

ESTTA Tracking number: **ESTTA138323**

Filing date: **05/01/2007**

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

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| Name | NAUTICA APPAREL, INC. | | |
| Entity | Corporation | Citizenship | Delaware |
| Address | 40 West 57th Street New York, NY 10019 UNITED STATES | | |

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| Attorney information | Stephen L. Baker Baker and Rannells, PA 575 Route 28, Suite 102 Raritan, NJ 08869 UNITED STATES s.baker@br-tmlaw.com,n.friedman@br-tmlaw.com,d.communale@br-tmlaw.com ,K.Hnasko@br-tmlaw.com,officeactions@br-tmlaw.com Phone:908-722-5640 |
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Applicant Information

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|------------------------|--|------------------------|------------|
| Application No | 78610037 | Publication date | 04/03/2007 |
| Opposition Filing Date | 05/01/2007 | Opposition Period Ends | 05/03/2007 |
| Applicant | Martanna LLC 16703 Ostenbury Court Dumfries, VA 22026 UNITED STATES | | |

Goods/Services Affected by Opposition

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| <p>Class 003. All goods and services in the class are opposed, namely: Perfumes, colognes, and essential oils for personal use; deodorants and antiperspirants for personal use; cleaning preparations for personal hygiene purposes, namely, skin cleansers, facial cleansers, shower gels, shower wash, body scrubs, facial scrubs, and facial masks; hair care preparations, namely, hair shampoo, hair conditioner, styling gel, hair spray, hair cream, hair mousse; sunscreen cream and sun block preparations; shaving preparations, namely, non-medicated shaving balm, shaving cream, shaving foam, shaving gel, shaving lotion, shaving soap, after-shave gel, and after-shave lotion; cosmetics, namely, foundation and powder make-up, concealers, blush, eye shadow, eyeliners, eyebrow pencils, mascara, lip gloss, lip liner, and lipstick; nail care preparations, namely, nail enamel, nail cream, and nail polish; toiletries, namely bar and liquid skin soaps, body lotions, body cream, body powder, hand cream, eye cream, and skin moisturizers</p> |
| <p>Class 025. All goods and services in the class are opposed, namely: Men, women and children's clothing, namely shirts, T-shirts, tank tops, jerseys, polo shirts, blouses, sweatshirts, shorts, pants, slacks, sweatpants, jeans, suits, blazers, coats, jackets, overalls, warm-up suits, skirts, dresses, hosiery, undershirts, underwear, boxer shorts, bras, sports bras, socks, belts, suspenders, hats, gloves, scarves, earmuffs, neckties, neckbands, armbands, headbands, sportswear, namely, shirts, shorts, pants, sweatshirts and jackets, sleepwear, nightgowns, pajamas, lingerie, and robes; footwear, namely,</p> |

shoes, boots, sneakers, slippers, beach footwear, and sandals; swimwear, namely bathing trunks, bathing caps, beach wraps, bikinis, and bathing suits

Grounds for Opposition

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| Deceptiveness | Trademark Act section 2(a) |
| False suggestion of a connection | Trademark Act section 2(a) |
| Priority and likelihood of confusion | Trademark Act section 2(d) |
| Dilution | Trademark Act section 43(c) |

Marks Cited by Opposer as Basis for Opposition

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 2697078 | Application Date | 12/08/2000 |
| Registration Date | 03/18/2003 | Foreign Priority Date | NONE |
| Word Mark | NAUTEX | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 024. First use: First Use: 1992/07/25 First Use In Commerce: 1992/07/25 FABRICS FOR USE IN THE MANUFACTURE OF WEARING APPAREL Class 025. First use: First Use: 1992/07/25 First Use In Commerce: 1992/07/25 JACKETS, COATS, AND FOUL WEATHER GEAR, NAMELY, RAIN AND SNOW JACKETS | | |

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| U.S. Application No. | 77085787 | Application Date | 01/18/2007 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | NAUTICA | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 009. First use: Flotation vests; Life jackets; Life preservers; Swim goggles; Swim masks | | |

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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 3233030 | Application Date | 05/17/2006 |
| Registration Date | 04/24/2007 | Foreign Priority Date | NONE |
| Word Mark | NAUTICA | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 014. First use: First Use: 1989/07/01 First Use In Commerce: 1989/07/01 Watches | | |

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|-----------------------|------------|------------------|------------|
| U.S. Registration No. | 2865299 | Application Date | 08/28/2003 |
| Registration Date | 07/20/2004 | Foreign Priority | NONE |

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| | | Date | |
| Word Mark | NAUTICA | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 020. First use: First Use: 1998/08/00 First Use In Commerce: 1998/08/00 Pillows | | |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 2731466 | Application Date | 02/16/2002 |
| Registration Date | 07/01/2003 | Foreign Priority Date | NONE |
| Word Mark | NAUTICA | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 024. First use: First Use: 1998/08/00 First Use In Commerce: 1998/08/00 Mattress pads and bed vests | | |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3114862 | Application Date | 08/27/2003 |
| Registration Date | 07/11/2006 | Foreign Priority Date | NONE |
| Word Mark | NAUTICA | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 024. First use: First Use: 2004/06/01 First Use In Commerce: 2004/06/01 DRAPERY FABRICS; AND TEXTILE FABRICS FOR USE IN THE FIELD OF HOME FURNISHINGS | | |

