

ESTTA Tracking number: **ESTTA1264508**

Filing date: **02/07/2023**

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	Fox Hollow Furnishings, LLC		
Entity	Limited Liability Company	Citizenship	California
Address	6158 LEMONA AVENUE VAN NUYS, CA 91411 UNITED STATES		

Correspondence information	C. DALE QUISENBERRY QUISENBERRY LAW PLLC 13910 CHAMPION FOREST DRIVE, SUITE 203 HOUSTON, TX 77069 UNITED STATES Primary email: dale@quisenberrylaw.com Secondary email(s): shannon@quisenberrylaw.com, concealedcabin-et@aol.com 832.680.5000		
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**Applicant information**

Application no.	97072170	Publication date	01/17/2023
Opposition filing date	02/07/2023	Opposition period ends	02/16/2023
Applicant	Fox Hollow Holdings LLC 2853 THOMPSON ROAD WEATHERFORD, TX 76087 UNITED STATES		

**Goods/services affected by opposition**


Class 016. First Use: Mar 1, 2015 First Use In Commerce: Mar 1, 2015 All goods and services in the class are opposed, namely: Art prints; printed decals and stickers for use as home décor; printed educational learning cards; printed wall calendars
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**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.	5244968	Application date	12/12/2016
Register	Principal		
Registration date	07/18/2017	Foreign priority date	NONE

Word mark	FOX HOLLOW FURNISHINGS
Design mark	
Description of mark	NONE
Goods/services	Class 020. First use: First Use: Dec 11, 2016 First Use In Commerce: Dec 11, 2016 Furniture; cabinets; medicine cabinets

Attachments	87265522#TMSN.png( bytes ) Fox_Hollow_Furnishings_Notice_Of_Opposition.pdf(138410 bytes )
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Signature	/C. Dale Quisenberry/
Name	C. Dale Quisenberry
Date	02/07/2023



## **OPPOSER AND ITS TRADEMARK RIGHTS**

1. Opposer is a leading provider of furniture, cabinets, medicine cabinets and other home decor.

2. Opposer is the owner of trademark rights granted via United States Trademark Registration No. 5,244,968 (“the ‘968 registration”) and common law rights for the mark “Fox Hollow Furnishings” (hereinafter the “Fox Hollow Furnishings Mark”).

3. The Fox Hollow Furnishings Mark has been continuously used in interstate commerce since at least as early as December 11, 2016 in connection with furniture, cabinets, and medicine cabinets.

4. Opposer is the owner of the ‘968 registration for the mark “Fox Hollow Furnishings” for “furniture, cabinets, and medicine cabinets” in International Class 20, registered July 18, 2017. The ‘968 registration is valid and subsisting.

## **APPLICANT AND ITS PENDING APPLICATION**

5. Applicant filed its application Serial No. 97/072,170 (“the ‘170 application”) for “Fox Hollow Studios” (hereinafter “Applicant’s Mark”) on October 13, 2021. The ‘170 application was filed pursuant to Section 1(a) of the Trademark Act, and seeks registration of Applicant’s Mark in connection with “Art prints; printed decals and stickers for use as home décor; printed educational learning cards; printed wall calendars” in International Class 016, alleging a date of first use in commerce of at least as early as March 11, 2015.

6. Applicant’s Mark incorporates the dominant portion of Opposer’s mark, i.e., Fox Hollow, as shown below:

Applicant’s Mark	Opposer’s Mark
Fox Hollow Studios	Fox Hollow Furnishings

7. If Applicant is permitted to register “Fox Hollow Studios,” the registration will cause injury and damage to Opposer.

## **COUNT I**

### **LIKELIHOOD OF CONFUSION**

8. Opposer repeats and realleges paragraphs 1-7 as paragraph 8 of this Count I.

9. The trademark application that matured into the ‘968 registration was filed, the ‘968 registration was issued, and Opposer’s rights in the Fox Hollow Furnishings Mark were established, before Applicant filed its ‘170 application.

10. On information and belief, Applicant was aware of Opposer’s Fox Hollow Furnishings Mark at the time that Applicant filed the ‘170 application.

11. Applicant’s Mark is confusingly similar to Opposer’s Fox Hollow Furnishings Mark.

12. The goods identified in Applicant’s ‘170 application include items that are related to goods provided by Opposer under its Fox Hollow Furnishings Mark, and may be sold in the same channels of trade and to the same types of consumers as the goods for which the Fox Hollow Furnishings Mark is used and registered.

13. The marks at issue are extremely similar. Applicant’s Mark begins with the same two words, and dominant portion of, Opposer’s mark, i.e., FOX HOLLOW, followed with the common word STUDIOS, which Applicant has disclaimed. When relevant consumers see the parties’ marks in the marketplace, they are likely to draw the false conclusion that Applicant’s goods are affiliated with, produced by, or sponsored by Opposer, making confusion likely.

14. Due to at least the similarity of the marks and goods involved, and other factors, Applicant’s use and registration of Applicant’s Mark will inevitably lead to confusion, mistake, or to

deception of the public within the meaning of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), all to Opposer's irreparable damage.

15. Registration of Applicant's Mark should be denied based on likelihood of confusion with Opposer's Fox Hollow Furnishings Mark, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

#### **CLAIM FOR RELIEF/DAMAGE**

16. By reason of the foregoing, Applicant's registration of Fox Hollow Studios will cause injury and damage to Opposer's rights to its registered Fox Hollow Furnishings Mark and to its use thereof described above.

WHEREFORE, Opposer respectfully requests that the present opposition be sustained in favor of Opposer, and that the registration sought by the Applicant be refused. Opposer hereby appoints as its attorney C. Dale Quisenberry, a member of the Bar of the State of Texas, with full power to prosecute this Opposition, transact all relevant business with the U.S. Patent and Trademark Office and receive all official communications in connection with this Opposition.

Respectfully submitted,

Dated: February 7, 2023

By: /s/ C. Dale Quisenberry

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