

ESTTA Tracking number: **ESTTA1003684**

Filing date: **09/20/2019**

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	Transamerica Corporation
Granted to Date of previous extension	09/28/2019
Address	6400 C STREET SW CEDAR RAPIDS, IA 52499 UNITED STATES

Correspondence information	BRUCE A. MCDONALD SMITH, GAMBRELL & RUSSELL, LLP 1055 THOMAS JEFFERSON ST., N.W., # 400 WASHINGTON, DC 20007 UNITED STATES bmcdonald@sgrlaw.com 202-263-4362
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Applicant Information

Application No	88232718	Publication date	07/30/2019
Opposition Filing Date	09/20/2019	Opposition Period Ends	09/28/2019
Applicant	Amos, Carl Raymond 8710 W. Hillsborough Ave #413 413 Tampa, FL 33615 UNITED STATES		

Goods/Services Affected by Opposition

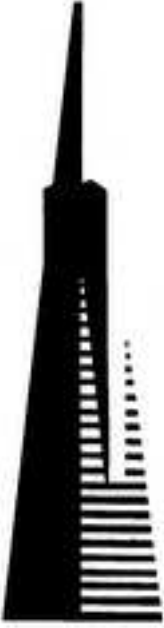
Class 014. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Collectible coins; Commemorative coins; Monetary coin sets for collecting purposes; Non-monetary coins; Souvenir pressed coins

Grounds for Opposition


Priority and likelihood of confusion	Trademark Act Section 2(d)
The mark is deceptively misdescriptive	Trademark Act Section 2(e)(1)
The mark is primarily geographically deceptively misdescriptive	Trademark Act Section 2(e)(3)
The mark comprises matter that, as a whole, is functional	Trademark Act Section 2(e)(5)
Failure to function as a mark	Trademark Act Sections 1, 2 and 45
The mark is not inherently distinctive and has not	Trademark Act Sections 1, 2 and 45; and Section


acquired distinctiveness	2(f)
Dilution by blurring	Trademark Act Sections 2 and 43(c)


Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1370509	Application Date	12/15/1983
Registration Date	11/12/1985	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1983/10/11 First Use In Commerce: 1983/10/11 FINANCIAL CONSULTING SERVICES, PROVIDING [COMMERCIAL AND INDUSTRIAL LOANS AND TITLE,] HEALTH, LIFE [, AND PROPERTY]INSURANCE, INSURANCE UNDERWRITING [, REAL ESTATE MANAGEMENT SERVICES AND REAL ESTATE APPRAISAL SERVICES]		

U.S. Registration No.	4511810	Application Date	11/21/2012
Registration Date	04/08/2014	Foreign Priority Date	NONE
Word Mark	NONE		


Design Mark			
Description of Mark	The mark consists of Stylized image of the Transamerica Pyramid Building in San Francisco, California.		
Goods/Services	Class 036. First use: First Use: 1983/10/11 First Use In Commerce: 1983/10/11 Financial services, namely, underwriting and distribution of life and health insurance and annuity products; investment management and advisory services; mutual fund management, brokerage, and distribution services; retail stock brokerage services; financial retirement planning; administration of retirement and pension plans; and insurance agency and brokerage services		
U.S. Registration No.	4813212	Application Date	11/21/2012
Registration Date	09/15/2015	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark			
Description of Mark	The mark consists of Stylized image of the Transamerica Pyramid Building in San Francisco, California.		
Goods/Services	<p>Class 016. First use: First Use: 2011/09/00 First Use In Commerce: 2011/09/00</p> <p>Pens, pencils, folders, note pads, stickers, stationery, writing pads, holiday cards, invitation cards, printed invitations, letterhead paper, notebooks, blank-journals, paper note holders, pen and pencil holders, paperweights, paper name tags, memo cards, memo pads, memo holders, note cards, blank cards, post-cards and greeting cards, posters, blank or partially printed paper labels, mailing labels, business cards, printed paper signs, printed paper signs, namely, table tents, markers, paper coasters, adhesive labels, adhesive materials for office use, namely, adhesive note paper, advertising pamphlets, advertising signs of paper, agendas, business forms, calendars, event programs, disposable napkins, paper napkins, hand towels of paper, paper bags, paper gift bags, paper envelopes for packaging, paper mats, paper name badges, paper report covers, paper signboards, paper stock, paper table cloths, paper table linens, printed advertising boards of paper, printed awards, printed certificates, printed charts, printed forms, printed graphs, printed seminar notes</p>		
U.S. Registration No.	4863328	Application Date	06/09/2015
Registration Date	12/01/2015	Foreign Priority Date	NONE
Word Mark	NONE		


Design Mark	
Description of Mark	The mark consists of a stylized image of a skyscraper that depicts the Transamerica Pyramid building in San Francisco, California.
Goods/Services	Class 041. First use: First Use: 1989/09/30 First Use In Commerce: 1989/09/30 Organization and presentation of sportstournaments as an event sponsor


U.S. Registration No.	1635681	Application Date	11/15/1989
Registration Date	02/19/1991	Foreign Priority Date	NONE
Word Mark	TRANSAMERICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 1989/09/30 First Use In Commerce: 1989/09/30 [REAL ESTATE TAX REPORTING SERVICES]</p> <p>Class 036. First use: First Use: 1989/09/30 First Use In Commerce: 1989/09/30 FINANCIAL CONSULTING SERVICES; [LEASING SERVICES FOR COMMERCIAL AND INDUSTRIALREAL ESTATE,] INVESTMENT MANAGEMENT AND COUNSELING SERVICES; MUTUAL FUNDS MANAGEMENT SALES AND DISTRIBUTION SERVICES; [PROVIDING CONSUMER, COMMERCIAL, INDUSTRIAL AND REAL ESTATE LOANS;] INSURANCE PREMIUM FINANCING SERVICES; INSURANCE UNDERWRITING SERVICES FOR LIFE, DISABILITY[, HOMEOWNER, TITLE, PROPERTY AND CASUALTY] INSURANCE; LIFE [AND PROPERTY AND CASUALTY] REINSURANCE SER-</p>		