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| U.S. Registration No. | 2865300 | Application Date | 08/28/2003 |
| Registration Date | 07/20/2004 | Foreign Priority Date | NONE |
| Word Mark | NAUTICA | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 024. First use: First Use: 1998/08/00 First Use In Commerce: 1998/08/00 DUVETS, DUVET COVERS, PILLOW CASES AND PILLOW PROTECTORS | | |

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|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 1862585 | Application Date | 11/23/1993 |
| Registration Date | 11/15/1994 | Foreign Priority Date | NONE |
| Word Mark | NAUTICA | | |
| Design Mark | | | |
| Description of | NONE | | |

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| Goods/Services | Class 025. First use: First Use: 1992/02/00 First Use In Commerce: 1992/02/00 footwear |

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| U.S. Application No. | 77085720 | Application Date | 01/18/2007 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | NAUTICA | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 025. First use: Wet suit gloves; Wet suits; Wet suits for water-skiing and sub-aqua | | |

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| U.S. Application No. | 78763730 | Application Date | 11/30/2005 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | NAUTICA | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 028. First use: Plush toys; Stuffed toy animals; Toy vehicles | | |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 2865229 | Application Date | 07/29/2003 |
| Registration Date | 07/20/2004 | Foreign Priority Date | NONE |
| Word Mark | NAUTICA | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 028. First use: First Use: 2003/03/00 First Use In Commerce: 2003/03/00 SPORTING GOODS, NAMELY, SPORT BALLS | | |

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| U.S. Application No. | 77085766 | Application Date | 01/18/2007 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | NAUTICA | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 028. First use: Floating recreational lounge chairs; Floats for recreational use, namely, ARM FLOATS, FOAM FLOATS, SWIM FLOATS; Inflatable float mattresses or pads for recreational use; Inflatable inner tubes for aquatic recreational use; Inflatable mattresses for recreational use; Inflatable ride-on toys; Kick board flotation | | |

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| | <p>devices for recreational use; Paddle boards; Swim boards for recreational use; Swim fins; Swim floats for recreational use; Swimming aids, namely POOL RINGS, ARM FLOATS FOR RECREATIONAL USE; Trampolines</p> <p>Class 030. First use: Floating islands</p> |
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| U.S. Registration No. | 3232846 | Application Date | 02/28/2006 |
| Registration Date | 04/24/2007 | Foreign Priority Date | NONE |
| Word Mark | NAUTICA | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | <p>Class 035. First use: First Use: 1987/04/22 First Use In Commerce: 1987/04/22</p> <p>Retail store services in the field of wearing apparel, fashion accessories, home fashions, eyewear, luggage and personal care products</p> | | |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3114379 | Application Date | 12/01/2005 |
| Registration Date | 07/11/2006 | Foreign Priority Date | NONE |
| Word Mark | NAUTICA | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | <p>Class 036. First use: First Use: 1991/01/01 First Use In Commerce: 1991/01/01</p> <p>Financial sponsorship of sporting events, tournaments, competitions and contests</p> <p>Class 041. First use: First Use: 1991/01/01 First Use In Commerce: 1991/01/01</p> <p>Organizing and operating sporting events, tournaments, competitions and contests</p> | | |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 2304411 | Application Date | 09/18/1995 |
| Registration Date | 12/28/1999 | Foreign Priority Date | NONE |
| Word Mark | NAUTICA | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | <p>Class 011. First use: First Use: 1998/10/00 First Use In Commerce: 1999/01/28</p> <p>lamps</p> | | |

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|-----------------------|---------------|-----------------------|------------|
| U.S. Registration No. | 3109967 | Application Date | 06/04/2003 |
| Registration Date | 06/27/2006 | Foreign Priority Date | NONE |
| Word Mark | NAUTICA BEACH | | |
| Design Mark | | | |

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| Description of Mark | NONE |
| Goods/Services | Class 025. First use: First Use: 2003/10/00 First Use In Commerce: 2003/10/00 Clothing, namely, men's, women's and children's bathing suits, swim trunks, swim suits, beach cover-ups, shorts, pants, woven and knitted shirts, warm-up suits, sweat shirts and pants and bathing caps |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 2639939 | Application Date | 03/27/1998 |
| Registration Date | 10/22/2002 | Foreign Priority Date | NONE |
| Word Mark | NAUTICA BEDWEAR | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 020. First use: First Use: 1998/08/00 First Use In Commerce: 1998/08/00 BED PILLOWS Class 024. First use: First Use: 1998/08/00 First Use In Commerce: 1998/08/00 DOWN COMFORTERS, MATTRESS PADS | | |

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|----------------------|---|-----------------------|------------|
| U.S. Application No. | 78963691 | Application Date | 08/30/2006 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | NAUTICA BERMUDA BLUE | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 003. First use: Body lotions; Body powder; Body spray used as a personal deodorant and as fragrance; Perfumery; Soaps for personal use | | |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 2476203 | Application Date | 10/12/1998 |
| Registration Date | 08/07/2001 | Foreign Priority Date | NONE |
| Word Mark | NAUTICA BERMUDA TABLEWARES | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 008. First use: First Use: 1998/06/00 First Use In Commerce: 1999/02/00 FORKS, TABLE KNIVES AND SPOONS Class 021. First use: First Use: 1998/06/00 First Use In Commerce: 1999/02/00 NAPKIN HOLDERS, NAPKIN RINGS NOT OF PRECIOUS METAL, SERVING PLATTERS, SERVING SPOONS, DECANTERS, GLASSES, DISHES, STIRRERS, SHAKERS AND BOWLS | | |

