

ESTTA Tracking number: **ESTTA179511**

Filing date: **12/07/2007**

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

Name	Renee Claire Inc.
Granted to Date of previous extension	12/09/2007
Address	5200 Venice Blvd. Los Angeles, CA 90019 UNITED STATES

Attorney information	Francie R. Gorowitz Katten Muchin Rosenman LLP 2029 Century Park East Suite 2600 Los Angeles, CA 90067 UNITED STATES francie.gorowitz@kattenlaw.com Phone:310 788-4495
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Applicant Information

Application No	78927189	Publication date	06/12/2007
Opposition Filing Date	12/07/2007	Opposition Period Ends	12/09/2007
Applicant	MBL/TIGI PRODUCTS, LP 2311 Midway Road Carrollton, TX 75006 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 025. All goods and services in the class are opposed, namely: Infant, children and adult clothing, namely, anklets, anoraks, aprons, athletic uniforms, baby booties, baby bunting, baby rompers, baby sleepers, bandannas, cloth bibs, sweat bands, wrist bands, bathing suits, bathing trunks, beach cover-ups, beachwear, belts, blazers, blouses, brassieres, briefs, cheerleader outfits, cloth diapers, coats, leather coats, rain coats, sport coats, waistcoats, jackets, leather jackets, coveralls, fleece coveralls, infant coveralls, infant wear, dresses, dungarees, ear muffs, foul weather gear, gloves, shirts, golf shirts, knit shirts, night shirts, polo shirts, rugby shirts, sport shirts, sweatshirts, t-shirts, tops, halter tops, tank tops, shorts, boxer shorts, gym shorts, sweat shorts, hosiery, jumpers, jumpsuits, leg warmers, lingerie, loungewear, mittens, negligees, neck bands, neckerchiefs, neckwear, night gowns, pajamas, pants, lap pants, balloon pants, pantsuits, slacks, ski pants, snow pants, sweat pants, panties, parkas, ponchos, rainwear, robes, scarves, shower caps, ski wear, skirts, sleepwear, slippers, smocks, socks, sweat socks, thermal socks, stockings, suits, body suits, gym suits, jogging suits, fleece jogging suits, play suits, sun suits, sweat suits, tracksuits, vested suits, warm-up suits, wind suits, suspenders, sweaters, turtleneck sweaters, v-neck sweaters, swim wear, swim trunks, swimsuits, teddies, tennis wear, ties, bow ties, neck ties, tights, trousers, turtlenecks, tuxedos, underpants, undershirts, underwear, thermal underwear, veils, vests, fishing waders; footwear, namely, shoes, clogs, golf shoes, thongs, slippers, sneakers; headwear, namely, berets,</p>
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caps, baseball caps, bathing caps, hats, head bands, visors, sun visors; costumes, namely, Halloween costumes, masquerade costumes, swimming costumes; and uniforms

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	BEDHEAD		
Goods/Services	clothing in the nature of sleepwear and loungewear which includes pajamas, robes, and slippers		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	BEDHEAD PAJAMAS		
Goods/Services	clothing in the nature of sleepwear and loungewear which includes pajamas, robes, and slippers		

Attachments	Body by Bed Head Notice of Opposition - 12-7-07.pdf (6 pages)(224521 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Francie R. Gorowitz/
Name	Francie R. Gorowitz
Date	12/07/2007

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

IN THE MATTER OF APPLICATION SERIAL NO. 78927189
Published for Opposition in the Official Gazette of June 12, 2007

RENEE CLAIRE INC.)	OPPOSITION NO.
DBA BEDHEAD)	
)	
Opposer,)	
)	
vs.)	
)	
MBL/TIGI GP, LLC,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Renee Claire Inc., a California corporation, located at 5200 Venice Boulevard, Los Angeles, California 90019, believes that it will be damaged by registration of the mark BED HEAD, which is the subject of the above Application Serial No. 78927189 in International Class 25 and hereby opposes such registration. The time for filing a Notice of Opposition was extended to December 9, 2007.

As grounds for opposition, it is alleged that:

1. Opposer manufactures and sells clothing in the nature of sleepwear and loungewear which includes pajamas, robes, and slippers. All of these products are designed by Renee-Claire Bertrand and are manufactured using high quality fabrics.

2. Opposer, by itself and through its predecessor, Renee-Claire Bertrand, has continuously used BEDHEAD and BEDHEAD PAJAMAS as its trademarks and trade names in connection with its clothing since February 15, 1999.

3. Opposer's BEDHEAD clothing is sold in over 2500 wholesale outlets, as well as through Opposer's on-line business and in Opposer's flag ship retail store.

4. Through long and extensive use and promotion, the marks and names BEDHEAD and BEDHEAD PAJAMAS have become associated with Opposer and its clothing.

5. Applicant is the owner of Ser. No. 78927189 for the mark BODY BY BED HEAD for "infant, children and adult clothing, namely, anklets, anoraks, aprons, athletic uniforms, baby booties, baby bunting, baby rompers, baby sleepers, bandannas, cloth bibs, sweat bands, wrist bands, bathing suits, bathing trunks, beach cover-ups, beachwear, belts, blazers, blouses, brassieres, briefs, cheerleader outfits, cloth diapers, coats, leather coats, rain coats, sport coats, waistcoats, jackets, leather jackets, coveralls, fleece coveralls, infant coveralls, infant wear, dresses, dungarees, ear muffs, foul weather gear, gloves, shirts, golf shirts, knit shirts, night shirts, polo shirts, rugby shirts, sport shirts, sweatshirts, t-shirts, tops, halter tops, tank tops, shorts, boxer shorts, gym shorts, sweat shorts, hosiery, jumpers, jumpsuits, leg warmers, lingerie, loungewear, mittens, negligees, neck bands, neckerchiefs, neckwear, night gowns, pajamas, pants, lap pants, balloon pants, pantsuits, slacks, ski pants, snow pants, sweat pants, panties, parkas, ponchos, rainwear, robes, scarves, shower caps, ski wear, skirts, sleepwear, slippers, smocks, socks, sweat socks, thermal socks, stockings, suits, body suits, gym suits, jogging suits,