	<p>VICES; INSURANCE AGENCY SERVICES; [SURETY BONDING SERVICES;] UNDERWRITING SERVICES FOR VARIABLE LIFE INSURANCE AND VARIABLE ANNUITY PRODUCTS [; INDUSTRIAL AND COMMERCIAL FINANCING SERVICES; SAVINGS ACCOUNT AND MORTGAGE LENDING SERVICES; REAL ESTATE MANAGEMENT AND APPRAISAL SERVICES; MANAGEMENT OF RESORT PROPERTIES AND MANAGEMENT OF RETIREMENT AND CONGREGATE CARE FACILITIES; REAL ESTATE MANAGEMENT AND CONSULTATION SERVICES; ACCOUNTS RECEIVABLE AND INVENTORY FINANCING SERVICES FOR VEHICLES, COMPUTERS, APPLIANCES AND INDUSTRIAL EQUIPMENT]</p> <p>Class 037. First use: First Use: 1989/09/30 First Use In Commerce: 1989/09/30 [VEHICLE FLEET SERVICING AND MAINTENANCE SERVICES; SERVICING AND MAINTENANCE SERVICES FOR FREIGHT CONTAINERS, OVER-THE-ROAD TRAILERS AND INTERMODEL TRAILERS FOR USE OVER THE ROAD OR ABOARD RAILROAD FREIGHT CARS AND SEAGOING VESSELS]</p> <p>Class 039. First use: First Use: 1989/09/30 First Use In Commerce: 1989/09/30 [LEASING AND RENTAL OF FREIGHT CONTAINERS, OVER-THE-ROAD TRAILERS AND INTERMODEL TRAILERS FOR USE OVER THE ROAD OR ABOARD RAILROAD FREIGHT CARS AND SEAGOING VESSELS; MOTOR CARRIER AND FREIGHT FORWARDING SERVICES; LEASING OF RAIL CARS; VEHICLE FLEET LEASING SERVICES]</p> <p>Class 041. First use: First Use: 1989/09/30 First Use In Commerce: 1989/09/30 [SPONSORING, ORGANIZING AND PRESENTATION OF PROFESSIONAL SPORTS TOURNAMENTS]</p>
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U.S. Registration No.	4511811	Application Date	11/21/2012
Registration Date	04/08/2014	Foreign Priority Date	NONE
Word Mark	TRANSAMERICA		
Design Mark			
Description of Mark	The mark consists of Stylized image of the Transamerica Pyramid Building in San Francisco, California, and "TRANSAMERICA" name.		
Goods/Services	Class 036. First use: First Use: 1989/09/30 First Use In Commerce: 1989/09/30 Financial services, namely, underwriting and distribution of life and health insurance and annuity products; investment management and advisory services; mutual fund management, brokerage, and distribution services; retail stock brokerage services; financial retirement planning; administration of retirement and pension plans; and insurance agency and brokerage services		


U.S. Registration No.	4813213	Application Date	11/21/2012
Registration Date	09/15/2015	Foreign Priority Date	NONE

Word Mark	TRANSAMERICA
Design Mark	 TRANSAMERICA
Description of Mark	The mark consists of Stylized image of the Transamerica Pyramid Building in San Francisco, California, and the name "TRANSAMERICA".
Goods/Services	Class 016. First use: First Use: 2011/09/00 First Use In Commerce: 2011/09/00 Pens, pencils, folders, note pads, stickers, stationery, writing pads, holiday cards, invitation cards, printed invitations, letterhead paper, notebooks, blank-journals, paper note holders, pen and pencil holders, paperweights, paper name tags, memo cards, memo pads, memo holders, note cards, blank cards, post-cards and greeting cards, posters, blank or partially printed paper labels, mailing labels, business cards, printed paper signs, printed paper signs, namely, table tents, markers, paper coasters, adhesive labels, adhesive materials for office use, namely, adhesive note paper, advertising pamphlets, advertising signs of paper, agendas, business forms, calendars, event programs, disposable napkins, paper napkins, hand towels of paper, paper bags, paper gift bags, paper envelopes for packaging, paper mats, paper name badges, paper report covers, paper signboards, paper stock, paper table cloths, paper table linens, printed advertising boards of paper, printed awards, printed certificates, printed charts, printed forms, printed graphs, printed seminar notes

U.S. Registration No.	1872759	Application Date	07/01/1993
Registration Date	01/10/1995	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	The mark comprises a three dimensional, stand alone replica of a pyramid shaped building.		

Goods/Services	<p>Class 035. First use: First Use: 1987/04/00 First Use In Commerce: 1987/04/00 [real estate tax reporting services]</p> <p>Class 036. First use: First Use: 1972/08/01 First Use In Commerce: 1972/08/01 financial consulting services; [leasing services for commercial, residential and industrial real estate;] investment management and counseling services; mutual fund brokerage, investment, distribution and advisory services; [providing consumer, commercial, industrial and realestate loans; real property informationservices; namely, providing flood hazard certification and information to lenders for purposes of complying with the Flood Disaster Protection Act;] insurancepremium financing services; * LIFE * insurance underwriting services [for life, disability, homeowner, and property and casualty insurance] ; life [and property and casualty] reinsurance services; insurance agency services; underwriting services for life insurance and annuity products and structured settlement services for dispute resolution and litigation; [industrial and commercial financing services; mortgage lending services;] [real estate management and appraisal services; insurance claims processing services for others; management of resort-properties; real estate asset management and consultation services; and accounts receivable and inventory financing services for vehicles, computers, appliances, recreational products and industrial equipment]</p> <p>Class 037. First use: First Use: 1979/06/06 First Use In Commerce: 1979/06/06 [servicing and maintenance services forfreight and tank containers, chassis, over-the-road trailers and intermodel trailers for use over the road or aboard railroad freight cars and seagoing vessels]</p> <p>Class 039. First use: First Use: 1979/06/06 First Use In Commerce: 1979/06/06 [leasing and rental of freight and tankcontainers, chassis, over-the-road trailers and intermodel trailers for use over the road or aboard railroad freight cars and seagoing vessels; motor carrier and freight forwarding services; leasing of rail cars]</p> <p>Class 041. First use: First Use: 1977/09/20 First Use In Commerce: 1977/09/20 [sponsoring, organizing and presentation of professional sports tournaments]</p> <p>Class 042. First use: First Use: 1972/08/01 First Use In Commerce: 1972/08/01 [consulting services rendered in the field of engineering, land development, layout and design; and management of retirement and congregate care facilities]</p>
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U.S. Registration No.	1857878	Application Date	07/01/1993
Registration Date	10/11/1994	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark	
Description of Mark	The mark consists of the three dimensional configuration of the Transamerica Pyramid Building.
Goods/Services	<p>Class 035. First use: First Use: 1987/04/00 First Use In Commerce: 1987/04/00 [real estate tax reporting services]</p> <p>Class 036. First use: First Use: 1972/08/01 First Use In Commerce: 1972/08/01 financial consulting services; [leasing services for commercial, residential and industrial real estate;] investment management and counseling services; mutual fund brokerage, investment, distribution and advisory services; [providing consumer, commercial, industrial and real estate loans;] insurance premium financing services; insurance [underwriting services for life, disability, homeowner, and property and casualty insurance; life and property and casualty reinsurance services;] insurance agency services; underwriting services for life insurance and annuity products and structured settlement services for dispute resolution and litigation; [industrial and commercial financing services; mortgage lending services;] [real estate management and appraisal services; insurance claims processing services for others; management of resort properties and real estate asset management and consultation services; and accounts receivable and inventory financing services for vehicles, computers, appliances, recreational products and industrial equipment;] [real property information services; namely, providing flood hazard certification and information to lenders for purposes of complying with the Flood Disaster Protection Act]</p> <p>Class 037. First use: First Use: 1979/06/06 First Use In Commerce: 1979/06/06 [servicing and maintenance services for freight and tank containers, chassis, over-the-road trailers and intermodal trailers for use over the road or aboard railroad freight cars and seagoing vessels]</p> <p>Class 039. First use: First Use: 1979/06/06 First Use In Commerce: 1979/06/06 [leasing and rental of freight and tank containers, chassis, over-the-road trailers and intermodal trailers for use over the road or aboard railroad freight cars and seagoing vessels; motor carrier and freight forwarding services; leasing of rail cars]</p> <p>Class 041. First use: First Use: 1977/09/20 First Use In Commerce: 1977/09/20 [sponsoring, organizing and presentation of professional sports tournaments]</p> <p>Class 042. First use: First Use: 1972/08/01 First Use In Commerce: 1972/08/01 [consulting services rendered in the field of engineering, land development, layout and design; management of retirement and congregate care facilities]</p>