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| U.S. Registration No. | 3170055 | Application Date | 06/09/2005 |
| Registration Date | 11/07/2006 | Foreign Priority | NONE |

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| | | Date | |
| Word Mark | NAUTICA BLUE | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 003. First use: First Use: 2006/02/00 First Use In Commerce: 2006/02/00 PERFUMERY, AFTER SHAVE LOTIONS | | |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 2993023 | Application Date | 03/13/2002 |
| Registration Date | 09/06/2005 | Foreign Priority Date | NONE |
| Word Mark | NAUTICA BLUE | | |
| Design Mark | | | |
| Description of Mark | The mark is presented in standard characters, without claim to any particular font, style, size or color | | |
| Goods/Services | Class 025. First use: First Use: 2000/09/00 First Use In Commerce: 2000/09/00 Men's, women's and children's wearing apparel, namely, hosiery, shoes, sneaker, boots, moccasins, undershirts, boxer shirts, shirts, blouses, trousers, pants, jackets, coats, suits bathing suits, bathrobes, slippers, shorts, ties, neckwear, scarves, socks, hats and caps, gloves and mufflers, belts and suspenders and foul weather gear | | |

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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 2987139 | Application Date | 03/14/2002 |
| Registration Date | 08/23/2005 | Foreign Priority Date | NONE |
| Word Mark | NAUTICA BLUE | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 025. First use: First Use: 2000/10/00 First Use In Commerce: 2000/10/00 MEN'S, WOMEN' AND CHILDREN'S WEARING APPAREL, NAMELY, UNDERSHIRTS, T-SHIRTS, SHIRTS, BLOUSES, PANTS, SHORTS BATHING SUITS AND SWIMWEAR | | |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3076597 | Application Date | 04/12/2005 |
| Registration Date | 04/04/2006 | Foreign Priority Date | NONE |
| Word Mark | NAUTICA COMPETITION | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 003. First use: First Use: 1997/05/00 First Use In Commerce: 1997/05/00 cosmetics and toiletries for men and women, namely, colognes, skin cleansers, skin toners, cosmetic skin creams and lotions, shaving cream, after-shave lotion, after-shave cream, toilet soap, talcum powder, bath oil, personal deodorants, shampoo and conditioner | | |

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| U.S. Registration | 3076794 | Application Date | 04/21/2005 |
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| No. | | | |
| Registration Date | 04/04/2006 | Foreign Priority Date | NONE |
| Word Mark | NAUTICA COMPETITION | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 018. First use: First Use: 1996/10/00 First Use In Commerce: 1996/10/00 luggage, carry-on bags garment bags for travel, duffle bags, shoulder bags, tote bags, clutch bags, wallets and key cases | | |

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| U.S. Registration No. | 3076796 | Application Date | 04/21/2005 |
| Registration Date | 04/04/2006 | Foreign Priority Date | NONE |
| Word Mark | NAUTICA COMPETITION | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 025. First use: First Use: 1996/04/00 First Use In Commerce: 1996/04/00 men's, women's and children's wearing apparel, namely, shoes, sneakers, boots, undershirts, shirts, pants, jackets, coats, bathing suits, bathrobes, pajamas, slippers, shorts, ties, socks, hats, caps, gloves and foul weather gear | | |

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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 1523565 | Application Date | 03/31/1987 |
| Registration Date | 02/07/1989 | Foreign Priority Date | NONE |
| Word Mark | NAUTICA | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 025. First use: First Use: 1985/05/03 First Use In Commerce: 1985/05/03 HOSIERY, SHOES, UNDERSHIRTS, UNDERSHORTS, SHIRTS, BLOUSES, TROUSERS, PANTS, JACKETS, COATS, SUITS, BATHING SUITS, BATHROBES, SLIPPERS AND SHORTS | | |

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|----------------------|---|-----------------------|------------|
| U.S. Application No. | 78275470 | Application Date | 07/17/2003 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | NAUTICA GOLF | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 018. First use: Handbags, tote bags, backpacks, luggage, wallets, purses, key cases, brief cases, duffel bags, all-purpose sport bags, business card cases, credit card cases, briefcase-type portfolios, billfolds, attaché cases, key cases, passport holders, suit bags, waist and fanny packs; trunks, travel bags, hat boxes for travel, leather key chains, luggage tags, overnight bags and cases, | | |

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| | cosmetic, toiletry and vanity cases sold empty; umbrellas; canes, and walking sticks |
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| U.S. Application No. | 78275303 | Application Date | 07/17/2003 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | NAUTICA GOLF | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 025. First use: First Use: 2006/01/25 First Use In Commerce: 2006/01/25 Men's, namely, shirts, tops, sweaters, jackets, pants, bottoms, hats and caps; shorts, rainwear, trousers, outer shirts namely, polo, and sports shirts, collars | | |

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|----------------------|--|-----------------------|------------|
| U.S. Application No. | 78912365 | Application Date | 06/20/2006 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | NAUTICA ISLAND | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 025. First use: Blazers; Caps ; Coats; Hats; Jackets; Pants; Shirts; Shorts; Sweaters; Swimsuits; T-shirts | | |

