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ESTTA Tracking number: **ESTTA708275**

Filing date: **11/12/2015**

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	Simon Golub & Sons, Inc.
Granted to Date of previous extension	11/11/2015
Address	13035 Gateway Drive, Suite 119 Seattle, WA 98168 UNITED STATES

Correspondence information	NANCY V. STEPHENS FOSTER PEPPER PLLC 1111 3RD AVE Suite 3400 Seattle, WA 98168 UNITED STATES stepn@foster.com Phone:2064478925

Applicant Information

Application No	86536504	Publication date	07/14/2015
Opposition Filing Date	11/12/2015	Opposition Period Ends	11/11/2015
Applicants	Hastert, Jack D. 300 North Federal Highway Dania, FL 33004 UNITED STATES Diaz, Santa T. 300 North Federal Highway Dania, FL 33004 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: Jewellery and watches

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)
Torres v. Cantine Torresella S.r.l.Fraud	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Other	

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3371817	Application Date	04/10/2007
Registration Date	01/22/2008	Foreign Priority Date	NONE
Word Mark	VALINA BRIDALS		
Design Mark			
Description of Mark	The mark consists of the words "VALINA BRIDALS" with the "V" being stylized andhorizontal swirls beneath the word "VALINA".		
Goods/Services	Class 014. First use: First Use: 2007/04/03 First Use In Commerce: 2007/04/03 Jewelry		

U.S. Registration No.	4408015	Application Date	05/24/2012
Registration Date	09/24/2013	Foreign Priority Date	NONE
Word Mark	VALINA BY CARO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 2012/08/22 First Use In Commerce: 2012/08/22 Jewelry		

U.S. Application/ Registra-tion No.	NONE	Application Date	NONE
Registration Date	NONE		

Word Mark	VALINA
Goods/Services	Jewelry

Attachments	77152574#TMSN.png(bytes) 85634631#TMSN.png(bytes) SEADOCS-#51482463-v1- VALINA BY CARO v VALINA NOP.pdf(27224 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	/Nancy V. Stephens/
Name	NANCY V. STEPHENS
Date	11/12/2015

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

Application Serial No.: 86536504
Trademark: VALINI
Filed: February 16, 2015
Published in the Official Gazette on July 14, 2015

Simon Golub & Sons, Inc.	)	
	)	
Opposer,	)	Opposition No. _____
	)	
v.	)	
	)	
Santa T. Diaz and Jack D. Hastert,	)	
	)	
Applicant.	)	
_____	)	

NOTICE OF OPPOSITION

Simon Golub & Sons, Inc., a Washington Limited Liability Company (the "Opposer"), whose principal place of business is 13035 Gateway Drive, Suite 119, Seattle, WA 98168, believes it would be damaged by registration of the mark **VALINI**, which is the subject of United States Patent and Trademark Office ("USPTO") Trademark Application Serial No. 86536504 and hereby opposes the same. Opposer is opposing only those goods in *International* Class 14.

As grounds of opposition, it is alleged that:

1. On information and belief, Santa T. Diaz and Jack D. Hastert ("Applicant") both individuals with a mailing address of 300 North Federal Highway, Dania, Florida 33004, are co-owners of Application Serial No. 86536504, filed February 16, 2015 on the basis of an intent-to-use (the "Application"), and seeks to register the mark **VALINI** to cover: "Jewelry and watches" in *International* Class 14; "Handbags, purses and wallets" in *International* Class 18; and

"Business wear, namely, suits, jackets, trousers, blazers, blouses, shirts, skirts, dresses and footwear" in *International* Class 25.

2. Opposer is the owner of USPTO Trademark Registration No. 3371817 for **VALINA BRIDALS** and Design and Trademark Registration No. 4408015 for **VALINA BY CARO** both in International Class 14 covering "jewelry" ("Registrations").

3. Opposer has continuously used the trademark **VALINA BRIDALS** and Design since at least as early as April 3, 2007.

4. Opposer has continuously used the trademark **VALINA BY CARO** since at least as early as August 22, 2012.

5. The dominant element of the Opposer's Registrations is **VALINA.**

6. The Opposer claims common law rights to the per se word "VALINA" in association with "jewelry." The trademark **VALINA** along with Opposer's Registrations may herein after be referred to as "Opposer's Marks."