Attachments	73457288#TMSN.png(bytes) 85785230#TMSN.png(bytes) 85785201#TMSN.png(bytes) 86657131#TMSN.png(bytes) 73839343#TMSN.png(bytes) 85785276#TMSN.png(bytes) 85785249#TMSN.png(bytes) 74407857#TMSN.png(bytes) 74407858#TMSN.png(bytes) Carl Raymond Amos Notice of Opposition SN 88232718.pdf(1482218 bytes)
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Signature	/Bruce A. McDonald/
Name	Bruce A. McDonald
Date	09/20/2019

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

TRANSAMERICA CORPORATION,)
)
 Opposer,)
)
 v.)
)
CARL RAYMOND AMOS,)
)
 Applicant.)
)
)
)
)
)

Opposition No.:
U.S. App. 88232718
**JWAHMOSE GLASS SKYSCRAPER
FINE OZ**



NOTICE OF OPPOSITION

Transamerica Corporation (“Transamerica” or “Opposer”) believes that it will be damaged by registration of the trademark depicted in U.S. Intent-to-Use Trademark Application Serial No. 88232718, and opposes the application on the grounds that (1) registration of Applicant’s mark, if used by Applicant as a trademark, is likely to be confused with Opposer’s common law rights and prior registrations covering Opposer’s famous Transamerica Building and Pyramid Logo, in violation of Section 2(d) of the Federal Trademark Act of 1946, as amended (the “Lanham Act”), 15 U.S.C. § 1052(d); (2) registration of Applicant’s mark is likely to dilute the distinctive quality of Opposer’s famous Transamerica Pyramid Building and Transamerica Pyramid Building Logo marks; (3) Applicant’s mark lacks acquired distinctiveness and fails to function as a trademark; (4) the Pyramid Building Design in Applicant’s mark is a functional element essential to the intended use and purpose of Applicant’s goods, and is prohibited from registration under Section 2(e)(5) of the Lanham Act, 15 U.S.C. § 1052(e)(5); and (5) to the extent Applicant’s mark functions as a trademark and is otherwise registrable, it is

deceptively misdescriptive in violation of Lanham Act Section 2(e)(1), 15 U.S.C. § 1052(e)(1) and primarily geographically deceptively misdescriptive in violation of Lanham Act Section 2(e)(3), 15 U.S.C. § 1052(e)(3).

(1) Opposer is a national provider of insurance, investment and retirement services with headquarters in Cedar Rapids, Iowa, and offices throughout the country.

(2) On or about December 18, 2019, Applicant filed the opposed application, U.S. Application Serial No. 88232718, seeing registration of the words JWAHMOSE GLASS SKYSCRAPER FINE OZ accompanied in part by the design of a pyramid-shaped building (“Applicant’s Pyramid Building Design”) for “collectible coins; commemorative coins; monetary coin sets for collecting purposes; non-monetary coins; souvenir pressed coins,” in International Class 14 (“Applicant’s Goods”):



(3) Pursuant to an Examiner’s Amendment dated June 12, 2019, Applicant describes his mark as follows:

The mark consists of a three-dimensional configuration comprising a design of coin that consists of a circle featuring the wording “JWAHMOSE GLASS SKYSCRAPER” in a curved arc over a design of a pyramidal building. There are four pyramidal designs displayed in a curved arc under the design of the building. The words "fine" and "oz" are also displayed on the left and right respectively in the overall circular design. There is a cloud design behind the central building design. The remainder of the shading in the background of the mark and the overall circular shape of the coin shown in dotted lines are not claimed as a feature of the mark and merely represents background or transparent areas.

(4) Applicant's Pyramid Building Design lacks secondary meaning and is not recognized by purchasers as an identifier of the source of Applicant's Goods.

(5) Applicant's Pyramid Building Design does not function, and is not intended to function, as an identifier of source for Applicant's Goods but is instead intended to identify a skyscraper in connection with which Applicant has or had, or purports to have or to have had, a role in the creation, design, financial investment and/or other involvement yet to be determined.

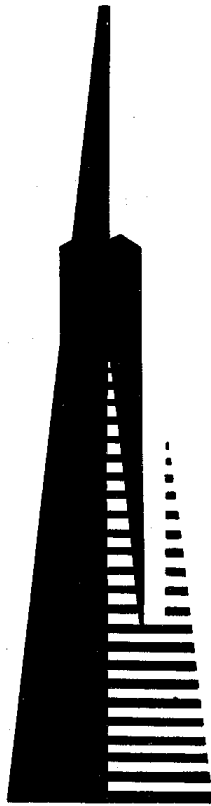
(6) Since long before the filing date of the opposed Application and long before any use of Applicant's Pyramid Building Design, Opposer has owned and used depictions and designs of the Transamerica Pyramid Building, a skyscraper in San Francisco in which Opposer was historically headquartered, that are highly similar and nearly identical in shape and appearance to the skyscraper depicted in Applicant's Pyramid Building Design, as a trademark for various goods, including but not limited to the following items illustrated in Exhibit A hereto:

- Soap, cleansing cream, hand salve, skin lotions and lip balm, in International Class 003;
- Scented candles, in International Class 004;
- Bottle openers and can openers, in International Class 008;
- USB chargers and flashlights, in International Class 009;
- Clocks, in International Class 014;
- Calendars, posters, notebook holders, writing pads, pens, and numerous other items in International Class 016;
- Tote bags, back packs and computer bags, in International Class 018;
- Picture frames and display stands, in International Class 020;
- Crystal sculptures, thermally insulated containers for beverages, and non-electric portable coolers, in International Class 021;
- Towels, in International Class 024;

- Men and women’s apparel including jackets, golf caps, sweatshirts, bike jerseys, hat and scarf sets, and outerwear, in International Class 025;
- Lapel pins, in International Class 026; and
- Basketballs, playing cards, plush toys, mini-footballs, video games, and golf tees, in International Class 028.