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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 2474154 | Application Date | 03/19/1999 |
| Registration Date | 07/31/2001 | Foreign Priority Date | NONE |
| Word Mark | NAUTICA JEANS | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 025. First use: First Use: 1999/01/00 First Use In Commerce: 1999/05/00 MEN, WOMEN AND CHILDREN'S WEARING APPAREL, NAMELY, HOSIERY, SHOES, SNEAKERS, BOOTS, MOCCASINS, UNDERSHIRTS, BOXER SHORTS, SHIRTS, BLOUSES, TROUSERS, PANTS, JACKETS, COATS, SUITS, BATHING SUITS, BATHROBES, SLIPPERS, SHORTS, TIES, NECKWEAR, SCARVES, SOCKS, HATS AND CAPS, GLOVES AND MUFFLERS, AND FOUL WEATHER GEAR, BELTS AND SUSPENDERS | | |

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|-----------------------|-----------------------|-----------------------|------------|
| U.S. Registration No. | 2523102 | Application Date | 03/19/1999 |
| Registration Date | 12/25/2001 | Foreign Priority Date | NONE |
| Word Mark | NAUTICA JEANS COMPANY | | |
| Design Mark | | | |
| Description of Mark | NONE | | |

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| Goods/Services | Class 025. First use: First Use: 1999/01/00 First Use In Commerce: 1999/05/00 MEN, WOMEN AND CHILDREN'S WEARING APPAREL, NAMELY, HOSIERY, SHOES, SNEAKERS, BOOTS, MOCCASINS, UNDERSHIRTS, BOXER SHORTS, SHIRTS, BLOUSES, TROUSERS, PANTS, JACKETS, COATS, SUITS, BATHING SUITS, BATHROBES, SLIPPERS, SHORTS, TIES, NECKWEAR, SCARVES, SOCKS, HATS AND CAPS, GLOVES AND MUFFLERS, AND FOUL WEATHER GEAR, BELTS AND SUSPENDERS | | |
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| U.S. Application No. | 78713715 | Application Date | 09/15/2005 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | NAUTICA NAVY | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 025. First use: Bathing suits; Bathing suits for men; Bathing trunks; Bathrobes; Blouses; Coats; Gloves; Hats; Jackets; Jeans; Men's suits, women's suits; Pajamas; Pants; Scarves; Shirts; Shoes; Shorts | | |

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|----------------------|---|-----------------------|------------|
| U.S. Application No. | 77081234 | Application Date | 01/11/2007 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | NAUTICA OPTIONS | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 025. First use: Dress shirts; Jackets; Men's suits; Neckwear; Overcoats; Pants | | |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3232827 | Application Date | 02/14/2006 |
| Registration Date | 04/24/2007 | Foreign Priority Date | NONE |
| Word Mark | NAUTICA PERFORMANCE TRAVEL GEAR | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 018. First use: First Use: 2005/09/00 First Use In Commerce: 2005/09/00 Briefcases; Duffel bags; Garment bags for travel; Handbags; Knapsacks; Leather shopping bags; Luggage; Shopping bags with wheels attached; Suitcases; Textile shopping bags; Trunks; Wallets | | |

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|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 1580007 | Application Date | 08/09/1988 |
| Registration Date | 01/30/1990 | Foreign Priority Date | NONE |
| Word Mark | NAUTICA | | |
| Design Mark | | | |

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| Description of Mark | NONE |
| Goods/Services | Class 016. First use: First Use: 1987/01/05 First Use In Commerce: 1987/01/05 NOTEBOOKS, DESK TOP ORGANIZERS, CALENDARS, AND PHONEBOOK COVERS MADE OF LEATHER OR IMITATION LEATHER Class 018. First use: First Use: 1987/01/05 First Use In Commerce: 1987/01/05 UMBRELLAS, LUGGAGE, TRUNKS, DUFFLE BAGS, GARMENT BAGS FOR TRAVELING, TRAVEL KITS AND LEATHER BOXES IN THE NATURE OF JEWELRY BOXES Class 025. First use: First Use: 1987/01/05 First Use In Commerce: 1987/01/05 BELTS AND SUSPENDERS |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 2246317 | Application Date | 09/18/1995 |
| Registration Date | 05/18/1999 | Foreign Priority Date | NONE |
| Word Mark | NAUTICA | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 020. First use: First Use: 1997/12/00 First Use In Commerce: 1998/01/00 outdoor furniture; living room furniture; bedroom furniture; furniture, namely wall units; furniture tables; bookcases; and picture frames | | |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 2306324 | Application Date | 09/18/1995 |
| Registration Date | 01/04/2000 | Foreign Priority Date | NONE |
| Word Mark | NAUTICA | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 021. First use: First Use: 1998/10/00 First Use In Commerce: 1999/02/01 glass and plastic beverageware; dinnerware; coasters (not of paper or linen); paper plates; paper cups; candlesticks not of precious metal | | |

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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 2247914 | Application Date | 09/18/1995 |
| Registration Date | 05/25/1999 | Foreign Priority Date | NONE |
| Word Mark | NAUTICA | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 024. First use: First Use: 1997/04/00 First Use In Commerce: 1997/06/00 table liners, table mats not of paper; place mats not of paper; table napkins not of paper; pot holders; oven mitts; table cloths not of paper; kitchen towels; upholstery fabrics; and textile wall hangings | | |

