

ESTTA Tracking number: **ESTTA910161**

Filing date: **07/18/2018**

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	Allegiance Retail Services, LLC
Granted to Date of previous extension	07/25/2018
Address	485D Route 1 SouthSuite 420 Iselin, NJ 08830 UNITED STATES

Attorney information	Julie B. Seyler ABELMAN FRAYNE & SCHWAB 666 Third Avenue NY, NY 10017 UNITED STATES Email: <a href="mailto:jbseyler@lawabel.com">jbseyler@lawabel.com</a> , <a href="mailto:docket@lawabel.com">docket@lawabel.com</a>
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### Applicant Information

Application No	85372493	Publication date	03/27/2018
Opposition Filing Date	07/18/2018	Opposition Period Ends	07/25/2018
Applicant	AJM Nino Corp 22 Church St Ramsey, NJ 07446 UNITED STATES		

### Goods/Services Affected by Opposition

Class 003. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are opposed, namely: Environmentally friendly all-purpose cleaners

### 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.	87678062	Application Date	11/09/2017
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	GREEN WAY		

Design Mark	<h1>Green Way</h1>
Description of Mark	NONE
Goods/Services	<p>Class 003. First use: First Use: 2009/06/00 First Use In Commerce: 2009/06/00 body wash, dish detergent, hand soap, and household cleaning products</p> <p>Class 016. First use: First Use: 2010/04/00 First Use In Commerce: 2010/04/00 bathroom tissue and paper towels</p> <p>Class 029. First use: First Use: 2017/01/15 First Use In Commerce: 2017/01/15 eggs, vegetable burgers, grated cheese</p> <p>Class 030. First use: First Use: 2017/02/15 First Use In Commerce: 2017/02/15 seasonings, honey</p>

Attachments	87678062#TMSN.png( bytes ) GREEN WAY PRODUCTS - Notice of Opposition.pdf(92546 bytes )
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Signature	/aimeemallen/
Name	Aimee M. Allen
Date	07/18/2018

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

In re Applications No. 85372493  
Published March 27, 2018

Allegiance Retail Services, LLC <i>Opposer,</i>
v.
AJM Nino Corp, <i>Applicant</i>

Opposition No.

**NOTICE OF OPPOSITION**

Allegiance Retail Services, LLC (“Opposer”), a limited liability company organized and existing under the laws of New Jersey, with an office at 485D Route 1 South, Suite 420 Iselin New Jersey 08830, believes that it will be damaged by registration of the mark shown in Application Serial No. 85372493 and hereby opposes same.

As grounds for opposition, it is alleged that:

1. Opposer is using and has long used the trademark GREEN WAY in commerce on a variety of goods, including but not limited to household cleaning products.
2. Opposer is the owner of all right, title and interest in and to the trademark GREEN WAY for household cleaning products.
3. Opposer owns Application No. 87678062 for GREEN WAY for a variety of goods in Classes 3, 16, 29 and 30, and specifically body wash, dish detergent, hand soap, and household cleaning products in Class 3.

4. Opposer has used the mark GREEN WAY on household cleaning products since at least as early as June 2009.

5. On July 15, 2011, AJM Nino Corp. (“Applicant”) filed Application No. 85372493 (the “Application”) seeking to register the mark GREEN WAY PRODUCTS (“Applicant’s Mark”) on an intent-to-use basis for “environmentally friendly all-purpose cleaners” in Class 3.

6. Opposer has priority with regard to rights in the GREEN WAY mark over any rights Applicant may claim to the GREEN WAY PRODUCTS mark in its Application.

7. The goods in the Application are identical to or otherwise commercially related to the goods claimed by Opposer in the Registration.

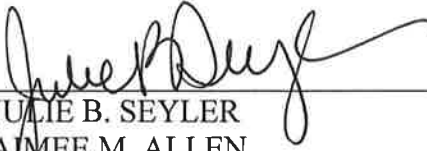
8. Applicant’s Mark is substantially similar to Opposer’s GREEN WAY Mark.

9. Applicant’s goods and Opposer’s goods are likely to travel in the same channels of trade and be purchased by the same class of consumers.

10. In view of the substantial similarity between the respective marks, the commercial relationship between the goods, and the similarities of the channels of trade, registration of Applicant’s Mark is likely to cause confusion, mistake or deception to purchasers as to the source of Applicant’s goods. It is therefore requested that registration of the Application be refused under section 2(d) of the Trademark Act.

WHEREFORE, Opposer believes that it will be damaged by the registration of Application Ser. No. 85372493 and respectfully requests that registration be refused and this opposition be sustained.

Respectfully submitted,



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JULIE B. SEYLER  
AIMEE M. ALLEN

*Attorney for Opposer*

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