(7) Opposer owns all right, title and interest to the following “Transamerica Pyramid Building Logo” and has used this mark in commerce since 1983 or before:

Transamerica Pyramid Logo



(8) Opposer owns all right, title and interest in the following U.S. Trademark and Service Mark Registrations covering the Transamerica Pyramid Building Logo, all issued prior

to the filing date of the opposed application, and has used each covered mark in commerce for the identified goods and services since the first-use dates indicated in the respective registrations:

<u>U.S. Reg.</u>	<u>Services</u>
1370509	Financial consulting services; providing health, life insurance, insurance underwriting, in Class 036 (first use 1983)
1635683	Financial consulting services; investment management and counseling services; mutual funds management sales and distribution services; insurance premium financing services; insurance underwriting services for life, disability insurance; life reinsurance services; insurance agency services; underwriting services for variable life insurance and variable annuity products, in Class 036 (first use 1989)
4511810	Financial services, namely, underwriting and distribution of life and health insurance and annuity products; investment management and advisory services; mutual fund management, brokerage, and distribution services; retail stock brokerage services; financial retirement planning; administration of retirement and pension plans; and insurance agency and brokerage services, in Class 036 (first use 1983)
4813212	Pens, pencils, folders, note pads, stickers, stationery, writing pads, holiday cards, invitation cards, printed invitations, letterhead paper, notebooks, blank journals, paper note holders, pen and pencil holders, paperweights, paper name tags, memo cards, memo pads, memo holders, note cards, blank cards, postcards and greeting cards, posters, blank or partially printed paper labels, mailing labels, business cards, printed paper signs, printed paper signs, namely, table tents, markers, paper coasters, adhesive labels, adhesive materials for office use, namely, adhesive note paper, advertising pamphlets, advertising signs of paper, agendas, business forms, calendars, event programs, disposable napkins, paper napkins, hand towels of paper, paper bags, paper gift bags, paper envelopes for packaging, paper mats, paper name badges, paper report covers, paper signboards, paper stock, paper table cloths, paper table linens, printed advertising boards of paper, printed awards, printed certificates, printed charts, printed forms, printed graphs, printed seminar notes, in Class 016 (first use 2011)
4863328	Organization and presentation of sports tournaments as an event sponsor, in Class 41 (first use 1989)

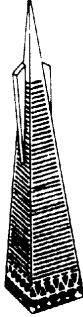
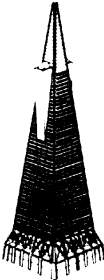
(9) Opposer owns all right, title and interest in the following U.S. Trademark and Service Mark Registrations covering the Transamerica Pyramid Building Logo with the name TRANSAMERICA, all issued prior to the filing date of the opposed application, and has used

each covered mark in commerce for the identified goods and services since the first-use dates indicated in the respective registrations:

<u>U.S. Reg.</u>	<u>Services</u>
1635681	Financial consulting services; investment management and counseling services; mutual funds management sales and distribution services; insurance premium financing services; insurance underwriting services for life, disability insurance; life reinsurance services; insurance agency services; underwriting services for variable life insurance and variable annuity products, in Class 036 (first use 1989)
4511811	Financial services, namely, underwriting and distribution of life and health insurance and annuity products; investment management and advisory services; mutual fund management, brokerage, and distribution services; retail stock brokerage services; financial retirement planning; administration of retirement and pension plans; and insurance agency and brokerage services, in Class 036 (first use 1989)
4813213	Pens, pencils, folders, note pads, stickers, stationery, writing pads, holiday cards, invitation cards, printed invitations, letterhead paper, notebooks, blank journals, paper note holders, pen and pencil holders, paperweights, paper name tags, memo cards, memo pads, memo holders, note cards, blank cards, postcards and greeting cards, posters, blank or partially printed paper labels, mailing labels, business cards, printed paper signs, printed paper signs, namely, table tents, markers, paper coasters, adhesive labels, adhesive materials for office use, namely, adhesive note paper, advertising pamphlets, advertising signs of paper, agendas, business forms, calendars, event programs, disposable napkins, paper napkins, hand towels of paper, paper bags, paper gift bags, paper envelopes for packaging, paper mats, paper name badges, paper report covers, paper signboards, paper stock, paper table cloths, paper table linens, printed advertising boards of paper, printed awards, printed certificates, printed charts, printed forms, printed graphs, printed seminar notes, in Class 016 (first use 2011)

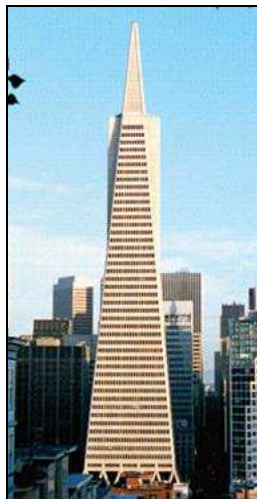
(10) Opposer also owns all right, title and interest in the following two U.S. Trademark and Service Mark Registrations covering the Transamerica Pyramid Building, both issued prior to the filing date of the opposed application, and has used each covered mark in commerce

for the identified goods and services since the first-use dates indicated in the respective registrations:

<u>Mark</u>	<u>U.S. Reg.</u>	<u>Services</u>
	1872759	Financial consulting services; investment management and counseling services; mutual fund brokerage, investment, distribution and advisory services; insurance premium financing services; life insurance underwriting services; life reinsurance services; insurance agency services; underwriting services for life insurance and annuity products and structured settlement services for dispute resolution and litigation; in Class 036 (first use 1972)
	1857878	Financial consulting services; investment management and counseling services; mutual fund brokerage, investment, distribution and advisory services; insurance premium financing services; life insurance underwriting services; life reinsurance services; insurance agency services; underwriting services for life insurance and annuity products and structured settlement services for dispute resolution and litigation; in Class 36 (first use 1972)

(11) The Transamerica Pyramid Building is a distinctive trademark by reason of its unique appearance, pictured in the following photograph, and has acquired distinctiveness by reason of its association with Opposer since 1972, combined with continuous, extensive and exclusive use by Opposer, including substantial advertising and promotion:

Transamerica Pyramid Building



(12) From 1973 through the 1990's, Opposer was headquartered in the Transamerica Pyramid Building. During this time, Opposer adopted images of the building in substantially all of its advertising and promotional materials.