fleece jogging suits, play suits, sun suits, sweat suits, tracksuits, vested suits, warm-up suits, wind suits, suspenders, sweaters, turtleneck sweaters, v-neck sweaters, swim wear, swim trunks, swimsuits, teddies, tennis wear, ties, bow ties, neck ties, tights, trousers, turtlenecks, tuxedos, underpants, undershirts, underwear, thermal underwear, veils, vests, fishing waders; footwear, namely, shoes, clogs, golf shoes, thongs, slippers, sneakers; headwear, namely, berets, caps, baseball caps, bathing caps, hats, head bands, visors, sun visors; costumes, namely, Halloween costumes, masquerade costumes, swimming costumes; and uniforms,” which was filed on the basis of intent to use. Ser. No. 78927189 was filed on July 11, 2006.

6. On information and belief, Applicant did not use the mark BODY BY BED HEAD on or in connection with the goods in the application on the filing date of July 11, 2006.

7. On information and belief, Applicant is not currently using the mark BODY BY BED HEAD on or in connection with the goods in the application.

8. On information and belief, Applicant has not used the mark BODY BY BED HEAD on or in connection with any clothing items.

9. On information and belief, Applicant did not use any mark containing the term BED HEAD on or in connection with clothing in 1999.

10. Opposer’s use of BEDHEAD and BEDHEAD PAJAMAS predates any use by Applicant of BODY BY BED HEAD or BED HEAD in connection with clothing.

11. The mark BODY BY BED HEAD is similar to Opposer's trade names and trademarks BEDHEAD and BEDHEAD PAJAMAS.

12. The goods in Ser. No. 78927189 are identical to or closely related to Opposer's goods.

13. Applicant's use and registration of the mark BODY BY BED HEAD on or in connection with "infant, children and adult clothing, namely, anklets, anoraks, aprons, athletic uniforms, baby booties, baby bunting, baby rompers, baby sleepers, bandannas, cloth bibs, sweat bands, wrist bands, bathing suits, bathing trunks, beach cover-ups, beachwear, belts, blazers, blouses, brassieres, briefs, cheerleader outfits, cloth diapers, coats, leather coats, rain coats, sport coats, waistcoats, jackets, leather jackets, coveralls, fleece coveralls, infant coveralls, infant wear, dresses, dungarees, ear muffs, foul weather gear, gloves, shirts, golf shirts, knit shirts, night shirts, polo shirts, rugby shirts, sport shirts, sweatshirts, t-shirts, tops, halter tops, tank tops, shorts, boxer shorts, gym shorts, sweat shorts, hosiery, jumpers, jumpsuits, leg warmers, lingerie, loungewear, mittens, negligees, neck bands, neckerchiefs, neckwear, night gowns, pajamas, pants, lap pants, balloon pants, pantsuits, slacks, ski pants, snow pants, sweat pants, panties, parkas, ponchos, rainwear, robes, scarves, shower caps, ski wear, skirts, sleepwear, slippers, smocks, socks, sweat socks, thermal socks, stockings, suits, body suits, gym suits, jogging suits, fleece jogging suits, play suits, sun suits, sweat suits, tracksuits, vested suits, warm-up suits, wind suits, suspenders, sweaters, turtleneck sweaters, v-neck sweaters, swim wear, swim trunks, swimsuits, teddies, tennis wear, ties, bow ties, neck ties, tights, trousers, turtlenecks, tuxedos, underpants, undershirts, underwear, thermal underwear, veils, vests,

fishing waders; footwear, namely, shoes, clogs, golf shoes, thongs, slippers, sneakers; headwear, namely, berets, caps, baseball caps, bathing caps, hats, head bands, visors, sun visors; costumes, namely, Halloween costumes, masquerade costumes, swimming costumes; and uniforms” is likely to cause confusion, mistake or deception and is also likely to create the erroneous impression that Opposer and Applicant are somehow related or associated, or that Opposer sponsors or approves Applicant’s goods.

WHEREFORE, RENEE CLAIR INC. DBA BEDHEAD requests that registration of MBL/TIGI GP, LLC mark BODY BY BED HEAD be denied and that this Opposition be sustained.

Dated: December 7, 2007

Respectfully submitted,

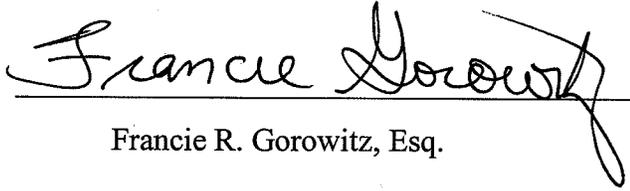
KATTEN MUCHIN ROSENMAN LLP



By: Francie R. Gorowitz Esq., Attorney for
RENEE CLAIRE INC. DBA
BEDHEAD.
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing, NOTICE OF OPPOSITION was served on Applicant by depositing it with the United States Postal Service as first class mail in an envelope addressed to Applicant's counsel, Carrie L. Kiedrowski, Jones Day, Suite 800, 1420 Peachtree Street, N.E. Atlanta GA 30309 on December 7, 2007. A courtesy copy was emailed to Applicant's counsel at clkiedrowski@jonesday.com.


Francie R. Gorowitz, Esq.