

ESTTA Tracking number: **ESTTA794052**

Filing date: **01/10/2017**

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	Quality Solutions, Inc.
Granted to Date of previous extension	02/01/2017
Address	128 N. First Street Colwich, KS 67030 UNITED STATES
Attorney information	Barbara A. Friedman Edell Shapiro & Finnan LLC 9801 Washingtonian Blvd. Suite 750 Gaithersburg, MD 20878 UNITED STATES efile@usiplaw.com Phone:301-424-3640

Applicant Information

Application No	87014021	Publication date	10/04/2016
Opposition Filing Date	01/10/2017	Opposition Period Ends	02/01/2017
International Registration No.	NONE	International Registration Date	NONE
Applicant	Qatar Sports Investment P.O. Box 24926 Doha, QATAR		

Goods/Services Affected by Opposition

Class 035. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Commercial business management services

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. Application No.	87070469	Application Date	06/14/2016
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	QSI FACILITIES		

Design Mark	<h1>QSI FACILITIES</h1>
Description of Mark	NONE
Goods/Services	<p>Class 035. First use: First Use: 1999/00/00 First Use In Commerce: 1999/00/00 Business project management services for construction projects; Business administration and management of building maintenance projects and work requests; Facilities management services, namely, business consulting services relating to operations management for commercial, industrial, government and non-profit facilities; Business consulting services in the fields of facilities assessment and construction services; Consulting services in the field of business aspects of facilities construction, repair and maintenance; All of the foregoing excluding services related to food, beverage and bakery sanitation</p> <p>Class 037. First use: First Use: 1999/00/00 First Use In Commerce: 1999/00/00 Construction and renovation of buildings; Construction project management services; Construction management; Building maintenance and repair; General construction contracting in the field of construction project management, construction planning and property maintenance; General contractor services, namely, providing plumbing, heating and air conditioning, carpentry, drywall, flooring, painting, and electrical contractor services; Facilities management services in the nature of maintenance, repair and renovation of buildings at commercial, industrial, government and non-profit facilities; Integrated facilities management, namely, repair and maintenance of electrical, elevator, plumbing, heating, roofing, structural, lighting and ventilation and air-conditioning systems; All of the foregoing excluding services related to food, beverage and bakery sanitation</p>

Attachments	87070469#TMSN.png(bytes) QSI Notice of Opposition.pdf(216761 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	/Barbara A. Friedman/
Name	Barbara A. Friedman
Date	01/10/2017

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

Quality Solutions, Inc.,

Opposer,

Opposition No. _____

v.

Mark: 
QATAR SPORTS INVESTMENTS

Ser. No.: 87014021

Qatar Sports Investment,

Applicant.

NOTICE OF OPPOSITION

Quality Solutions, Inc., a Kansas corporation, whose business address is 128 N. First Street, Colwich, Kansas 67030 (“Opposer”), believes that it will be damaged by the issuance of a registration for the mark QSI Qatar Sports Investments (stylized/logo format), under Serial No. 87014021, which includes, *inter alia*, “Commercial business management services,” in International Class 35. Application Serial No. 87014021 was filed on April 26, 2016, by Qatar Sports Investment, a Qatar joint stock company, whose business address is P.O. Box 24926, Doha, Qatar (“Applicant”), claiming Section 44(e) as the basis of registration in the U.S. through Applicant’s Qatar trademark registration 37705 for the same mark. The application was published for opposition on October 4, 2016. Opposer believes it will be damaged by registration of the mark in Serial No. 87014021, and, having been granted an extension of time to oppose up to and including

February 1, 2017, hereby opposes registration of the same in class 35, pursuant to Section 13(a) of the Lanham Trademark Act of 1946. As grounds for its opposition, Opposer alleges as follows, with knowledge concerning its own acts, and on information and belief as to all other matters:

1. Opposer offers, among other things, business project management and business consulting, all in relation to building facilities maintenance, building maintenance, repair, and construction services. Opposer has operated its business since at least 1997, and offers project management services in the facilities maintenance, repair, and construction fields.

2. Given its company name “Quality Solutions, Inc.,” Opposer adopted and used the QSI acronym since at least as early as 1999, and is still using the QSI acronym to identify its services and to distinguish them from those of others.

3. As a result of its use of the acronym QSI for close to two decades, Opposer’s customers have come to associate QSI with and only with Opposer, for business project management and business consulting services in the facilities maintenance field.