(13) Opposer's association with the Transamerica Pyramid Building is reflected in the stylized Pyramid Logo used by Opposer today as its corporate logo:

Transamerica Pyramid Logo



(14) Opposer and its affiliates have expended millions of dollars advertising the above identified images of the Transamerica Pyramid Building and Transamerica Pyramid Building Logo as the company's principal logo and corporate symbol. These images have been advertised in national consumer publications such as "Time," "Newsweek," "Sports Illustrated," "The Wall Street Journal," "Forbes," and "U.S. News & World Report," and on network television, cable television, network radio and other media. In addition, they have been advertised by Transamerica and its affiliates through television, newspapers, distribution of direct mailing pieces such as pamphlets, brochures, subscription letters, and other descriptive literature, press releases, office and window signs, and point-of-sale pieces such as counter displays, posters, and the like.

(15) The Transamerica Pyramid Building and Transamerica Pyramid Building Logo are prominently depicted in the company's current advertising and promotion, appearing for example as follows at www.ta-retirement.com as of this writing:



COUNT I

Priority and Likelihood of Confusion

(16) Applicant seeks registration of its mark for “collectible coins; commemorative coins; monetary coin sets for collecting purposes; non-monetary coins; souvenir pressed coins,” in International Class 014.

(17) Opposer, for many years, and long before the filing date of the opposed Application and long before any use of the opposed mark by Applicant, has used the images of the Transamerica Pyramid Building and Transamerica Pyramid Building illustrated above as a trademark for goods in International Classes 003, 004, 008, 009, 014, 016, 018, 020, 021, 024, 025, 026 and 028, which marks have acquired distinctiveness in connection with such goods by reason of extensive, continuous and exclusive use.

(18) Opposer, having priority of use in connection with goods in International Classes 003, 004, 008, 009, 014, 016, 018, 020, 021, 024, 025, 026 and 028, and priority in the U.S. Trademark and Service Mark Registrations pleaded above, believes that Applicant's Pyramid Building Design so resembles Opposer's Transamerica Pyramid Building and Transamerica

Pyramid Building Logo as to cause a likelihood of confusion, leading the public to believe, mistakenly, that Applicant's Goods are those of Opposer, or are sponsored, endorsed or approved by Opposer, or that there is a relationship between Opposer and Applicant's Goods, and that Applicant's mark is therefore barred from registration under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

COUNT II

Dilution

(19) The Transamerica Pyramid Building and Transamerica Pyramid Building Logo are famous trademarks for purposes of the trademark law, and have been famous and distinctive for many years, long before the date of the opposed Application and long before any use of Applicant's Pyramid Building Design.

(20) Registration of Applicant's mark is likely to dilute Opposer's famous Transamerica Pyramid Building and Transamerica Pyramid Logo marks by blurring their distinctive quality, and is therefore prohibited under Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

COUNT III

Failure to Function as a Trademark

(21) Applicant's Pyramid Building Design lacks acquired distinctiveness and does not serve the purpose of indicating the origin of Applicant's Goods.

(22) Because Applicant's Pyramid Building Design lacks acquired distinctiveness, consumers viewing Applicant's Goods are unlikely to perceive such design as a designation of source for Applicant's Goods.

(23) Viewing Applicant's Pyramid Building Design in connection with Applicant's Goods, consumers are more likely than not to perceive such design as the designation of a building, rather than a representation that such building is the origin or source of Applicant's Goods.

(24) Applicant's Pyramid Building Design is therefore prohibited from registration under Sections 1, 2 and 45 of the Lanham Act, 15 U.S.C. §§ 1051, 1052 and 1127, on the grounds that it fails to function as a trademark.

COUNT IV

Functionality

(25) On information and belief, Applicant's mark depicts, or is intended to depict, an architectural structure that Applicant purports to have designed, created, constructed, and financed, in whole or part, or in connection with which Applicant has had some other involvement yet to be determined. Applicant's mark is a therefore a functional element essential to the use or purpose of Applicant's goods, without acquired distinctiveness, and is prohibited from registration pursuant to Section 2(e)(5) of the Lanham Act, 15 U.S.C. § 1052(e)(5).

COUNT V

Deceptive Misdescriptiveness

(26) On information and belief, Applicant is associated with a company named Raemi, Inc., that advertises itself at www.jwahmosemuseum.net as a provider of research and development in the field of energy and renewable energy, technology consulting services in the field of alternative energy generation and solar energy.

(27) On information and belief, Applicant was involved, or purports to have been involved, in the design, creation, construction, and/or financing of the London Shard, a building in London illustrated as follows at https://en.wikipedia.org/wiki/The_Shard:



(28) On information and belief, Applicant's mark is intended as a depiction of the London Shard, but is in fact misdescriptive of the London Shard.

(29) Applicant's mark is misdescriptive because it does not resemble the London Shard to an extent that would be recognized by consumers, and because the words JWAHMOSE GLASS SKYSCRAPER FINE OZ and other design elements in Applicant's mark suggest that the image is something other than the London Shard. Applicant's mark is therefore prohibited from registration on the grounds that it is deceptively misdescriptive in violation of Section

2(e)(1) of the Lanham Act, 15 U.S.C. § 1052(e)(1), and is primarily geographically deceptively
misdescriptive pursuant to Section 2(e)(3) of the Lanham Act, 15 U.S.C. § 2(e)(3).

WHEREFORE, the opposed application is prohibited from registration.

Respectfully submitted,



By: _____

Bruce Alexander McDonald

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Attorneys for the Opposer

Date: September 21, 2019

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 21, 2019, a copy of this Notice of Opposition was sent by regular mail and email to Applicant at the following address:

Carl Raymond Amos
8710 W. Hillsborough Ave., # 413
Tampa, FL 33615

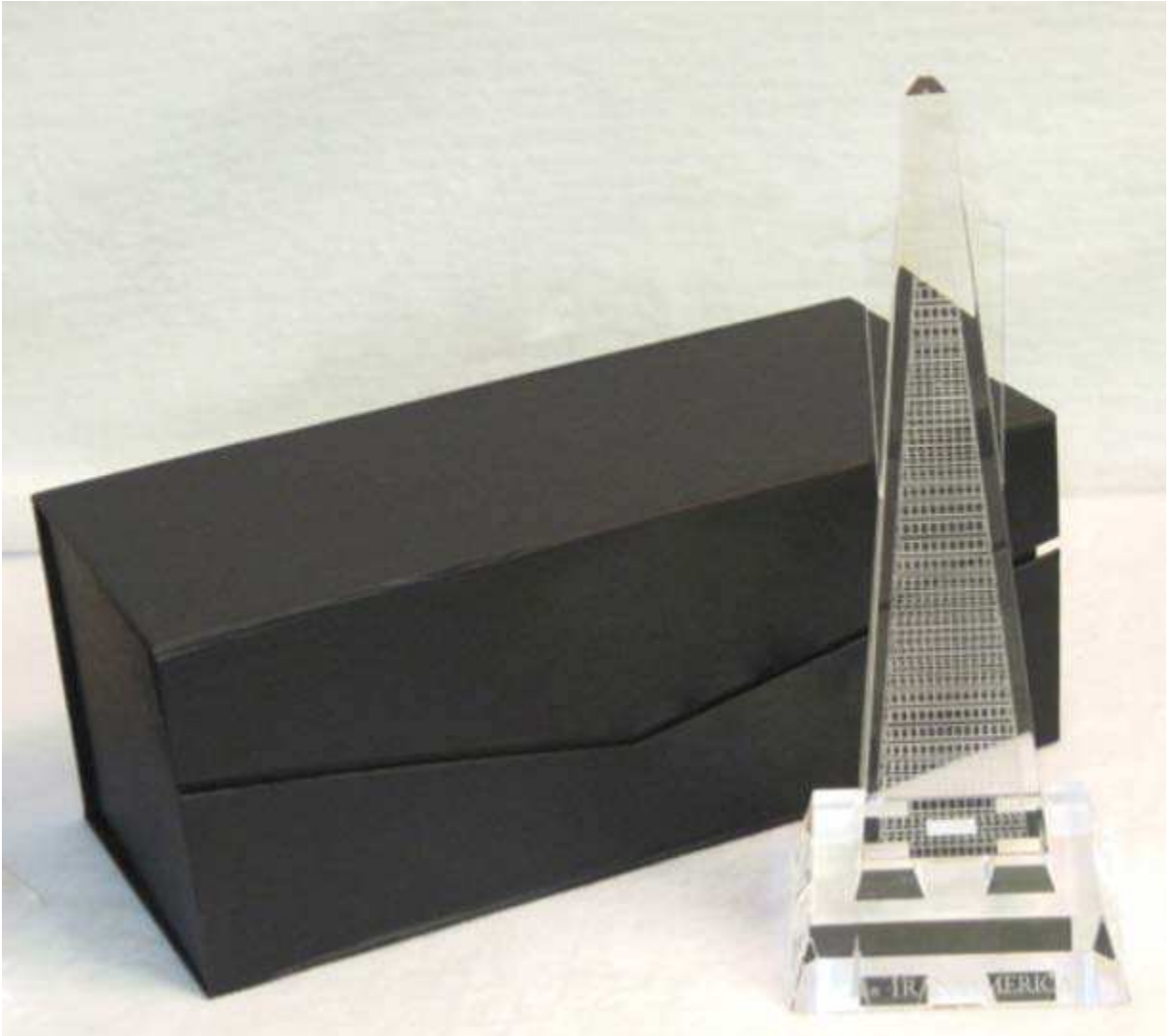


Bruce A. McDonald
Attorney
SMITH, GAMBRELL & RUSSELL, LLP

EXHIBIT A

SELECTED MERCHANDISE OFFERED AND SOLD BY TRANSAMERICA

10 inch Crystal Tower



Class:	21
Description:	crystal sculptures
Unregistered:	Transamerica Pyramid Building

21 oz. Hydro Flask

(Example of Water and Sports Bottles)



Class: 21
Description: insulating flasks; vacuum bottles, water bottles
Unregistered: Pyramid Logo
TRANSAMERICA & Pyramid Logo

25 x 63 Removable Tower Wall Graphic



Class: 16
Description: Removable graphic representations
Registered: Pyramid Logo, U.S. Reg. 4813212

44 x 38 Removable TTT Wall Graphic



Class: 16

Description: wall graphic

Registered: Pyramid Logo, U.S. Reg. 4813212

TRANSAMERICA & Pyramid Logo,
U.S. Reg. 4813213

Aluminum Bottle / Can Opener



Class: 8
Description: bottle openers, can openers
Unregistered: Pyramid Logo

Bull/Bear Puppet



Class: 28
Description: puppets
Unregistered: Pyramid Logo

Burt's Bees Everything Kit with Jute Bag



Class: 3, 24

Description: soap, cleansing cream, hand salve, skin lotion, lip balm,
in Class 3

towels, in Class 24

Unregistered: Pyramid Logo

TRANSAMERICA & Pyramid Logo

Calendar



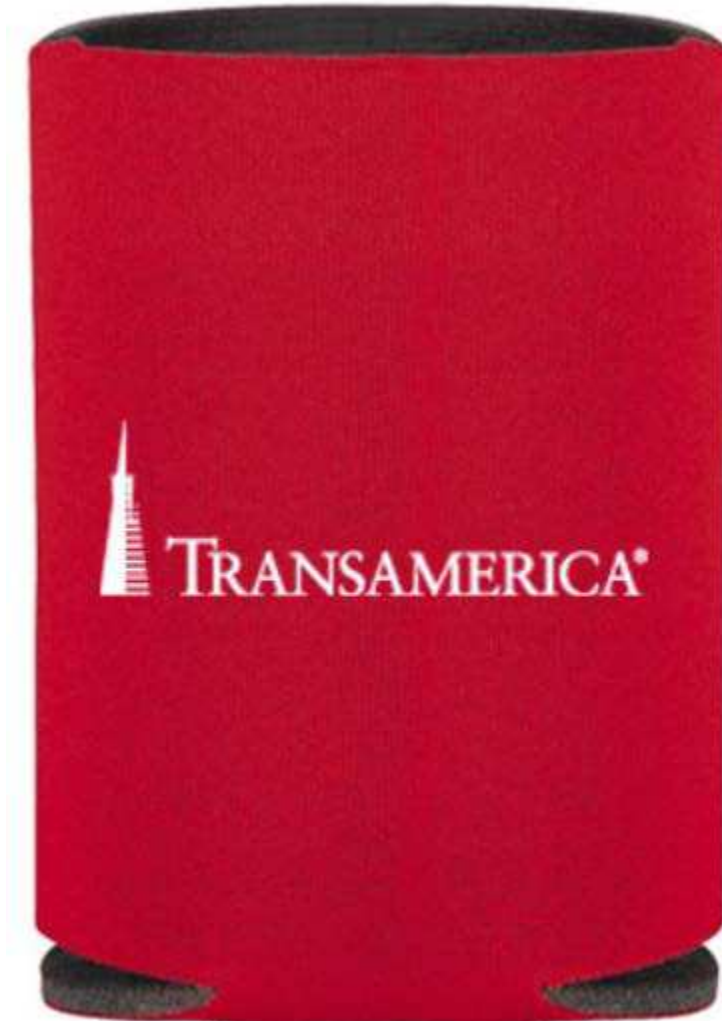
Class: 16

Registered: Pyramid Logo, U.S. Reg. 4813212

TRANSAMERICA & Pyramid Logo, U.S. Reg. 4813213

Unregistered: Transamerica Pyramid Building

Can Koozie



Class: 21

Description: thermally insulated containers for canned beverages

Unregistered: Pyramid Logo
TRANSAMERICA & Pyramid Logo

Clique Windon Jacket

(Example of Men's Jackets & Outerwear)



Class: 25
Description: men's jackets
Unregistered: Pyramid Logo
TRANSAMERICA & Pyramid Logo