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|-----------------------|---------|------------------|------------|
| U.S. Registration No. | 1464663 | Application Date | 11/20/1986 |
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| Registration Date | 11/10/1987 | Foreign Priority Date | NONE |
| Word Mark | NAUTICA | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 025. First use: First Use: 1985/05/03 First Use In Commerce: 1985/05/03 HOSIERY, SHOES, UNDERSHIRTS, UNDERSHORTS, SHIRTS, BLOUSES, TROUSERS, JACKETS, PANTS, COATS, SUITS, BATHING SUITS, BATHROBES, SLIPPERS AND SHORTS | | |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 2242969 | Application Date | 09/18/1995 |
| Registration Date | 05/04/1999 | Foreign Priority Date | NONE |
| Word Mark | NAUTICA | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 027. First use: First Use: 1998/09/00 First Use In Commerce: 1998/09/00 rugs, wall paper, and vinyl wall covering | | |

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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 1557528 | Application Date | 08/09/1988 |
| Registration Date | 09/26/1989 | Foreign Priority Date | NONE |
| Word Mark | NAUTICA | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 003. First use: First Use: 1987/01/05 First Use In Commerce: 1987/01/05 PERFUMES AND ESSENTIAL OILS FOR PERSONAL USE | | |

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| U.S. Registration No. | 1882757 | Application Date | 02/04/1993 |
| Registration Date | 03/07/1995 | Foreign Priority Date | NONE |
| Word Mark | NAUTICA | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 003. First use: First Use: 1993/06/00 First Use In Commerce: 1993/06/00 toiletries for men, namely shaving cream and toilet soap | | |

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|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 1873011 | Application Date | 11/12/1991 |
| Registration Date | 01/10/1995 | Foreign Priority Date | NONE |
| Word Mark | NAUTICA | | |
| Design Mark | | | |

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| Description of Mark | NONE |
| Goods/Services | Class 006. First use: First Use: 1991/01/00 First Use In Commerce: 1991/04/00 key rings, key fobs, key holders and money clips Class 014. First use: First Use: 1991/01/00 First Use In Commerce: 1991/04/00 tie clips and collar pins Class 018. First use: First Use: 1991/01/00 First Use In Commerce: 1991/04/00 wallets, hipfold wallets, trifold wallets, key cases, tie cases for travel, shoulder bags, tote bags; clutch bags, carry-on bags Class 026. First use: First Use: 1988/01/00 First Use In Commerce: 1988/09/00 buttons for clothing[]; hair accessories; namely, barrettes and hairbands] |

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| U.S. Registration No. | 2292976 | Application Date | 09/18/1995 |
| Registration Date | 11/16/1999 | Foreign Priority Date | NONE |
| Word Mark | NAUTICA | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 008. First use: First Use: 1998/11/00 First Use In Commerce: 1999/03/00 tableware, namely forks, knives and spoons | | |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 1553539 | Application Date | 06/24/1988 |
| Registration Date | 08/29/1989 | Foreign Priority Date | NONE |
| Word Mark | NAUTICA | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 009. First use: First Use: 1987/01/05 First Use In Commerce: 1987/01/05 SPECTACLES, NAMELY EYEGASSES AND SUNGLASSES, AND ACCESSORIES, NAMELY CASES AND STRAPS | | |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3170094 | Application Date | 07/12/2005 |
| Registration Date | 11/07/2006 | Foreign Priority Date | NONE |
| Word Mark | NAUTICA VOYAGE | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 003. First use: First Use: 2006/04/00 First Use In Commerce: 2006/04/00 PERFUMERY, AFTER SHAVE LOTIONS | | |

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|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 3165353 | Application Date | 04/25/2006 |
| Registration Date | 10/31/2006 | Foreign Priority Date | NONE |

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| Word Mark | NAUTICAKIDS | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 011. First use: First Use: 2005/08/00 First Use In Commerce: 2005/08/00 Lamp shades; Lamps | | |

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| U.S. Registration No. | 3165351 | Application Date | 04/25/2006 |
| Registration Date | 10/31/2006 | Foreign Priority Date | NONE |
| Word Mark | NAUTICAKIDS | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 024. First use: First Use: 2005/08/00 First Use In Commerce: 2005/08/00 Bed linen; Bed pads; Bed sheets; Bed skirts; Bed spreads; Children's blankets; Children's towels; Crib bumpers; Curtains; Fabric window coverings and treatments, namely curtains, draperies, sheers, swags and valances; Pillowcases; Quilts | | |

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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 3168753 | Application Date | 02/07/2006 |
| Registration Date | 11/07/2006 | Foreign Priority Date | NONE |
| Word Mark | NAUTICAKIDS | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 025. First use: First Use: 2004/05/00 First Use In Commerce: 2004/05/00 Coats; Dresses; Footwear; Gloves; Headwear; Jackets; Jeans; Pajamas; Pants; Raincoats; Robes; Scarves; Shirts; Shorts; Skirts; Sweaters; Swimsuits; T-shirts; Trousers; Underwear; Vests | | |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3165354 | Application Date | 04/26/2006 |
| Registration Date | 10/31/2006 | Foreign Priority Date | NONE |
| Word Mark | NAUTICAKIDS | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 027. First use: First Use: 2005/08/00 First Use In Commerce: 2005/08/00 Wallpaper; Wallpaper in the nature of roomsize decorative adhesive wall coverings | | |

