

ESTTA Tracking number: **ESTTA837202**

Filing date: **08/02/2017**

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	Elizabeth G Whitaker
Granted to Date of previous extension	08/02/2017
Address	854 Club Moss Court Atlanta, GA 30068 UNITED STATES

Attorney information	JungJin Lee Trademark Lawyer Law Firm, PLLC 455 E. Eisenhower Parkway Suite 360 Ann Arbor, MI 48108 UNITED STATES Email: jj@trademarklawyerfirm.com Phone: 800-529-2218
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**Applicant Information**

Application No	87236339	Publication date	04/04/2017
Opposition Filing Date	08/02/2017	Opposition Period Ends	08/02/2017
Applicant	David J. Witchell Salon & Spa, Inc. 25 South State Street Newtown, PA 18940 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 044. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are opposed, namely: Hair, skin, and nail care salon services; beauty spa services, namely, cosmeticbody care

**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.	87314510	Application Date	01/26/2017
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	EVERYONE WILL NOTICE. NO ONE WILL KNOW.		

Design Mark	Everyone will notice. No one will know.
Description of Mark	NONE
Goods/Services	Class 044. First use: First Use: 2016/09/01 First Use In Commerce: 2016/11/02 Medical services

Attachments	87314510#TMSN.png( bytes ) 08022017 NOTICE OF OPPOSITION.pdf(480328 bytes )
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Signature	/JungJin Lee/
Name	JungJin Lee
Date	08/02/2017

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

Signature Aesthetics, LLC,	)	
Opposer,	)	Opposition No.
	)	In the Matter of
v.	)	Serial No. 87/236339
	)	Filed: November 14, 2016
David J. Witchell Salon & Spa, Inc.,	)	Mark: EVERYONE WILL NOTICE BUT NO ONE
Applicant.	)	WILL KNOW

**NOTICE OF OPPOSITION**

Signature Aesthetics, LLC (“Opposer”), a limited liability company organized in the state of Georgia with offices at 854 Club Moss Court Atlanta, Georgia, believes that it will be damaged by the registration of the trademark EVERYONE WILL NOTICE BUT NO ONE WILL KNOW (“Applicant’s Mark”) by David J. Witchell Salon & Spa, Inc. (“Applicant”) as applied for in Application Serial Number 87236339 (“Applicant’s Application”), for use in connection with “*Hair, skin, and nail care salon services; beauty spa services, namely, cosmetic body care*” in International Class 044, (“Applicant’s Goods”).

As grounds for opposition, it is alleged that:

1. Opposer is the owner of United States Trademark Application Serial No. 87314510 for the mark "EVERYONE WILL NOTICE. NO ONE WILL KNOW". As indicated in this application, since at least as early as November 2, 2016, Opposer has been, and is now, using in interstate commerce, the mark "EVERYONE WILL NOTICE. NO ONE WILL KNOW" in connection with "*Medical services.*"
2. Opposer's "EVERYONE WILL NOTICE. NO ONE WILL KNOW" mark is symbolic of extensive goodwill and consumer recognition built up by Opposer through substantial amounts of time, money, and other resources to market, promote, and advertise its services in connection with its "EVERYONE WILL NOTICE. NO ONE WILL KNOW" mark.
3. Upon information and belief and according to the Patent and Trademark Office's ("USPTO") records, Applicant is a corporation organized in Pennsylvania, with an address of 25 South State Street, Newtown, Pennsylvania.
4. Upon information and belief, Applicant is the owner of Applicant's Application.
5. Upon information and belief, Applicant filed its application under Section 1(b) on November 14, 2016.
6. Upon information and belief, Opposer's usage of the mark "EVERYONE WILL NOTICE. NO ONE WILL KNOW" predates the filing of Applicant's Application. Therefore, Opposer has superior rights in this matter.
7. On January 26, 2017, Opposer filed an application for registration of its "EVERYONE WILL NOTICE. NO ONE WILL KNOW" mark in connection with its medical services.
8. On April 10, 2017, the USPTO examining attorney suspended Opposer's application on the basis of Applicant's pending Application.

9. Upon information and belief, Applicant's mark is intended to be used, or is used, on goods and services which are highly related and highly similar, to Opposer's services.
10. Applicant's Mark so resembles Opposer's "EVERYONE WILL NOTICE. NO ONE WILL KNOW" mark, that when applied to the goods and services set forth in the applications, it is likely to cause confusion, mistake, or deception as to the source of the goods and services within the meaning of Section 2(d) of the Trademark Act.
11. Applicant's mark so resembles Opposer's "EVERYONE WILL NOTICE. NO ONE WILL KNOW" mark that when applied to the goods and services set forth in the applications, it is likely to deceive purchasers or potential purchasers of the parties' respective goods and services into erroneously believing that Applicant's goods and services are authorized, sponsored, endorsed, or licensed by Opposer.
12. Upon information and belief, Applicant's goods and services are distributed, or are intended to be distributed, through the same channels of trade as Opposer's services.
13. If Applicant is granted the registration herein opposed, it would obtain at least a *prima facie* exclusive right to use of the alleged mark. Such registration would be a source of further damage and injury to Opposer.
14. For the reasons set forth in the foregoing paragraphs, Applicant is not entitled to register its alleged mark and the application should be denied in accordance with Section 2(d) of the Lanham Act, 15 U.S.C. 1052(d).

WHEREFORE, Opposer requests that the Opposition be sustained, and that registration of Application Serial No. 76719008 to Applicant for the mark EVERYONE WILL NOTICE BUT NO ONE WILL KNOW not be registered.

Opposer submits herewith the required fee for filing the Notice of Opposition in the amount of \$400.00.

August 2, 2017

Respectfully Submitted,

Signature Aesthetics, LLC

By: /Heather M. Dent/

JungJin Lee, Esq.

Erin C. Bray, Esq.

Heather M. Dent, Esq.

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 2, 2017, a true and correct copy of the foregoing Notice of Opposition was served upon:

FRANK J. BONINI, JR.  
HARDING, EARLEY, FOLLMER & FRAILEY, P.C.  
1288 VALLEY FORGE ROAD, P.O. BOX 750  
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By electronic mail.

I further certify that the foregoing paper is being filed electronically via the Electronic System for Trademark Trials and Appeals (ESTTA).

Date: August 2, 2017

/ Heather M. Dent /  
Heather M. Dent, Esq.