7. The trademark **VALINI** is nearly identical to **VALINA**, the dominant element in Opposer's Registrations.

8. Applicant's Application is a six letter word that differs from **VALINA** by a single letter, the final vowel.

9. The trademark **VALINI** bears striking similarity to Opposer's Marks.

10. The class 14 goods listed on the Application and the Registration cover identical goods, jewelry.

11. Once in use, Applicant's **VALINI** products will likely be marketed to an audience similar to that audience to which Opposer's Marks are marketed.

12. Based on its rights to the Opposer's Marks, Opposer has made great expenditures of energy and resources to develop marketing and promotional activities to promote its jewelry products.

13. Based on its priority use date, Opposer's rights in the registered trademarks **VALINA BRIDALS** and Design, **VALINA BY CARO** and its common law trademark **VALINA** are superior to the Applicant's rights to **VALINI**.

14. The Opposer's actual date of first use of the Opposer's Marks is well prior into time to Applicant's filing date of February 16, 2015.

15. Based on its prior filing and registration dates for Opposer's Registrations and prior use dates for all of Opposer's Marks, Opposer's rights in the Opposer's Marks in connection with class 14 goods are superior to the Applicant's rights to **VALINI.**

16. Applicant was aware of Opposer's prior use of Opposer's Marks and in its application before the U.S. Patent and Trademark Office, fraudulently declared that, "to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof *or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive"* (italics added).

17. Through its efforts and the expenditure of funds for marketing and promotional activities, Opposer has developed considerable and valuable goodwill and reputation with respect to **VALINA** and its trademarks which contain the element **VALINA** in connection with jewelry.

18. Applicant's mark, if registered or used, will blur the distinctiveness of Opposer's mark and dilute the value of the mark as a source identifier.

19. Applicant's product will likely move in the same channels of trade as Opposer's goods and services and will likely target the same audience.

20. Use of the mark **VALINI** by Applicant in connection with its goods will necessarily create a likelihood of confusion in the market place where Opposer's Marks are in use in association with jewelry.

21. If Applicant is permitted to register **VALINI** for the goods specified in the Application, damage and injury to Opposer will be caused and will result by reason of the similarity between Applicant's **VALINI** mark and Opposer Marks.

22. Purchasers and prospective purchasers of Applicant's products are likely to be confused, mistaken, or deceived into believing that Applicant or its goods are associated, connected with, sponsored by or approved by Opposer.

23. Any defect, objection or fault found with Applicant's goods bearing the **VALINI** mark will necessarily reflect upon and seriously injure the reputation which Opposer has established for its brand.

24. If Applicant is permitted to register the mark **VALINI** for the goods specified in its Application, damage and injury to Opposer will be caused and will result by reason of the likelihood of confusion between Applicant's mark **VALINI** and Opposer's Marks.

25. If Applicant uses or is granted a registration for **VALINI**, it will blur the distinctiveness of the Opposer's Marks and dilute the value of the marks as a source identifier.

26. If Applicant is granted a registration for the **VALINI** mark, Applicant will obtain at least a *prima facie* exclusive right to use the trademark **VALINI**. Such registration would be a source of damage and injury to Opposer because it could possibly serve as a basis for a refusal of

Opposer's future trademark applications to register **VALINA** for jewelry or goods and services connected with or related to its *International* class 14 goods.

27. If Applicant is granted a registration for the **VALINI** mark, Applicant will obtain at least a *prima facie* exclusive right to use the trademark **VALINI**. Such registration would be a source of damage and injury to Opposer because not only would it likely create confusion in the marketplace but it also would be inconsistent with Opposer's superior rights in and to the trademarks **VALINA**, **VALINA BY CARO** and **VALINA BRIDALS** and Design.

WHEREFORE for the reasons set out herein, the Opposer prays that Applicant's Serial No. 86536504 in *International* Class 14 be denied and refused.

Dated: November 12, 2015

/Nancy V. Stephens/
Nancy V. Stephens WSBA No 31510
Foster Pepper PLLC
Attorneys for Opposer
1111 Third Avenue, Suite 3200
Seattle, WA 98101-3299
206-447-4400

CERTIFICATE OF SERVICE

I hereby certify that on November 12, 2015, I served the foregoing Notice of Opposition on the applicant by depositing a true copy thereof in a sealed envelope, postage prepaid, in First-Class U.S. mail addressed to the Applicant as follows:

Jack D. Hastert
300 N Federal Hwy
Dania, FL 33004-2808

/Joni Cramer/
Joni Cramer