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| U.S. Registration No. | 3165352 | Application Date | 04/25/2006 |
| Registration Date | 10/31/2006 | Foreign Priority Date | NONE |

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| Word Mark | NAUTICAKIDS |
| Design Mark | |
| Description of Mark | NONE |
| Goods/Services | Class 028. First use: First Use: 2005/08/00 First Use In Commerce: 2005/08/00 Crib mobiles; Mobiles for children; Toy mobiles |

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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 3165348 | Application Date | 04/11/2006 |
| Registration Date | 10/31/2006 | Foreign Priority Date | NONE |
| Word Mark | NAUTICAKIDS | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 035. First use: First Use: 2003/03/00 First Use In Commerce: 2003/03/00 Retail apparel stores; Retail clothing stores; Retail department stores | | |

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|----------------------|---|-----------------------|------------|
| U.S. Application No. | 77081223 | Application Date | 01/11/2007 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | NAUTICARE | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 025. First use: Dress shirts; Jackets; Men's suits; Neckwear; Overcoats; Pants | | |

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| Attachments | 76177936#TMSN.gif (1 page)(bytes) 77085787#TMSN.jpeg (1 page)(bytes) 78885472#TMSN.jpeg (1 page)(bytes) 76371274#TMSN.gif (1 page)(bytes) 77085720#TMSN.jpeg (1 page)(bytes) 78763730#TMSN.jpeg (1 page)(bytes) 77085766#TMSN.jpeg (1 page)(bytes) 78825489#TMSN.jpeg (1 page)(bytes) 78764381#TMSN.jpeg (1 page)(bytes) 78963691#TMSN.jpeg (1 page)(bytes) 78647283#TMSN.jpeg (1 page)(bytes) 78114601#TMSN.gif (1 page)(bytes) 78606800#TMSN.jpeg (1 page)(bytes) 78613836#TMSN.jpeg (1 page)(bytes) 78614003#TMSN.jpeg (1 page)(bytes) 73652468#TMSN.gif (1 page)(bytes) 78912365#TMSN.jpeg (1 page)(bytes) 75664161#TMSN.gif (1 page)(bytes) 78713715#TMSN.jpeg (1 page)(bytes) 77081234#TMSN.jpeg (1 page)(bytes) 78814361#TMSN.jpeg (1 page)(bytes) 73745061#TMSN.gif (1 page)(bytes) 74730051#TMSN.jpeg (1 page)(bytes) |
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| Signature | /Stephen L. Baker/ |
| Name | Stephen L. Baker |
| Date | 05/01/2007 |

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

NAUTICA APPAREL, INC.,

Opposer,

Mark: GET NAUTI

v.

Serial No. 78610037

MARTANNA LLC,

Filed: April 15, 2005

Applicant.

NOTICE OF OPPOSITION
PURSUANT TO 15 U.S.C. § 1063

Opposer, NAUTICA APPAREL, INC., by its attorneys Baker and Rannells, PA, alleges on knowledge as to its own acts and otherwise on information and belief and as grounds for opposition as follows:

1. Opposer believes that allowing Application Serial No. 78610037 to proceed to registration will cause Opposer damage.

2. Opposer, NAUTICA APPAREL, INC., is a corporation organized and existing under the laws of the State of Delaware, doing business at 40 West 57th Street, New York, New York 10019.

3. Applicant, Martanna LLC, is a Virginia limited liability company, doing business at 16703 Ostenbury Court, Dumfries, Virginia 22026.

4. On April 15, 2005, Applicant filed Application Serial No. 78610037 for GET NAUTI (“Applicant’s Mark”) as a trademark for perfumes, colognes, and essential oils for personal use; deodorants and antiperspirants for personal use; cleaning

preparations for personal hygiene purposes, namely, skin cleansers, facial cleansers, shower gels, shower wash, body scrubs, facial scrubs, and facial masks; hair care preparations, namely, hair shampoo, hair conditioner, styling gel, hair spray, hair cream, hair mousse; sunscreen cream and sun block preparations; shaving preparations, namely, non-medicated shaving balm, shaving cream, shaving foam, shaving gel, shaving lotion, shaving soap, after-shave gel, and after-shave lotion; cosmetics, namely, foundation and powder make-up, concealers, blush, eye shadow, eyeliners, eyebrow pencils, mascara, lip gloss, lip liner, and lipstick; nail care preparations, namely, nail enamel, nail cream, and nail polish; toiletries, namely bar and liquid skin soaps, body lotions, body cream, body powder, hand cream, eye cream, and skin moisturizers in International Class 3; and Men, women and children's clothing, namely shirts, T-shirts, tank tops, jerseys, polo shirts, blouses, sweatshirts, shorts, pants, slacks, sweatpants, jeans, suits, blazers, coats, jackets, overalls, warm-up suits, skirts, dresses, hosiery, undershirts, underwear, boxer shorts, bras, sports bras, socks, belts, suspenders, hats, gloves, scarves, earmuffs, neckties, neckbands, armbands, headbands, sportswear, namely, shirts, shorts, pants, sweatshirts and jackets, sleepwear, nightgowns, pajamas, lingerie, and robes; footwear, namely, shoes, boots, sneakers, slippers, beach footwear, and sandals; swimwear, namely bathing trunks, bathing caps, beach wraps, bikinis, and bathing suits in International Class 25 (“Applicant’s Goods”). Such application was published for opposition in the Official Gazette on April 3, 2007.

