

TAB

Attorney Docket No.: 07155.8061



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

Creations Meandres Inc.
Opposer,

v.

Micah Juan Anderson
Applicant.

Opposition No.: _____



02-27-2003

U.S. Patent & TMOfo/TM Mail Rcpt Dt. #70

Mark: NUBA
Goods: Shirts, shorts, pants, bandanas, shoes, hats
Serial No.: 76/431,553
Filed: July 11, 2002
Published: February 4, 2003

Mark: NUBA CHIC
Goods: Tops, dresses, shorts, pants, shoes, hats
Serial No.: 76/431,554
Filed: July 11, 2002
Published: February 4, 2003

TRADEMARK TRIAL AND APPEAL BOARD
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CONSOLIDATED NOTICE OF OPPOSITION

Creations Meandres Inc., a Canadian corporation having a principal place of business at 8400 Second Avenue Montreal, Quebec H1Z 4M6 Canada ("Opposer"), believes that it will be damaged by the registration of the two above-identified applications and, pursuant to TBMP § 306, hereby opposes grant of the registrations.

As grounds for its opposition, it is alleged that:

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1. Since at least as early as December of 1998, Opposer and its predecessors in interest and related companies (collectively "Opposer") have marketed, and continue to market, entertainment and theatrical services and a wide variety of associated merchandise and services in the United States in connection with the trademark LA NOUBA.

2. Opposer is the owner of the following United States Trademark Registrations and Applications:

| Mark | Reg. or App. No. | Goods/Services | Reg. or Filing Date |
|------------------------|------------------|--|--|
| LA NOUBA (Stylized) | 2,588,976 | Entertainment services, namely, live performances of acrobatics, comedy, and dance, all with musical accompaniment | 7/2/02 |
| LA NOUBA | 75/579,062 | Entertainment services, namely, live performances of acrobatics, comedy, and dance, all with musical accompaniment | 10/28/98 |
| LA NOUBA | 76/678,537 | Clothing, wearing apparel, and accessories, namely, shirts, sweatshirts, T-shirts, jerseys, sweaters, pants, sweat pants, jeans, shorts, boxer shorts, bathrobes, night shirts, pajamas, coats, jackets, wind-resistant jackets, vests, dresses, skirts, blouses, swim wear, rain coats and rain suits, ties, ascots, belts, scarves, gloves, bathing suits, beach cover-ups, cloth bibs, underwear, hosiery; infant diaper covers, sleepers and jumpsuits, mittens, tank tops, and tights; footwear, namely, shoes, boots, and socks; headgear, namely, hats, caps, and rain bonnets; | 4/8/99 (based on foreign application dated 10/8/98) |

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| | | | |
|--|--|---|--|
| | | masquerade costumes. (Also includes goods in Classes 6, 9, 14, 15, 16, 18, 19, 20, 21, 24, 26, and 28.) | |
|--|--|---|--|

3. Opposer has actively and extensively used and promoted its LA NOUBA marks in the United States for many years prior to the filing date of Applicant's applications (July 11, 2002). As a result of the substantial use and promotion of the LA NOUBA marks, and sales of services and products under Opposer's LA NOUBA marks, those marks have achieved considerable public recognition throughout the United States.

4. In view of the strength of Opposer's LA NOUBA marks, the duration and extent of Opposer's use of its marks, the duration and extent of Opposer's advertising of its marks, the nationwide nature of Opposer's use of its marks, and the degree of recognition of Opposer's marks, Opposer's marks have become famous. Opposer's LA NOUBA marks were famous prior to the filing of Applicant's application on July 11, 2002.

5. In view of the near identity of the parties' marks, and the identical nature of the parties' goods, it is alleged that Applicant's marks NUBA and NUBA CHIC so resemble Opposer's previously used and registered LA NOUBA marks, as to be likely to cause confusion, or to cause mistake, or to deceive.

6. Given the fame of Opposer's LA NOUBA marks, and the near identity of Applicant's NUBA and NUBA CHIC marks and Opposer's LA NOUBA

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marks, Applicant's marks dilute the distinctive quality of Opposer's famous marks.

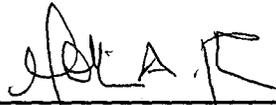
7. For these reasons, Opposer would be damaged by the registration of Applicant's NUBA and NUBA CHIC marks shown in Application Serial Nos. 76/431,553 and 76/431,554.

WHEREFORE, Opposer respectfully requests that application Serial Nos. 76/431,553 and 76/431,554 be rejected, that no registrations be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

Opposer submits a duplicate copy of this Consolidated Notice of Opposition, as required by 37 C.F.R. § 2.104(a), and the required opposition fee of \$600.00. If the filing fee is found to be insufficient for any reason, please charge the deficiency to Deposit Account No. 06-0916.

Respectfully submitted,

Dated: February 27, 2003

By: 

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