

ESTTA Tracking number: **ESTTA86496**

Filing date: **06/21/2006**

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 General Partnership                          |             |        |
| Entity  | General Partnership  | Citizenship | Canada |
| Address | 40 King Street West, Suite 2700<br>Toronto, Ontario,<br>CANADA |             |        |

|                      |  |
|----------------------|--|
| Attorney information | Carrie Webb Olson, Esq.<br>Edwards Angell Palmer & Dodge LLP<br>P.O. Box 55874 101 Federal Street<br>Boston, MA 02205<br>UNITED STATES<br>trademark@eapdlaw.com, clondon@eapdlaw.com, colson@eapdlaw.com<br>Phone:203-353-6837 |
|----------------------|--|

### Applicant Information

|                        |  |                        |            |
|------------------------|--|------------------------|------------|
| Application No         | 78711450   | Publication date       | 05/23/2006 |
| Opposition Filing Date | 06/21/2006   | Opposition Period Ends | 06/22/2006 |
| Applicant              | Dokie, Lorne<br>1920-18 Constitution Blvd.<br>Salinas, CA 93905<br>UNITED STATES |                        |            |

### Goods/Services Affected by Opposition

Class 025. First Use: 2004/09/18 First Use In Commerce: 2005/01/01  
All goods and services in the class are opposed, namely: T-shirts, shirts, shorts, tank tops, pants, sweaters, sweat shirts and sweat pants, shoes, sandals, jackets, hats, beanies, visors

|             |  |
|-------------|--|
| Attachments | SCN_20060621163043_001.pdf ( 12 pages )(383739 bytes ) |
|-------------|--|

|           |                         |
|-----------|-------------------------|
| Signature | /carrie webb olson/     |
| Name      | Carrie Webb Olson, Esq. |
| Date      | 06/21/2006              |



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 B, 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 TRIBAL LEGENDS and Design 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 TRIBAL LEGENDS and Design 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 TRIBAL LEGENDS and Design mark 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. 78/711,450 is respectfully submitted to be in order and is hereby requested.

Dated: June 21, 2006

Respectfully submitted,

Tribal Sportswear General Partnership



Carrie Webb Olson

Attorney for Opposer

Edwards Angell Palmer & Dodge LLP

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101 Federal Street

Boston, MA 02205

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E-mail: colson@eapdlaw.com

**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 2006-05-24 16:51:38 ET**

**Serial Number:** 78711450

**Registration Number:** (NOT AVAILABLE)

**Mark**



**(words only):** TRIBAL LEGENDS

**Standard Character claim:** No

**Current Status:** Application has been published for opposition.

**Date of Status:** 2006-05-23

**Filing Date:** 2005-09-12

**The Information will be/was published in the Official Gazette on** 2006-05-23

**Transformed into a National Application:** No

**Registration Date:** (DATE NOT AVAILABLE)

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 114

**Attorney Assigned:**  
NEVILLE J BRIAN Employee Location

**Current Location:** 650 -Publication And Issue Section

**Date In Location:** 2006-04-14

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

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1. Dokie, Lorne

**Address:**

Dokie, Lorne  
1920-18 Constitution Blvd.  
Salinas, CA 93905  
United States

**Legal Entity Type:** Individual  
**Country of Citizenship:** United States  
**Phone Number:** 831-521-5879  
**Fax Number:** 831-449-9063

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### GOODS AND/OR SERVICES

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**International Class:** 025

**Class Status:** Active

T-shirts, shirts, shorts, tank tops, pants, sweaters, sweat shirts and sweat pants, shoes, sandals, jackets, hats, beanies, visors

**Basis:** 1(a)

**First Use Date:** 2004-09-18

**First Use in Commerce Date:** 2005-01-01

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### ADDITIONAL INFORMATION

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**Design Search Code(s):**

**26.01.02** - Circles, plain single line; Plain single line circles

**26.01.17** - Circles, two concentric; Concentric circles, two; Two concentric circles

**26.01.28** - Circles with irregular circumferences; Miscellaneous circular designs with an irregular circumference

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### MADRID PROTOCOL INFORMATION

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(NOT AVAILABLE)

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### PROSECUTION HISTORY

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2006-05-23 - Published for opposition

2006-05-03 - Notice of publication

2006-04-05 - Law Office Publication Review Completed

2006-03-30 - Assigned To LIE

2006-03-23 - Approved for Pub - Principal Register (Initial exam)

2006-03-22 - Case file assigned to examining attorney

2005-09-20 - New Application Entered In Tram

**CORRESPONDENCE INFORMATION**

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**Correspondent**

DOKIE, LORNE  
1920 CONSTITUTION BLVD UNIT 18  
SALINAS, CA 93905-3802

**Phone Number:** 831-521-5879

**Fax Number:** 831-449-9063

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**EXHIBIT B**

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

**This page was generated by the TARR system on 2006-05-24 16:52:23 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

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

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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

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**GOODS AND/OR SERVICES**

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**International Class:** 025

**Class Status:** Active

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

**Basis:** 1(a)

**First Use Date:** 1992-07-24

**First Use in Commerce Date:** 1992-07-24

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#### ADDITIONAL INFORMATION

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(NOT AVAILABLE)

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#### MADRID PROTOCOL INFORMATION

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(NOT AVAILABLE)

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#### PROSECUTION HISTORY

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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

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#### CORRESPONDENCE INFORMATION

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**Correspondent**

CARRIE WEBB OLSON (Attorney of record)

CARRIE WEBB OLSON  
EDWARDS & ANGELL LLP  
P.O. BOX 55874  
BOSTON, MA 02205

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United States Patent and Trademark Office

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9500 MEILLEUR STREET  
MONTREAL, QUEBEC, CANADA H2N 2B7**Correspondent:** SOLLER, SHAYNE & HORNC.J. ERICKSON  
46 TRINITY PLACE  
THIRD FLOOR  
NEW YORK, NY 10006**Domestic rep:** SOLLER, SHAYNE & HORN  
46 TRINITY PLACE, THIRD FLOOR  
NEW YORK, NY 10006

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