5. Opposer is the owner of numerous trademarks in a variety and constantly expanding number of classes including the NAUTICA marks, marks that contain the word NAUTICA, and marks that contain the letters NAUT and variations thereof

(“Opposer's Marks”) as trademarks, trade names, and as service marks. Examples of Opposer’s Marks are as follows:

| Trademark | Serial No. | Application Date | Registration No. | Registration Date | Class | Trademark |
|----------------------------|------------|------------------|------------------|-------------------|-----------|------------|
| NAUTEX | 76/177936 | 8-Dec-2000 | 2697078 | 18-Mar-2003 | 24, 25 | Registered |
| NAUTICA | 77085787 | 18-Jan-2007 | | | 9 | Pending |
| NAUTICA | 78885472 | 17-May-2006 | 3233030 | 24-Apr-2007 | 14 | Pending |
| NAUTICA | 78293501 | 28-Aug-2003 | 2865299 | 20-Jul-2004 | 20 | Registered |
| NAUTICA | 76/371274 | 16-Feb-2002 | 2731466 | 1-Jul-2003 | 24 | Registered |
| NAUTICA | 78292765 | 27-Aug-2003 | 3114862 | 11-Jul-2006 | 24 | Registered |
| NAUTICA | 78293506 | 28-Aug-2003 | 2865300 | 20-Jul-2004 | 24 | Registered |
| NAUTICA | 74462464 | 23-Nov-1993 | 1862585 | 15-Nov-1994 | 25 | Registered |
| NAUTICA | 77085720 | 18-Jan-2007 | | | 25 | Pending |
| NAUTICA | 78763730 | 30-Nov-2005 | | | 28 | Pending |
| NAUTICA | 78280401 | 29-Jul-2003 | 2865229 | 20-Jul-2004 | 28 | Registered |
| NAUTICA | 77085766 | 18-Jan-2007 | | | 28 | Pending |
| NAUTICA | 78825489 | 28-Feb-2006 | 3232846 | 24-Apr-2007 | 35 | Pending |
| NAUTICA | 78764381 | 1-Dec-2005 | 3114379 | 11-Jul-2006 | 41 | Registered |
| NAUTICA | 74730271 | 18-Sep-1995 | 2304411 | 28-Dec-1999 | 11 | Registered |
| NAUTICA BEACH | 78258096 | 4-Jun-2003 | 3109967 | 27-Jun-2006 | 25 | Registered |
| NAUTICA BEDWEAR | 75/458277 | 27-Mar-1998 | 2639939 | 22-Oct-2002 | 20, 24 | Registered |
| NAUTICA BERMUDA BLUE | 78963691 | 30-Aug-2006 | | | 3 | Pending |
| NAUTICA BERMUDA TABLEWARES | 75569530 | 12-Oct-1998 | 2476203 | 7-Aug-2001 | 8, 21, 24 | Registered |
| NAUTICA BLUE | 78647283 | 9-Jun-2005 | 3170055 | 7-Nov-2006 | 3 | Registered |
| NAUTICA BLUE | 78/114601 | 13-Mar-2002 | 2993023 | 6-Sep-2005 | 25 | Registered |
| NAUTICA BLUE | 78/114981 | 14-Mar-2002 | 2987139 | 23-Aug-2005 | 25 | Registered |

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|---------------------------------------|-----------|-------------|---------|-------------|---------------|------------|
| NAUTICA COMPETITION | 78606800 | 12-Apr-2005 | 3076597 | 4-Apr-2006 | 3 | Registered |
| NAUTICA COMPETITION | 78613836 | 21-Apr-2005 | 3076794 | 4-Apr-2006 | 18 | Registered |
| NAUTICA COMPETITION | 78614003 | 21-Apr-2005 | 3076796 | 4-Apr-2006 | 25 | Registered |
| NAUTICA EMBLEM | 73652468 | 31-Mar-1987 | 1523565 | 7-Feb-1989 | 25 | Registered |
| NAUTICA GOLF | 78275470 | 17-Jul-2003 | | | 18 | Pending |
| NAUTICA GOLF | 78275303 | 17-Jul-2003 | | | 25 | Pending |
| NAUTICA ISLAND | 78912365 | 20-Jun-2006 | | | 25 | Pending |
| NAUTICA JEANS | 75664161 | 19-Mar-1999 | 2474154 | 31-Jul-2001 | 25 | Registered |
| NAUTICA JEANS COMPANY | 75663915 | 19-Mar-1999 | 2523102 | 25-Dec-2001 | 25 | Registered |
| NAUTICA NAVY | 78713715 | 15-Sep-2005 | | | 25 | Pending |
| NAUTICA OPTIONS | 77081234 | | | | 25 | Pending |
| NAUTICA PERFORMANCE TRAVEL GEAR | 78814361 | 14-Feb-2006 | 3232827 | 24-Apr-2007 | 18 | Pending |
| NAUTICA | 73745061 | 30-Jan-1990 | 1580007 | 30-Jan-1990 | 16 18 25 | Registered |
| NAUTICA | 74730051 | 18-Sep-1995 | 2246317 | 18-May-1999 | 20 | Registered |
| NAUTICA | 74730052 | 18-Sep-1995 | 2306324 | 4-Jan-2000 | 21 | Registered |
| NAUTICA | 74/730054 | 18-Sep-1995 | 2247914 | 25-May-1999 | 24 | Registered |
| NAUTICA | 73631447 | 20-Nov-1986 | 1464663 | 10-Nov-1987 | 25 | Registered |
| NAUTICA | 74730053 | 18-Sep-1995 | 2242969 | 4-May-1999 | 27 | Registered |
| NAUTICA | 73745058 | 9-Aug-1988 | 1557528 | 26-Sep-1989 | 3 | Registered |
| NAUTICA | 74355511 | 4-Feb-1993 | 1882757 | 7-Mar-1995 | 3 | Registered |
| NAUTICA | 74220315 | 12-Nov-1991 | 1873011 | 10-Jan-1995 | 6 14 18 26 | Registered |
| NAUTICA | 74730265 | 18-Sep-1995 | 2292976 | 16-Nov-1999 | 8 | Registered |
| NAUTICA | 73737613 | 24-Jun-1988 | 1553539 | 29-Aug-1989 | 9 | Registered |
| NAUTICA VOYAGE | 78668277 | 12-Jul-2005 | 3170094 | 7-Nov-2006 | 3 | Registered |
| NAUTICAKIDS | 78868779 | 25-Apr-2006 | 3165353 | 31-Oct-2006 | 11 | Registered |

