

ESTTA Tracking number: **ESTTA1211054**

Filing date: **05/24/2022**

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	Bedside Manor, Ltd.		
Entity	Corporation	Citizenship	Illinois
Address	2048 NORTH HALSTED CHICAGO, IL 60614 UNITED STATES		
Attorney information	MARK K SURI HINSHAW & CULBERTSON LLP 151 NORTH FRANKLIN STREET SUITE 2500 CHICAGO, IL 60606 UNITED STATES Primary email: msuri@hinshawlaw.com Secondary email(s): trademarks@hinshawlaw.com, dbacso@hinshawlaw.com 312-704-3000		
Docket no.	0815432		

**Applicant information**

Application no.	90799878	Publication date	05/03/2022
Opposition filing date	05/24/2022	Opposition period ends	06/02/2022
Applicant	Bedside Manor LLC 6725 COSTELLO AVENUE VAN NUYS, CA 91405 UNITED STATES		

**Goods/services affected by opposition**


Class 036. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Rental of real estate in the nature of short-term residential housing and apartment rental for travel nurses
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**Grounds for opposition**

Priority and likelihood of confusion	Trademark Act Section 2(d)
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**Marks cited by opposer as basis for opposition**

U.S. registration no.	3034841	Application date	07/27/2004
Register	Principal		
Registration date	12/27/2005	Foreign priority	NONE

		date	
Word mark	BEDSIDE MANOR		
Design mark			
Description of mark	NONE		
Goods/services	Class 035. First use: First Use: May 12, 1985 First Use In Commerce: May 12, 1985 Retail store services specializing in beds, bedding, and related items		

U.S. application no.	97134559	Application date	11/19/2021
Registration date	NONE	Foreign priority date	NONE
Word mark	BEDSIDE MANOR		
Design mark			
Description of mark	NONE		
Goods/services	Class 020. First use: First Use: May 31, 2001 First Use In Commerce: May 31, 2001 Pillows; Bed pillows; Throw pillows Class 024. First use: First Use: Nov 30, 2001 First Use In Commerce: Nov 30, 2001 Comforters; Bed sheets; Bed spreads; Bed covers; Bed linen; Bed throws; Pillow cases; Pillow covers; Fitted bed sheets; Flat bed sheets Class 035. First use: First Use: Jan 31, 2007 First Use In Commerce: Jan 31, 2007 On-line retail store services featuring beds, bedding, pillows, bedding related-items, bedroom furniture, bedroom accessories, soaps, candles, linen wash		

Attachments	78457300#TMSN.png( bytes ) 97134559#TMSN.png( bytes ) Bedside Manor Notice of Opposiiton 5-24-2022.pdf(348090 bytes )
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Signature	/Mark K. Suri/
Name	Mark K Suri
Date	05/24/2022

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

Bedside Manor, Ltd.,  <p align="center">Opposer,</p> v.   Bedside Manor LLC,  <p align="center">Applicant.</p>	Opposition No. _____  U.S. Trademark Reg. No.: 3,034,841 Mark: BEDSIDE MANOR Issued: December 27, 2005  U.S. Trademark Appl. Serial No. 97/134,559 Mark: BEDSIDE MANOR Filed: November 19, 2021  U.S. Trademark Appl. Serial No. 90/799,878 Mark: BEDSIDE MANOR Filed: June 28, 2021 Published: May 3, 2022
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**NOTICE OF OPPOSITION**

Bedside Manor, Ltd. (“Opposer”), an Illinois corporation, with an address at 2048 North Halsted Street, Chicago, Illinois 60614, believes that it will be damaged by registration of the mark BEDSIDE MANOR, shown in Application No. 90/799,878, filed by Bedside Manor, LLC, (“Applicant”), a California limited liability company, with an address at 6725 Costello Avenue, Van Nuys, California 91405.

Opposer hereby opposes registration of the above-referenced application pursuant to 15 U.S.C. §§ 1052, 1064 and 37 C.F.R. § 2.112. In support of this Notice, Opposer alleges as follows:

1. Opposer is the owner of U.S. Trademark Registration No. 3,034,841 for the mark BEDSIDE MANOR in International Class 35 for the services “Retail store services specializing in beds, bedding, and related items.” Opposer has used the mark BEDSIDE

MANOR openly, continuously and notoriously in connection with these services since at least as early as May 12, 1985.