Crabtree and Evelyn Botanical Hand Therapy



Class: 3

Description: lotions for cosmetic purposes

Unregistered: Pyramid Logo
TRANSAMERICA & Pyramid LOGO

Dual Light Up USB Charger



Class: 9
Description: USB flash drives
Unregistered: Pyramid Logo
TRANSAMERICA & Pyramid Logo

Executive Padfolio



Class: 16

Description: notebook holders, writing pads

Registered: Pyramid Logo, U.S. Reg. 4813212
TRANSAMERICA & Pyramid Logo,
U.S. Reg. 4813213

Flashlight



Class: 9

Description: flashlights

Unregistered: Pyramid Logo

TRANSAMERICA & Pyramid Logo

Frame with Clock



Class: 14, 20

Description: clocks, in Class 14
picture frames, in Class 20

Unregistered: Pyramid Logo
TRANSAMERICA & Pyramid Logo

Full Zip Bike Jersey



Class: 25
Description: bike jerseys
Unregistered: Pyramid Logo
TRANSAMERICA & Pyramid Logo

Hat and Scarf Set



Class: 25
Description: hat and scarf sets
Unregistered: Pyramid Logo
TRANSAMERICA & Pyramid Logo

Hooded Sweatshirt



Class: 25
Description: hooded sweatshirts
Unregistered: Pyramid Logo
TRANSAMERICA & Pyramid Logo

Lip Balm



Class: 3

Description: lip balm

Unregistered: Pyramid Logo

















TRANSAMERICA & Pyramid Logo

Long Tee Pack



Class: 28
Description: golf tees
Unregistered: Pyramid Logo
TRANSAMERICA & Pyramid Logo

Men's Apparel

<p>Silk Touch Men's Basic Polo</p>  <p>\$15.95</p>	<p>Pebble Beach Men's Horizontal Texture Polo</p>  <p>\$21.95</p>	<p>Nike Dri-Fit Micro Pique Polo</p>  <p>\$30.95 Available in 3XL & 4XL</p>	<p>NEW Price! Cutter & Buck Men's Genre DryTec Polo</p>  <p>\$29.95</p>
<p>Adidas Men's ClimaLite Solid Polo</p>  <p>\$36.95</p>	<p>Seasonal Availability Adidas Men's ClimaLite Two-Color Stripe Polo</p>  <p>\$39.95</p>	<p>Nike Men's Victory Polo</p>  <p>\$42.95</p>	<p>Under Armour(R) Performance Polo</p>  <p>\$47.95</p>
<p>Seasonal Availability: Adidas Men's ClimaLite Microstripe Polo</p>  <p>\$49.95</p>	<p>Seasonal Availability: Adidas Men's ClimaCool 3 Stripes Polo</p>  <p>\$49.95</p>	<p>Oakley Men's Elemental Polo</p>  <p>\$49.95</p>	<p>Organic T-Shirt</p>  <p>\$8.50</p>
<p>Under Armour(R) LooseGear(R) Tee</p>  <p>\$22.95</p>	<p>Under Armour(R) L/S Heat T-shirt</p>  <p>\$33.95</p>	<p>Van Heusen Men's Long Sleeve Poplin Shirt</p>  <p>\$27.95</p>	<p>Cutter & Buck Easy Care Nallshead</p>  <p>\$44.95</p>

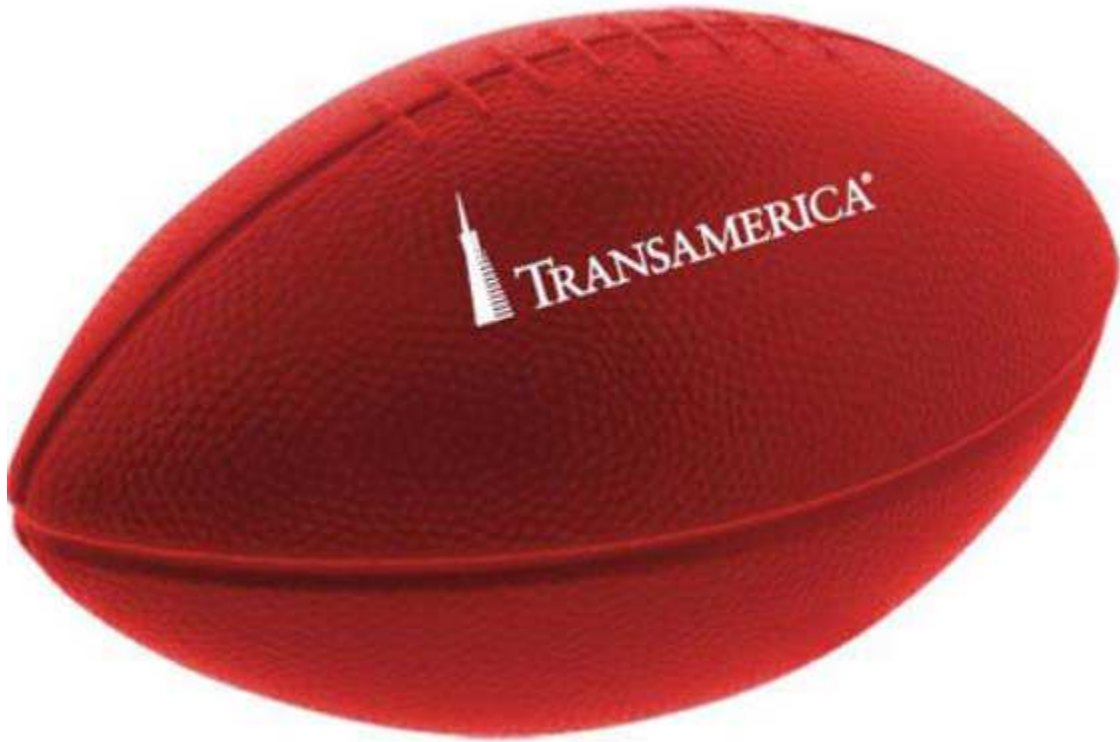
Class: 25

Description: sport shirts, polo shirts, T-shirts

Unregistered: Pyramid Logo

TRANSAMERICA & Pyramid Logo

Mini Football



Class:	28
Description:	mini-footballs
Registered:	n/a
Unregistered:	Pyramid Logo TRANSAMERICA & Pyramid Logo

Nicole Checkpoint Friendly Compu-Tote



Class: 18
Description: tote bags
Unregistered: Pyramid Logo
TRANSAMERICA & Pyramid Logo

Oakley Ladies Sand Wedge Polo

(Example of Women's Apparel)



Class: 25
Description: women's shirts
Unregistered: Pyramid Logo
TRANSAMERICA & Pyramid Logo

Oakley Men's Elemental Polo

(Example of Men's Apparel)