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|-------------|----------|-------------|---------|-------------|----|------------|
| NAUTICAKIDS | 78868734 | 25-Apr-2006 | 3165351 | 31-Oct-2006 | 24 | Registered |
| NAUTICAKIDS | 78809150 | 7-Feb-2006 | 3168753 | 7-Nov-2006 | 25 | Registered |
| NAUTICAKIDS | 78869724 | 26-Apr-2006 | 3165354 | 31-Oct-2006 | 27 | Registered |
| NAUTICAKIDS | 78868759 | 25-Apr-2006 | 3165352 | 31-Oct-2006 | 28 | Registered |
| NAUTICAKIDS | 78869724 | 26-Apr-2006 | 3165354 | 31-Oct-2006 | 27 | Pending |
| NAUTICAKIDS | 78858780 | 11-Apr-2006 | 3165348 | 31-Oct-2006 | 35 | Registered |
| NAUTICARE | 77081223 | 11-Jan-2007 | | | 25 | Pending |

Hereinafter the goods and services recited in Opposer's Marks are referred to as "Opposer's Goods and Services".

8. Opposer's Goods and Services have been widely advertised, offered for sale and sold throughout the United States under Opposer's Marks and Opposer's Marks are famous.

6. Opposer is now and has been for many years trading as and known by Opposer's Marks, identifying Opposer as the source of high quality apparel, personal care items, accessories and other goods and services.

7. Applicant's Goods are the same or substantially similar to Opposer's Goods and Services and/or are within Opposer's ever expanding natural progression of goods and services and channels of trade.

8. Opposer is now and has been, for many years prior to any date which may be claimed by Applicant, engaged in the use of Opposer's Marks for Opposer's Goods and Services, including without limitation, high quality apparel, personal care items, accessories and other related goods and services.

9. Opposer is now and has been, for many years prior to any date which may be claimed by Applicant, engaged in the sale of high quality apparel, personal care items, accessories and related goods and services under Opposer's Marks.

10. Since long prior to any date which may be claimed by Applicant, Opposer on its own behalf has been, and is now engaged in the sale of high quality apparel, personal care items, accessories and related goods and services under Opposer's Marks in interstate commerce.

11. The use by Opposer of Opposer's Marks for Opposer's Goods and Services alleged herein, is long prior to any date which may be lawfully claimed by Applicant, and Opposer has priority.

12. Applicant intends to distribute and/or to provide Applicant's Goods through the same channels of trade as Opposer or within Opposer's ever expanding natural progression of goods and services and channels of trade and as a result Applicant is now, or will be, directing its respective goods and services to the same ultimate consumer as Opposer.

13. Opposer's Marks and Applicant's Mark are substantially identical and confusingly similar when applied to the goods of the parties.

14. The goods and services of Applicant and Opposer are the same or substantially similar or within Opposer's ever expanding natural progression of goods and services and channels of trade and Applicant's intended use of Applicant's Mark in connection with such goods and services is without the consent or permission of Opposer.

15. Since Opposer owns Opposer's Marks by virtue of prior use, confusion, mistake or deception as to the source of origin of the goods will arise and will injure and damage the Opposer and its goodwill.

16. The registration of Applicant's Mark to Applicant will cause the relevant purchasing public to erroneously assume and thus be confused, misled, or deceived, that Applicant's Goods and Services are made by, licensed by, controlled by, sponsored by, or in some way connected, related or associated with Opposer, all to Opposer's irreparable damage.

17. As a result of Opposer's long use, extensive advertising and promotion, and successful sales for at least 20 years, Opposer's Marks have become distinctive and famous, long prior to any date which may be claimed by Applicant.

18. The registration of Applicant's Mark, will cause the dilution of the distinctive quality of Opposer's Marks, all to Opposer's irreparable damage.

19. Opposer believes that it is and will be damaged by registration of the mark applied for by Applicant.

WHEREFORE, Opposer prays that the application for registration of Applicant's Mark, Serial No. 78610037, filed on April 15, 2005, be denied and that this Opposition be sustained.

Dated: May 1, 2007

Respectfully submitted for Opposer
Nautica Apparel, Inc.

By: /Stephen L. Baker/
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