4. As a result of its use of the QSI mark since 1999, Opposer has developed common law rights in the name QSI in connection with its business project management and business consulting services in the facilities maintenance field.

5. On June 14, 2016, Opposer filed an application in the U.S. Patent and Trademark Office for registration of its mark QSI FACILITIES, under Serial No. 87070469, for services identified as “Business project management services for construction projects; Business administration and management of building maintenance

projects and work requests; Facilities management services, namely, business consulting services relating to operations management for commercial, industrial, government and non-profit facilities; Business consulting services in the fields of facilities assessment and construction services; Consulting services in the field of business aspects of facilities construction, repair and maintenance,” in class 35; and “Construction and renovation of buildings; Construction project management services; Construction management; Building maintenance and repair; General construction contracting in the field of construction project management, construction planning and property maintenance; General contractor services, namely, providing plumbing, heating and air conditioning, carpentry, drywall, flooring, painting, and electrical contractor services; Facilities management services in the nature of maintenance, repair and renovation of commercial, industrial, government and non-profit facilities; Integrated facilities management, namely, repair and maintenance of electrical, elevator, plumbing, heating, roofing, structural, lighting and ventilation and air-conditioning systems,” in class 37. Opposer subsequently amended the services in Application No. 87070469 to exclude services related to food, beverage and bakery sanitation.

6. During examination of Opposer’s Application No. 87070469, the USPTO Examining Attorney identified Applicant’s Application No. 87014021 as potential bar to registration, stating that a likelihood of confusion existed between the two marks.

7. The Examining Attorney takes the position that Applicant’s mark in Serial No. 87014021 and Opposer’s mark in Serial No. 87070469 shared the dominant component, QSI, and that the wording of class 35 services in Application No. 87014021, “Commercial business management services,” is so broad as to encompass Opposer’s

class 35 services; and further that no limitation to Opposer's class 35 services description would avoid a finding of likelihood of confusion.

8. On information and belief, Applicant is an investment company specializing in investing in established and emerging sport, leisure and entertainment opportunities. According to its own words, Applicant's objective is to be internationally recognized as a leading sport, leisure and entertainment investment company.

9. Applicant filed Serial No. 87014021 on April 26, 2016, with no claim of priority and no allegation of use of the mark in commerce with the U.S.

10. Opposer first used QSI in commerce to identify its services and to distinguish them from those of others long prior to Applicant's April 26, 2016 filing date.

11. Opposer relies herein on its many years of common law use of QSI in establishing its priority in this case.

12. On information and belief, April 26, 2016 is the earliest date on which Applicant can rely to establish priority in this case.

13. As between the two applications, the Examining Attorney afforded priority to Applicant's earlier-filed Application No. 87014021, notwithstanding Opposer's common law use of QSI as a trademark long prior to the earliest date on which Applicant can rely in establishing priority.

14. The Examining Attorney prosecuting Opposer's QSI trademark in Application No. 87070469 takes the position that a likelihood of confusion exists between Opposer's mark and Applicant's mark, because, as the Examining Attorney found, both include the acronym QSI as a dominant component, and that, as worded, Applicant's class 35 services are related to the class 35 services in Opposer's application.

15. If the Examining Attorney's finding is correct, registration of Applicant's QSI mark in connection with the services set forth in Application No. 87014021 in International Class 35 is likely to cause confusion, cause mistake, or to deceive the public in believing that the services offered by Applicant under its mark come from or are otherwise sponsored by or connected with Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d).

16. If the Examining Attorney's finding of likelihood of confusion is correct, as between the two parties, Opposer has priority of use of the mark, and the right to register its mark.

17. If Applicant is granted registration of the mark herein opposed in class 35, it would thereby obtain a prima facie exclusive right to use the QSI mark, to the detriment of Opposer; and such registration would be a source of damage and injury to Opposer.

WHEREFORE, Opposer requests that this opposition be sustained, that registration of Application No. 87014021 for the services in class 35 be refused, and for such other relief as the Board may deem equitable and appropriate.

Date: January 10, 2017

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing NOTICE OF OPPOSITION was served this 10th day of January 2017, on the attorney of record for this application via first class mail, postage prepaid, at the attorney's address identified in the records of the United States Patent and Trademark Office:

Lawrence E. Abelman
Frank Terranella
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Barbara A. Friedman