2. Opposer is the owner of U.S. Trademark Application Serial No. 97/134,559 (“Opposer’s Application”) for the mark BEDSIDE MANOR in International Classes 20, 24, and 35 for the goods and services “Pillows; Bed pillows; Throw pillows” (class 20); “Comforters; Bed sheets; Bed spreads; Bed covers; Bed linen; Bed throws; Pillow cases; Pillow covers; Fitted bed sheets; Flat bed sheets” (class 24); “On-line retail store services featuring beds, bedding, pillows, bedding related items, bedroom furniture, bedroom accessories, soaps, candles, linen wash” (class 35).
  - a. Opposer has used the mark BEDSIDE MANOR openly, continuously and notoriously in connection with its class 20 services since at least as early as May 31, 2001.
  - b. Opposer has used the mark BEDSIDE MANOR openly, continuously and notoriously in connection with its class 24 services since at least as early as November 30, 2001.
  - c. Opposer has used the mark BEDSIDE MANOR openly, continuously and notoriously in connection with its services since at least as early as January 31, 2007.
3. Applicant is the owner of Application No. 90/799,878 (“Applicant’s Application”) for the mark BEDSIDE MANOR in International Class 36 for the services “Rental of real estate in the nature of short-term residential housing and apartment rental for travel nurses.”
4. Applicant’s Application was filed on June 28, 2021. It is an intent to use based application and does not allege any use.

5. On or about September 17, 2021, Applicant filed a Petition to Make Special in its application, seeking to expedite the prosecution of Applicant's Application.
6. In support of its Petition to Make Special, Applicant stated "Applicant has been contacted by phone by another person claiming earlier rights to the mark. The individual is actually infringing on the Applicant's mark. He is using the mark as can be seen here: <https://usa.yvesdelorme.com/storelocator/chicago-414.html>. Applicant needs to secure registration as soon as possible." This statement was made under penalty of perjury.
7. The link provided by Applicant in its Petition to Make Special goes to a website owned by Yves Delorme, a 175 year old French international brand of luxury home products. In particular, the link goes to the Yves Delorme's store locator page, which shows a map of one of Opposer's stores, with Opposer's name prominently featured on the top of the page.
8. Applicant's representation to the Trademark Office that Opposer's use of its nearly 40 year old trademark "is actually infringing on the Applicant's mark" admits to Applicant's infringement. If Opposer's use of the BEDSIDE MANOR trademark is an infringement of Applicant's rights – that is, if Applicant were the senior user – then Applicant admits that it, the junior user, is infringing upon Opposer's trademark rights..
9. The parties' marks are identical. The parties' services are similar or closely related, both relating to the hospitality industry. Consumers would expect the parties' goods and/or services to emanate from the same source. The parties' goods and/or services are likely offered in the same channels of trade to the same prospective consumers.
10. Applicant's Application was published for opposition on May 3, 2022. This Notice of Opposition is filed within the time allowed to oppose the Application.

11. As grounds for opposing registration of the Applicant's Application, Opposer alleges, that a likelihood of confusion exists between Applicant's proposed use and registration of the mark BEDSIDE MANOR and Opposer's long standing use and registration of the mark BEDSIDE MANOR.
12. Since at least as early as May 12, 1985, over thirty-seven (37) years ago, Opposer has used its mark BEDSIDE MANOR in connection with the recited services in its trademark registration. Opposer has expanded its use of the mark over the years to encompass additional goods and services, including those set forth in its pending trademark application.
13. Applicant's intent-to-use application for the mark BEDSIDE MANOR was filed on June 28, 2021, decades after Opposer's date of first use. Opposer has used its mark continuously, openly and notoriously in commerce since its date of first use. Thus, Opposer has superior rights in the mark BEDSIDE MANOR relative to Applicant. Applicant itself has admitted that Opposer's mark and Applicant's mark are confusingly similar and are used in connection with similar or related goods and/or services. Applicant itself has admitted that the marks are likely to cause confusion in the minds of consumers.
14. Seniority of use is grounds to oppose registration of a mark if the Opposer believes that it is or will be damaged by registration of a mark. 15 U.S.C. § 1064.

WHEREFORE, Opposer believes that it will be damaged by registration of the mark BEDSIDE MANOR, in Application No. 90/799,878, and, therefore, requests that the Applicant's Application be rejected, and that Applicant be denied registration of the Applicant's Application on the ground that Opposer is the prior user of the mark BEDSIDE MANOR and that confusion is likely between the parties' uses and registrations of their respective marks.

A filing fee of \$600 is enclosed herewith.

Dated: May 24, 2022

Respectfully submitted,

By: /Mark K. Suri/  
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*Attorney for Opposer Beside Manor, Ltd.*