

ESTTA Tracking number: **ESTTA1228078**

Filing date: **08/10/2022**

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	White Cloud LLC
Granted to date of previous extension	09/03/2022
Address	2200 NW CORPORATE BLVD. SUITE 317 BOCA RATON, FL 33431 UNITED STATES
Attorney information	TERRENCE J. MCALLISTER RUGGIERO MCALLISTER & MCMAHON LLC ONE LANDMARK SQUARE STAMFORD, CT 06901 UNITED STATES Primary email: trademark@ruggieroip.com Secondary email(s): terry@ruggieroip.com 203 293-9140
Docket no.	0015030us1

Applicant information

Application no.	90900546	Publication date	07/05/2022
Opposition filing date	08/10/2022	Opposition period ends	09/03/2022
Applicant	White Cloud Concierge 15263 S STEEP MOUNTAIN DRIVE DRAPER, UT 84020 UNITED STATES		

Goods/services affected by opposition

Class 045. First Use: Apr 30, 2020 First Use In Commerce: Jul 16, 2021
All goods and services in the class are opposed, namely: Personal concierge services for others comprising making requested personal arrangements and reservations and providing customer-specific information to meet individual needs; Personal concierge services for others comprising making requested personal arrangements and reservations, running errands and providing customer specific information to meet individual needs, all rendered in business establishments, office buildings, hotels, residential complexes and homes; Providing non-medical personal assistant services for others in the nature of planning, organizing, coordinating, arranging and assisting individuals to perform daily tasks

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. application/ registration no.	NONE	Application date	NONE
Register	NONE		
Registration date	NONE		
Mark	WHITE CLOUD		
Goods/services	Services including a variety of air chartering, air transportation, leasing, brokerage, luxury transportation and chauffeured services in the U.S.		

U.S. application/ registration no.	NONE	Application date	NONE
Register	NONE		
Registration date	NONE		
Mark	WHITE CLOUD CHARTER		
Goods/services	Services including a variety of air chartering, air transportation, leasing, brokerage, luxury transportation and chauffeured services in the U.S.		

Attachments	WHITE CLOUD Opposition- tjm.pdf-8-10-22.pdf(165603 bytes)
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Signature	/RMM-TJM-tjm/
Name	TERRENCE J. MCALLISTER
Date	08/10/2022

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

In the matter of Application Serial No. 90900546
Published in the *Official Gazette* on July 5, 2022

White Cloud Charter LLC.

Opposition No.:

Opposer,

vs.

White Cloud Concierge,

Applicants.

NOTICE OF OPPOSITION

White Cloud Charter LLC , a limited liability company organized under the laws of Delaware having an office at Suite 317, 2200 NW Corporate Blvd., Boca Raton, Florida 33431 (“Opposer”), believes it will be damaged by the issuance of a registration to White Cloud Concierge, a limited liability company organized under the laws of Utah having an office at 15263 S. Steep Mountain Drive, Draper Utah 84020 (“Applicant”) for the mark WHITE CLOUD, which is the subject of Application No. 90900546, filed August 24, 2021, covering, “Personal concierge services for others comprising making requested personal arrangements and reservations and providing customer-specific information to meet individual needs; Personal concierge services for others comprising making requested personal arrangements and reservations, running errands and providing customer specific information to meet individual needs, all rendered in business establishments, office buildings, hotels, residential complexes and homes; Providing non-medical personal assistant services for others in the nature of planning, organizing, coordinating, arranging and assisting individuals to perform daily tasks” in class 45.

Accordingly, Opposer hereby opposes said mark under provisions of Section 13 of the Trademark Act of July 5, 1946 (the “Lanham Act”), as amended, 15 U.S.C. §1063.

As grounds for opposition, it is alleged that:

1. Since at least as early as 2010, Opposer has used the trademarks WHITE CLOUD and WHITE CLOUD CHARTER to provide a wide variety of air chartering, air transportation, leasing, brokerage, luxury transportation and chauffeured services in the U.S.
2. Opposer’s WHITE CLOUD and WHITE CLOUD CHARTER trademarks have played a central role in Opposer’s brand identity and Opposer has prominently featured the WHITE CLOUD and WHITE CLOUD CHARTER trademarks in connection with its services, advertisements, marketing, and promotional materials, including on its web site www.whitecloudcharter.com.
3. Opposer claims priority over Applicant’s application in view of the use of Opposer’s WHITE CLOUD and WHITE CLOUD CHARTER trademarks prior to Applicant’s alleged first use and alleged first use in commerce of the WHITE CLOUD mark, and Applicant’s application filing date of August 24, 2021.
5. Opposer, since long prior to Applicant’s alleged use of the WHITE CLOUD mark and filing of its application for WHITE CLOUD, has promoted and marketed the services offered under the WHITE CLOUD and WHITE CLOUD CHARTER trademarks, and, by reason of such advertising, promotion, marketing and sales, the WHITE CLOUD and

WHITE CLOUD CHARTER trademarks now enjoy valuable goodwill and enviable reputation.

6. Registration of the WHITE CLOUD mark by Applicant herein is barred by the provisions of Section 2(d) of the Lanham Act for the reason that it is confusingly similar to Opposer's WHITE CLOUD and WHITE CLOUD CHARTER trademarks in overall sight, sound, meaning, connotation, and commercial impression, as to be likely, when used on or in connection with the services covered under Applicant's application, to cause confusion, or to cause mistake, or to deceive consumers and members of the industry into believing that the services covered under Applicant's application originate from, are sponsored by, or are otherwise authorized by Opposer, when, in fact, they are not.

7. Upon information and belief, the services offered under the Opposer's WHITE CLOUD and WHITE CLOUD CHARTER trademarks are similar or highly similar to the services covered by Applicant's application.

8. Upon information and belief, the services designated in Applicant's application will be advertised, marketed, promoted, and provided through the same channels of trade and will be advertised in the same types of communication vehicles, publications, the internet, social media, and various communication channels as the services offered under Opposer's WHITE CLOUD and WHITE CLOUD CHARTER trademarks, and sold to the same classes of the purchasing public for use by the same consumers, as the services offered under Opposer's WHITE CLOUD and WHITE CLOUD CHARTER trademarks.

9. Upon information and belief, the services designated in Applicants' application would be offered to and used by some of the same customers and consumers who would also be in the market for and use the services offered under Opposer's WHITE CLOUD and WHITE CLOUD CHARTER trademarks.
10. Registration of Applicant's WHITE CLOUD mark would be a source of damage to Opposer because consumers and members of the industry are likely to attribute the source or sponsorship of Applicant's services to Opposer.
11. Registration of Applicant's WHITE CLOUD mark would be a source of damage to Opposer because registration would confer upon Applicants statutory presumptions to which Applicant is not entitled in view of Opposer's prior rights in the WHITE CLOUD and WHITE CLOUD CHARTER trademarks.

WHEREFORE, Opposer prays that registration of Application No. 90900546 for WHITE CLOUD in International Class 45 be denied and that this opposition be sustained in favor of Opposer on the merits, with prejudice, and without leave to refile.

Please direct all correspondence to the undersigned at the address listed below.

Respectfully submitted,

White Cloud Charter LLC.

Date: August 10, 2022

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