

ESTTA Tracking number: **ESTTA765771**

Filing date: **08/22/2016**

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	The Port Authority of New York and New Jersey
Granted to Date of previous extension	08/21/2016
Address	4 World Trade Center, 23rd Floor, 150 Greenwich Street New York, NY 10007 UNITED STATES

Attorney information	Michael Geller DLA Piper LLP 203 North LaSalle Street, Suite 1900 Chicago, IL 60601 UNITED STATES michael.geller@dlapiper.com, leon.medzhibovsky@dlapiper.com, keith.medansky@dlapiper.com, ch.tm@dlapiper.com Phone:312.368.2152
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Applicant Information

Application No	86725663	Publication date	02/23/2016
Opposition Filing Date	08/22/2016	Opposition Period Ends	08/21/2016
Applicant	The Green Shows, LLC 1 Pier Pointe Street, #9 Yonkers, NY 10701 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 003. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Age spot reducing creams; Anti-aging cleanser; Anti-aging creams; Anti-wrinkle cream; Astringents for cosmetic purposes; Adhesives for affixing false eyelashes; Adhesives for attaching artificial fingernails and/or eyelashes; Aftershave; Aftershave cologne; Aftershave moisturizing cream; Bathing lotions; Bar soap; Bath soaps; Beauty creams; Beauty masks; Beauty soap; Blush; Blush pencils; Body butter; Body cream; Body cream soap; Body deodorants; Body glitter; Body lotion; Body masks; body milk; Body oil; Body powder; Body scrub; Body splash; Body sprays; Body wash; Cold cream; Cologne; Compacts containing make-up; Concealers; Cosmetic creams; Cosmetic creams for skin care; Cosmetic hand creams; Cosmetic masks; Cosmetic oils; Cosmetic pads; Cosmeticpencils; Cosmetic preparations for eye lashes; Cosmetic preparations for skin care; Cosmetic preparations for skin renewal; Cosmetic rouges; Cosmetic skin fresheners; Cosmetic soaps; Cosmetics and make-up; Cosmetics, namely, lip primer; Cosmetics, namely, lip repairers; Creamy foundation; Creamy rouges; Dry shampoos; Eau de cologne; Eau de perfume; Cosmeticpreparations, namely, exfoliants for skin; Eye cream; Eye gels; Eye liner; Eye make-up; Eye make-up remover; Eye pencils; Eyebrow cosmetics; Eyebrow pencils; Eyelash tint; Eyeshadows; Face and body lotions; Face creams; Face glitter; Face oils; Face powder; Facial beauty masks; Facial concealer; Facial make-up; Facialwashes; False eyelashes; false nails;</p>

Foam cleansers for personal use; Foundation; Hair care creams; Hair care lotions; Hair conditioners; Hair gel; Hair mascara; Hair mousse; Hair oils; Hair pomades; Hair shampoo; Hair spray; Hair styling-spray; Hair wax; Hand soaps; Lip balm; Lip cream; Lip gloss; Lip gloss palette; Lip liner; Lip polisher; Lip stains; Lipsticks; Liquid perfumes; Make up foundations; Make-up for the face and body; Make-up pencils; Make-up powder; Make-up primer; Make-up remover; Make-up sets; Mascaras; Nail art pens; Nail art stickers; Nail buffing preparations; Nail enamels; Nail glitter; Nail paint; Nail polish; Nail polish base coat; Nail polish pens; Nail polish remover; Nail polish remover pens; Nail polish top coat; Nail primer; Nail strengtheners; Oils for perfumes and scents; Perfumes; Perfume oils; Perfumed creams; Perfumed powder; Perfumed soaps; Perfumes in solid form; Perfuming sachets; Powder for make-up; Rouges; Skin bronzer; Skin cleansers; Skin masks; Toothpaste and mouthwashes

Grounds for Opposition

Other	The grounds are stated in the pleading for the notice of opposition.
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Attachments	Port Authority - Notice of Opposition - WTC WEAR THE CHANGE - 86725663.pdf(122169 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	/Michael Geller/
Name	Michael Geller
Date	08/22/2016

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

In re Serial No. 86/725,663
Mark: WTC WEAR THE CHANGE
Filed: August 14, 2015
Published: February 23, 2016

THE PORT AUTHORITY OF NEW YORK AND)	
NEW JERSEY)	
)	
Opposer,)	
)	Opposition No.:
v.)	
)	
THE GREEN SHOWS, LLC)	
)	
Applicant.)	

