

ESTTA Tracking number: **ESTTA668818**

Filing date: **04/27/2015**

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	Orange Brand Services Limited
Granted to Date of previous extension	05/10/2015
Address	3 MORE LONDON RIVERSIDE LONDON, SE1 2AQ UNITED KINGDOM

Attorney information	Dickerson M. Downing Crowell & Moring LLP 590 Madison Avenue 20th Floor New York, NY 10022 UNITED STATES ddown- ing@crowell.com, hcostello@crowell.com, ckornett@crowell.com, edocket@crowell.com Phone: 212 895-4212
----------------------	--

Applicant Information

Application No	77521913	Publication date	11/11/2014
Opposition Filing Date	04/27/2015	Opposition Period Ends	05/10/2015
Applicant	Orange Star Design, Inc. 4 Grovemont Ct. Decatur, GA 300302772 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 035. First Use: 1999/01/08 First Use In Commerce: 1999/01/08 All goods and services in the class are opposed, namely: Advertising and commercial information services, via the internet; Advertising via electronic media and specifically the internet; Design of internet advertising; Internet advertising services; Advertising, including promotion relating to the sale of articles and services for third parties by the transmission of advertising material and the dissemination of advertising messages on computer networks; Promoting the goods and services of others by distributing advertising materials through a variety of methods; Advertising and publicity services, namely, promoting the goods, services, brand identity and commercial information and news of third parties through print, audio, video, digital and on-line medium; Advertising services, namely, creating corporate and brand identity for others; Advertising services, namely, creating corporate logos for others; Design of advertising materials for others; Advertising and promotion services and related consulting; Promoting the goods and services of others via a global computer network; Layout services for advertising purposes; Preparation of custom advertisements for others; Preparing and placing advertisements for others; Preparing audiovisual presentations for use in advertising; Promoting, advertising and marketing of the on-line web sites of others; Preparation of custom advertisements for businesses for dissemination via the internet</p>
--

Class 042. First Use: 1999/01/08 First Use In Commerce: 1999/01/08

All goods and services in the class are opposed, namely: Designing web sites for advertising purposes; Graphic art design; Graphic arts designing; Graphic design; Graphic design services; Graphic illustration services for others; Web site design; Designing and developing webpages on the internet; Design of home pages and web sites; Computer services, namely, designing and implementing network web pages for others; Computer services, namely, designing and implementing web sites for others; Creating, designing and maintaining web sites; Commercial art design; Computer services, namely, search engine optimization; Consultation services in the field of search engine optimization; Elaboration and maintenance of web sites for third parties; Web site development for others; Computer services, namely, creating and maintaining web sites for others; Creation and maintenance of web sites for others; Designing and implementing web sites which feature advertising of the goods and services of others on a global computer network

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	ORANGE and variations thereon		
Goods/Services	Advertising and promotion services		

Attachments	Notice of Opposition - ORANGE STAR 913.pdf(182502 bytes)
-------------	---

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	/dmd/
Name	Dickerson M. Downing
Date	04/27/2015

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

In the Matter of Application No. 77-521,913 for
ORANGE STAR in International Class 35 and 42
Published for opposition in the Official Gazette of
November 11, 2014

ORANGE BRAND SERVICES LIMITED,

Opposer,

Opposition No.

v.

ORANGE STAR DESIGN, INC.,

Applicant.

NOTICE OF OPPOSITION

Opposer, Orange Brand Services Limited (“Opposer”), an English company with offices in London, England believes it would be damaged by registration of the mark ORANGE STAR as shown in Application Serial No. 77-521,913, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Applicant Orange Star Design, Inc. (“Applicant”) is the owner of a United States Trademark Application No. 77-521,913 seeking to register ORANGE STAR for various advertising and commercial information services in International Class 35 and designing web sites for advertising purposes and other design and website related services, in International Class 42 (“ORANGE STAR Application”).

2. Opposer is the owner of rights in and to the name and mark ORANGE and variations thereon (“ORANGE Mark”) and various trademark registrations for the ORANGE Mark, in the United States and elsewhere, in connection with a wide variety of goods and services including services similar to those identified in the opposed application (“ORANGE Services”).

3. Opposer’s rights in the ORANGE Mark in connection with ORANGE Services are believed to be prior and superior to the rights of Applicant in the mark sought to be registered in the ORANGE STAR Application.

4. Opposer believes it would be damaged by the registration of the ORANGE STAR Application in that ORANGE STAR may so resemble Opposer’s ORANGE Mark, as to be likely, when used in connection with the services listed in the application, to cause confusion, mistake and deception, in violation of Section 2(d) of the United States Trademark Act of 1946 as amended (“Lanham Act”) (15 U.S.C. §1052(d)), or, alternatively, any registration that may issue for the ORANGE STAR Application may be cited as a potential bar to the registration by OBSL of one of its own applications to register the ORANGE Mark.

5. Registration, therefore, should be refused for the reasons set forth above.

WHEREFORE, Opposer requests that this opposition be sustained and that the ORANGE STAR Application be refused.

Opposer will submit payment with the online filing of the Notice, pursuant to 37 CFR §2.6(a)(17), in an amount totaling six hundred dollars (\$600.00) in payment of the requisite fee

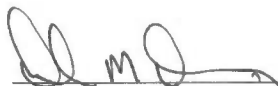
for filing this Notice of Opposition against the application in two classes. Please charge any additional amounts to the undersigned Attorney's Deposit Account No. 05-1323.

Dated: New York, New York
April 27, 2015

Respectfully submitted,

CROWELL & MORING LLP

By:



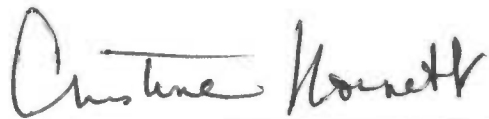
Dickerson M. Downing
Honor Costello
590 Madison Avenue
20th Floor
New York, New York 10022-2524

Attorneys for Opposer
Orange Brand Services Limited

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of April, 2015, the foregoing Notice of Opposition was served upon Applicant by depositing same with the U.S. Postal Service, first-class postage prepaid, addressed as follows:

Sandra D. Burchett, Esq.
B3 ESQ., LLC
931 Monroe Dr. NE
Ste A-102-420
Atlanta, GEORGIA 30308

A handwritten signature in cursive script that reads "Christine Kornett". The signature is written in black ink and is positioned above a horizontal line.

Christine Kornett