

ESTTA Tracking number: **ESTTA27632**

Filing date: **03/07/2005**

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 | Tribal Sportswear, Inc. | | |
| Entity | Corporation | Citizenship | Canada |
| Address | 9030 Pie-IX Boulevard Montreal, H1Z 4M7 CANADA | | |

| | |
|-----------------------------|---|
| Attorney information | Carrie Webb Olson Edwards & Angell, LLP 101 Federal Street PO Box 55874 Boston, MA 02205 UNITED STATES colson@edwardsangell.com, trademark@edwardsangell.com Phone:203-353-6837 |
|-----------------------------|---|

Applicant Information

| | | | |
|-------------------------------|---|-------------------------------|------------|
| Application No | 78204179 | Publication date | 02/08/2005 |
| Opposition Filing Date | 03/07/2005 | Opposition Period Ends | 03/10/2005 |
| Applicant | M. Meerapfel Sohne Belgium S.A. Felix Marchallaan 41-43 Brussels, 1130 BELGIUM | | |

Goods/Services Affected by Opposition

Class 025.

All goods and services in the class are opposed, namely: Clothing, namely, suits, jackets, shirts, blouses, pants, underwear, ties, gloves, footwear, hats and caps

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|--------------------|---|
| Attachments | LA HOJA TRIBAL Notice of Opposition.pdf (7 pages) |
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|------------------|---------------------|
| Signature | /carrie webb olson/ |
| Name | Carrie Webb Olson |
| Date | 03/07/2005 |

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

In the matter of: Serial No. 78/204,179
Date of filing: January 16, 2003
Mark: LA HOJA TRIBAL
Date of Publication: February 22, 2005

Tribal Sportswear, Inc.

Opposer,

v.

M. Meerapfel Sohne Belgium S.A.

Applicant.

Opposition No. _____

BOX TTAB / FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

NOTICE OF OPPOSITION

Opposer, Tribal Sportswear, Inc. (hereinafter the "Opposer"), is a corporation duly organized and existing under the laws of Canada, with a principal place of business at 9030 Pie-Ix Boulevard, Montreal H1Z 4M7, Canada.

Opposer believes that it will be damaged by the registration of LA HOJA TRIBAL covering "clothing, namely, suits, jackets, shirts, blouses, pants, underwear, ties, gloves, footwear, hats and caps," in Class 25, Application Serial No. 78/204,179, and hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer is the owner of all right, title and interest in United States Trademark Registration No. 1,843,013, registered July 5, 1994, on the Principal Register for the trademark TRIBAL, covering "men's, ladies and children's clothing; namely,

woven and knits shirts, jeans, sweatshirts, pants, skirts, shorts, jumpsuits and jackets," in International Class 25. (See Exhibit A, attached hereto).

2. Opposer manufactures and markets in the United States and beyond a wide variety of clothing items under its TRIBAL mark.

3. Opposer has continuously used its distinctive TRIBAL mark since at least as early as July 24, 1992, long before Applicant's filing date or any date of first use which Applicant could rely on for Applicant's mark.

4. Through extensive and continuous use, Opposer has acquired a significant and valuable interest in its TRIBAL mark for its goods. This interest will be injured by Applicant's use of a confusingly similar mark on goods that are so closely related to those offered by Opposer, over which Opposer has no control.

5. Opposer has expended considerable time, money and effort in advertising and promoting its TRIBAL mark, its goods sold under the mark, and in developing substantial and exclusive goodwill and reputation in connection with the term TRIBAL and the goods with which the TRIBAL mark is used.

6. As a result of these expenditures, combined with substantial sales of quality goods under the TRIBAL mark, the relevant consuming public has come to recognize TRIBAL as favorably distinguishing Opposer's goods from those of others.

7. Applicant's use and registration of LA HOJA TRIBAL in connection with clothing will cause Opposer injury because such use is likely to cause confusion and/or mistake by wrongly leading persons to believe that such Applicant's goods are provided by, sponsored by, or somehow associated with Opposer.

8. Applicant's goods are likely to be purchased, used or otherwise received by consumers and potential consumers of Opposer's goods who, upon purchasing, using or otherwise receiving Applicant's goods bearing the LA HOJA TRIBAL mark, are likely to be confused and deceived and are likely to falsely believe in the existence of some association between the Applicant or Applicant's goods and Opposer, all to the injury of Opposer.

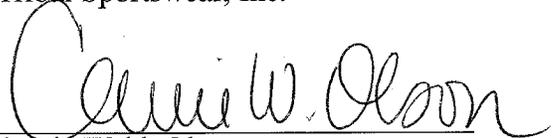
9. Accordingly, Applicant's use and registration of the LA HOJA TRIBAL is likely to cause confusion in the minds of consumers or to cause mistake or to deceive, or otherwise injure, diminish or detract from the prior rights firmly established by Opposer in and to the TRIBAL mark.

WHEREFORE, refusal of the registration applied for by Application Serial No. 78/204,179 is respectfully submitted to be in order and is hereby requested.

Dated: March 7, 2005

Respectfully submitted,

Tribal Sportswear, Inc.



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Attorney for Opposer
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EXHIBIT A

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2005-03-07 10:59:26 ET

Serial Number: 74360301 Assignment Information

Registration Number: 1843013 Assignment Information

Mark (words only): TRIBAL

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2004-09-15

Filing Date: 1993-02-19

Transformed into a National Application: No

Registration Date: 1994-07-05

Register: Principal

Law Office Assigned: LAW OFFICE 10

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2004-10-08

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. TRIBAL SPORTSWEAR INC.

Address:

TRIBAL SPORTSWEAR INC.

9030 PIE-IX BLVD

MONTREAL H1Z 4M7

Canada

Legal Entity Type: Corporation

State or Country of Incorporation: Canada

GOODS AND/OR SERVICES

International Class: 025

men's, ladies and children's clothing; namely, woven and knits shirts, jeans, sweatshirts, pants, skirts, shorts, jumpsuits and jackets

First Use Date: 1992-07-24

First Use in Commerce Date: 1992-07-24

Basis: 1(a)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2004-09-15 - First renewal 10 year

2004-09-15 - Section 8 (10-year) accepted/ Section 9 granted

2004-06-17 - Combined Section 8 (10-year)/Section 9 filed

2004-06-17 - TEAS Section 8 & 9 Received

2000-06-09 - Section 8 (6-year) accepted & Section 15 acknowledged

1999-12-13 - Section 8 (6-year) and Section 15 Filed

1994-07-05 - Registered - Principal Register

1994-04-12 - Published for opposition

1994-03-11 - Notice of publication

1994-01-25 - Approved for Pub - Principal Register (Initial exam)

1993-07-23 - Letter of suspension mailed
1993-07-02 - Communication received from applicant
1993-06-03 - Non-final action mailed
1993-05-25 - Case file assigned to examining attorney
1993-05-08 - Case file assigned to examining attorney

CORRESPONDENCE INFORMATION

Correspondent

CARRIE WEBB OLSON (Attorney of record)

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