NOTICE OF OPPOSITION

THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY, a body corporate and politic created by a compact between the states of New York and New Jersey with the consent of the United States Congress located at 4 World Trade Center, 150 Greenwich Street, 23rd Floor, New York, New York 10007 (hereinafter "Opposer"), believes that it would be damaged by registration of the mark shown in Application Serial No. 86/725,663 (hereinafter "the Application"), filed August 14, 2015 by The Green Shows, LLC (hereinafter "Applicant"), published in the Official Gazette of the United States Patent and Trademark Office (hereinafter the "USPTO") on February 23, 2016, and hereby opposes the registration of such mark.

The grounds for the opposition are as follows:

1. Opposer is a body corporate and politic created in 1921 that manages various areas, elements of infrastructure and methods of transportation including, but not limited to, bridges, tunnels, airports and transit in New York City and Northern New Jersey.

2. In 1962, Opposer was granted the statutory right and obligation by the states of New York and New Jersey to develop and manage an area in downtown New York City, which the statutes named the World Trade Center. N.Y. Unconsol. § 6602 (McKinney 2006); N.J. Stat. Ann. § 32:1-35.51 (2006).

3. The World Trade Center was home to the “Twin Towers,” which were destroyed in the September 11, 2001 terrorist attacks, and now features the building named “One World Trade Center,” among other buildings, monuments and transportation facilities (collectively, the “Site”).

4. In or around 1961, Opposer adopted and began using the trademark WORLD TRADE CENTER in connection with its services offered at the Site. Subsequently, Opposer adopted and began using the trademark WTC as an acronym for the WORLD TRADE CENTER mark in connection with its products and services offered at the Site.

5. The grant of a registration to Applicant for the WTC WEAR THE CHANGE mark as sought in the Application (hereinafter “Applicant’s Mark”) should be denied because Opposer is the owner of the trademark WTC in connection with the services claimed in the Application, or services similar thereto. Granting registration to Applicant for Applicant’s Mark will disrupt Opposer’s statutory right to exclusive use and control of the WTC trademark, all to the damage and injury of the purchasing public and to the damage and injury of Opposer.

6. Alternatively, Opposer asserts that granting registration to Applicant for Applicant's Mark will deprive Opposer the right to use the WTC mark in connection with the services claimed in the Application, in derogation of the statutory mandate obligating Opposer to manage and operate the World Trade Center site.

7. A third party, the World Trade Centers Association, has filed a federal complaint against Opposer regarding Opposer's use of the WORLD TRADE CENTER and WTC trademarks (the "Litigation"). The Litigation substantially bears on this opposition, and, therefore, Opposer, in a separate filing, requests a suspension of this opposition.

WHEREFORE, Opposer files this Notice of Opposition and prays that the aforesaid application of The Green Shows, LLC, herein opposed, be rejected; that no registration be issued thereon to Applicant; and for such other and further relief as may be deemed just and proper.

The Deposit Account No. 18-2284 should be charged the amount of \$300.00 to cover the filing fees of this notice of opposition against the Application. Please charge any additional fees to Deposit Account No. 18-2284, and address all correspondence regarding this opposition to the undersigned.

Notice of Opposition
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Dated: August 22, 2016

Respectfully submitted,

**THE PORT AUTHORITY OF NEW YORK
AND NEW JERSEY**

By: /s/ Michael A. Geller

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this correspondence is being deposited with the United States Postal Service as First-Class Mail in an envelope addressed to the correspondent of record:

Peter Fields
Ritholz Levy Sanders Chidekel & Fields LLP
235 Park Ave. South, 3rd Floor
New York, New York United States 10003

/s/ Michael A. Geller
Signature

Michael A. Geller
Name

August 22, 2016
Date of Signature