Class: 25
Description: men's shirts
Unregistered: Pyramid Logo
TRANSAMERICA & Pyramid Logo

Personalized Pen



Class: 16
Description: pens
Registered: Pyramid Logo, U.S. Reg. 4813212

Picture Frame



Class: 20

Description: picture frames

Unregistered: Pyramid Logo

TRANSAMERICA & Pyramid Logo

Playing Cards



Class: 28

Description: playing cards

Unregistered: Pyramid Logo

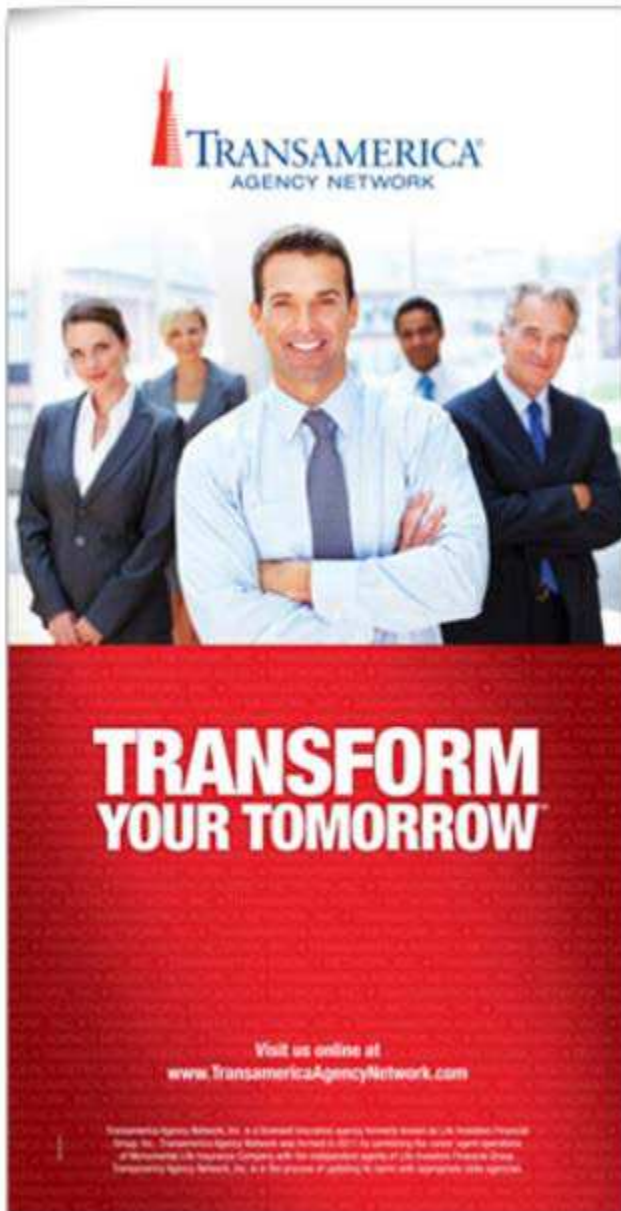
TRANSAMERICA & Pyramid Logo

Pyramid Lapel with Magnetic Back



Class: 26
Description: lapel pins
Unregistered: Pyramid Logo

Retractable Banner w/ Corporate Image



Back View



**Soft Carry Case
Included**

Class: 16

Description: Retractable Banner

Registered: Pyramid Logo, U.S. Reg. 4813212
TRANSAMERICA and Pyramid Logo,
U.S. Reg. 4813213

Retractor Banner Display



Class: 20
Description: display stands
Unregistered: Pyramid Logo

Scented Sea Candle



Class: 4
Description: candles
Registered: n/a
Unregistered: Pyramid Logo
TRANSAMERICA and Pyramid Logo

Signature Basketball



Class: 28
Description: basketballs
Unregistered: Pyramid Logo
TRANSAMERICA & Pyramid Logo

Sudoku Game



Class: 28
Description: video game machines
Unregistered: Pyramid Logo
TRANSAMERICA & Pyramid Logo

Swarovski Pen
(Example of Pens)



Class: 16

Description: Pens

Registered: Pyramid Logo, U.S. Reg. 4813212

TRANSAMERICA & Pyramid Logo, U.S. Reg. 4813213

Sweatshirt



Class: 25
Description: sweatshirts
Unregistered: Pyramid Logo
TRANSAMERICA & Pyramid Logo

Swiss Army by Wenger Writing Pad



Class: 16
Description: notebooks, writing pads
Registered: Pyramid Logo, U.S. Reg. 4813212
TRANSAMERICA & Pyramid Logo.
U.S. Reg. 4813213

Swiss Army Synergy Pro Computer Backpack



Class: 18
Description: backpacks and computer bags
Unregistered: Pyramid Logo

Tervis Tumbler with Lid



Class: 21
Description: thermally insulated containers for beverages
Unregistered: Pyramid Logo
TRANSAMERICA & Pyramid Logo

TTT Poster Pack (6 Pack)



Class: 16

Description: posters

Registered: Pyramid Logo, U.S. Reg. 4813212

TRANSAMERICA & Pyramid Logo, U.S. Reg. 4813213

Victorinox Beverage Cooler



Class: 21
Description: non-electric portable coolers
Unregistered: Pyramid Logo
TRANSAMERICA & Pyramid Logo

Women's Apparel

Ladies Silk Touch Basic Polo



\$15.95

Pebble Beach Ladies' Horizontal Texture Polo



\$21.95

Cutter & Buck DryTec Championship Polo



\$28.95
Available in XXL

Adidas Ladies' Climacool Solid Polo



\$36.95

Oakley Ladies Sand Wedge Polo



\$49.95

Hanes L/S T-Shirt



\$8.95

Under Armour Team Tech T-Shirt



\$22.95

Ash City Ladies Motivats Lightweight Jacket



\$21.75 SM-XL

Clique Ladies Summit Full Zip Fleece



\$29.95
Available in 3XL

Pebble Beach Ladies' Full Zip Piped Jacket



\$44.95

Seasonal Availability:
Adidas Ladies Full Zip Wind Jacket



\$49.95

Glacier Soft Shell Jacket



\$49.95
Available in 3XL

Under Armour Ladies Spectrum Fleece Jacket



\$58.95

Patagonia Ladies Fleece Vest



\$59.95

North Face Microvelour Glacier 1/4 Zip



\$59.95

Nike Ladies Thermal 1/2 Zip Mock



\$59.95

Van Heusen Ladies Long Sleeve Poplin Shirt



\$27.95

Cutter & Buck Easy Care Nallshead



\$44.95

Class: 25

Description: women's jackets, pullovers, shirts, T-shirts, vests

Unregistered: Pyramid Logo

TRANSAMERICA & Pyramid Logo

Zach Johnson Signature Hat



Class: 25
Description: golf caps
Unregistered: Pyramid Logo
TRANSAMERICA & Pyramid Logo