

ESTTA Tracking number: **ESTTA684946**

Filing date: **07/21/2015**

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 parties oppose registration of the indicated application.

Opposers Information

Name	SIGNUM LLC		
Entity	Limited Liability Company	Citizenship	Maryland
Address	1 East Church Street Frederick, MD 21701 UNITED STATES		

Name	NATURALAWN OF AMERICA, INC.		
Entity	Corporation	Citizenship	Maryland
Address	1 East Church Street Frederick, MD 21701 UNITED STATES		

Attorney information	John J. Dabney McDermott Will & Emery LLP 500 North Capitol Street, N.W The McDermott Building Washington, DC 20001-1531 UNITED STATES jdabney@mwe.com, dcipplit@mwe.com, kbukrinsky@mwe.com, hpmorrisson@mwe.com, Phone:202.756.8000		
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Applicant Information

Application No	86521202	Publication date	06/23/2015
Opposition Filing Date	07/21/2015	Opposition Period Ends	07/23/2015
Applicant	Naturescape, Inc. S66 W16253 Chestnut Ridge Court Muskego, WI 53150 UNITED STATES		


Goods/Services Affected by Opposition


Class 037. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Lawn care services, namely, insecticide-spraying
Class 044. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Lawn care services, namely, fertilization, mowing, and landscape maintenance in the nature of yard and garden care services

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.	1414588	Application Date	03/18/1986
Registration Date	10/21/1986	Foreign Priority Date	NONE
Word Mark	NATURLAWN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1985/07/26 First Use In Commerce: 1985/07/26 LAWN CARE SERVICES		

U.S. Registration No.	2543921	Application Date	01/22/2000
Registration Date	03/05/2002	Foreign Priority Date	NONE
Word Mark	NATURALAWN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 037. First use: First Use: 1986/07/17 First Use In Commerce: 1986/07/17 pest control services Class 042. First use: First Use: 1986/07/17 First Use In Commerce: 1986/07/17 lawn care services, namely organic based fertilizing and biological weed control services and mechanical and cultural renovation practices, namely, providing information regarding planting new turf varieties, proper mowing, watering, and thatching techniques, and pH balance requirements		

Attachments	73588683#TMSN.png(bytes) 75901410#TMSN.png(bytes) Notice of Opposition NATURE'SLAWN.pdf(40400 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 J. Dabney/
Name	John J. Dabney
Date	07/21/2015

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

SIGNUM, LLC,
1 East Church St
Frederick, Maryland 21701

NATURALAWN OF AMERICA, INC.
1 East Church Street
Frederick, Maryland 21701

Opposers,

v.

NATURESCAPE, INC.,
S66 W16253 Chestnut Ridge Court
Muskego, Wisconsin 53150

Applicant.

Opposition No. _____

Serial No: 86521202

Mark: NATURE'SLAWN

NOTICE OF OPPOSITION

Signum, LLC and Naturalawn of America, Inc. will be damaged by registration of NATURE'SLAWN in Application Serial No. 86/521,202, filed by the Naturescape, Inc. ("Applicant"), and oppose registration of same.

1. Opposer Signum, LLC is a holding company that owns the federally registered and common law trademarks NATURLAWN and NATURALAWN and licenses those marks to Opposer NaturaLawn of America, Inc. ("NLA"). NLA is a highly-successful lawn care franchise business, with 60 franchises throughout 23 states. Collectively, Signum and NLA are referred to as "Opposers".

2. For approximately 30 years, Opposers and its franchises have offered lawn care services under the marks NATURLAWN and NATURALAWN.

3. Opposers have invested tens of millions of dollars in advertising and promoting its services under the marks NATURLAWN and NATURALAWN. Opposers and its franchisees have earned hundreds of millions of dollars in revenues from services sold under the marks NATURLAWN and NATURALAWN.

4. Opposers own federal trademark registrations for NATURLAWN (Reg. No. 1,414,588) for “lawn care services” and NATURALAWN (Reg. No. 2,543,921) for “pest control services” and “lawn care services.” These registrations are incontestable.

5. Consumers associate Opposers’ marks NATURLAWN and NATURALAWN as identifying lawn care services emanating exclusively from Opposers and its franchisees, and have done so for decades.

6. Applicant is a Wisconsin corporation located at S66 W16253 Chestnut Ridge Court Muskego, Wisconsin 53150.

7. On February 2, 2015, Applicant filed intent-to-use Application Serial No. 86/521,202 for NATURE’S LAWN for “Lawn care services, namely, insecticide spraying” in Class 037, and “Lawn care services, namely, fertilization, mowing, and landscape maintenance in the nature of yard and garden care services” in Class 044.

8. Applicant’s NATURE’S LAWN mark is substantially similar to Opposers’ NATURLAWN mark in sight, sound, meaning and overall commercial impression.

9. Applicant’s services and Opposers’ services are identical and likely to be offered in the same channels of trade and to the same customers.

10. Applicant’s use and registration of NATURE’S LAWN is likely to cause confusion, deception, and/or mistake with Opposers’ NATURLAWN and NATURALAWN marks.

11. Applicant's use and registration of NATURE'SLAWN will interfere with Opposers' NATURLAWN and NATURALAWN marks, and damage Opposers, its business and the goodwill in its NATURLAWN and NATURALAWN marks.

WHEREFORE, Opposers pray that registration of Applicant's mark be denied.

Respectfully submitted,

SIGNUM, LLC and NATURALAWN OF AMERICA, INC.

Dated: July 21, 2015

By: /John J. Dabney/
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Attorneys for Opposers

CERTIFICATE OF SERVICE

Opposers SIGNUM, LLC and NATURALAWN OF AMERICA, INC., by and through their attorneys, hereby certifies that a copy of this NOTICE OF OPPOSITION has been served upon Applicant on this 21th day of July, 2015, by First Class Mail at the following address:

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/ Katie Bukrinsky / _____
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McDERMOTT WILL & EMERY LLP
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