested, to:

ANGELO NOTARO  
NOTARO, MICHALOS & ZACCARIA P.C.  
100 DUTCH HILL RD STE 240  
ORANGEBURG, NEW YORK 10962-2198  
UNITED STATES

I further hereby certify that true and complete copy of the foregoing NOTICE OF OPPOSITION was transmitted electronically to the Commissioner for Trademarks at <http://estta.uspto.gov/filing-type.jsp>



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Zachary A.P. Oubre

# United States of America

United States Patent and Trademark Office

## REBECCA MALONE

**Reg. No. 3,720,456** SPECIALTY RETAILERS, INC. (TEXAS CORPORATION)  
Registered Dec. 8, 2009 10201 MAIN STREET  
HOUSTON, TX 77025

**Int. Cl.: 14** FOR: JEWELRY, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

**TRADEMARK** FIRST USE 0-0-1997; IN COMMERCE 0-0-1997.  
**PRINCIPAL REGISTER** THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,821,443.

THE NAME(S), PORTRAIT(S), AND/OR SIGNATURE(S) SHOWN IN THE MARK DOES NOT IDENTIFY A PARTICULAR LIVING INDIVIDUAL.

SER. NO. 76-697,054, FILED 4-24-2009.

SHAUNIA CARLYLE, EXAMINING ATTORNEY



*David J. Kappas*

Director of the United States Patent and Trademark Office