

ESTTA Tracking number: **ESTTA1105192**

Filing date: **12/30/2020**

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	FOODS FOR JUNIORS, INC.
Granted to Date of previous extension	01/10/2021
Address	386 FLATBUSH AVENUE EXT BROOKLYN, NY 11201 UNITED STATES
Attorney information	NATHANIEL KRAMER KIRSCHSTEIN ISRAEL SCHIFFMILLER & PIERONI 425 FIFTH AVENUE FIFTH FLOOR NEW YORK, NY 10016 UNITED STATES Primary Email: ndkramer@mindspring.com 212-697-3750
Docket Number	Junior's 37

Applicant Information

Application No.	88832429	Publication date	07/14/2020
Opposition Filing Date	12/30/2020	Opposition Period Ends	01/10/2021
Applicant	JRS Management L.L.C. 10845 GRIFFITH PEAK DRIVE LAS VEGAS, NV 89135 UNITED STATES		

Goods/Services Affected by Opposition

Class 043. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Restaurant 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. Registration No.	1604169	Application Date	11/16/1989
Registration Date	06/26/1990	Foreign Priority Date	NONE

Word Mark	JUNIOR'S
Design Mark	
Description of Mark	NONE
Goods/Services	Class 043. First use: First Use: 1950/11/00 First Use In Commerce: 1950/11/00 RESTAURANT SERVICES

Attachments	37 Notice of Opposition.pdf(26084 bytes)
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Signature	/Nathaniel Kramer/
Name	NATHANIEL KRAMER
Date	12/30/2020

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

In the Matter of Application Serial No. 88832429

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Foods For Juniors Inc.,	:
	:
Opposer,	:
	:
v.	: Opposition No.
	:
JRS MANAGEMENT L.L.C.,	:
	:
Applicant.	:
	:
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NOTICE OF OPPOSITION

Foods for Juniors Inc. ("Opposer"), a New York corporation, having its principal place of business at 386 Flatbush Avenue Ext., Brooklyn, NY 11201, believes that it would be damaged by the registration of the "JRS FRENCH DIPPED SANDWICHES" mark shown in application 88832429, and hereby opposes such application.

As grounds for this opposition, Applicant alleges the following:

Foods for Juniors opened its first Junior's restaurant in Brooklyn, New York, more than seventy years ago. Today, its Junior's restaurants, including the two in Times Square, New York City, are very well known, throughout the

country, in part because of the millions of tourists who visit Times Square each year, the migration of hundreds of thousands, if not millions, of New Yorkers, familiar with Junior's restaurants, to other States, and the nationwide distribution of Opposer's famous Junior's branded cheesecakes throughout the country.

2. Opposer owns the federal trademark registration for the mark JUNIOR'S for restaurant services, specifically Registration 1,604,169 of June 26, 1990. The registration is incontestable.

3. The opposed application is also directed to restaurant services. There is a complete overlap with the services in Opposer's registration.

4. The opposed application has a filing date of March 12, 2020 and claims no prior use of the mark.

5. Accordingly, there is no issue of priority in this proceeding.

6. Applicant has disclaimed the phrase "French Dipped Sandwiches" in its mark, as that phrase is descriptive of restaurant services.

7. The only distinctive portion of the opposed mark, "JRS" is, of course, the well known, and regularly used abbreviation of "JUNIORS," essentially identical to Opposer's mark.

8. Applicant's mark "JRS FRENCH DIPPED SANDWICHES" ("French dipped sandwiches" disclaimed) for "restaurant services" is likely to be confused with Opposer's registered mark "JUNIOR'S" for "restaurant services" because of the confusing similarity of the respective parties' marks and the complete overlap of the services involved.

9. If the opposed mark should mature to a registration, confusion is likely to occur, resulting in injury to Opposer.

WHEREFORE, Opposer prays that this opposition be sustained and that Applicant's registration be denied.

Respectfully submitted,

KIRSCHSTEIN, ISRAEL, SCHIFFMILLER
& PIERONI, P.C.



By:

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