

ESTTA Tracking number: **ESTTA186964**

Filing date: **01/16/2008**

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	Color Image Apparel, Inc.
Granted to Date of previous extension	01/16/2008
Address	6670 Flotilla Street Commerce, CA 90040 UNITED STATES
Attorney information	Maha Sarah Gordon & Rees LLP 101 West Broadway Suite 1600 San Diego, CA 92101 UNITED STATES ipdocket@gordonrees.com, msarah@gordonrees.com, rsybert@gordonrees.com, sgill@gordonrees.com Phone:619-696-6700

**Applicant Information**

Application No	77128018	Publication date	09/18/2007
Opposition Filing Date	01/16/2008	Opposition Period Ends	01/16/2008
Applicant	Bela Hockey, LLC 30 Adelbert Street South Portland, ME 04106 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 025. All goods and services in the class are opposed, namely: Apparel, namely, t-shirts, hooded sweatshirts, bandanas, undershirts, sweat pants head bands and caps
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**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. Registration No.	2668441	Application Date	09/04/2001
Registration Date	12/31/2002	Foreign Priority Date	NONE
Word Mark	BELLA		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2000/01/01 First Use In Commerce: 2000/01/01 Garments, namely cotton T-shirts and Tops

U.S. Registration No.	2895709	Application Date	09/28/2003
Registration Date	10/19/2004	Foreign Priority Date	NONE

Word Mark	BELLA
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 025. First use: First Use: 2000/01/01 First Use In Commerce: 2000/01/01 MEN'S, WOMEN'S AND CHILDREN'S CLOTHING, NAMELY JEANS, DRESSES, SKIRTS, MINISKIRTS, SHORTS, PANTS, SLACKS, TROUSERS, SUITS, PANTSUITS, JACKETS, SWEATERS, CARDIGANS, PULLOVERS, COATS, SPORT COATS, BLOUSES, VESTS, BLAZERS, OVERALLS, SWEATSHIRTS, SWEATPANTS, SWEATSHORTS, SWEATSUITS, SHIRTS, POLO SHIRTS, KNIT SHIRTS, SPORT SHIRTS, TEE-SHIRTS, COTTON SHIRTS, TOPS, TANK-TOPS, HALTER TOPS, KNIT TOPS, WOVEN TOPS, BODYSUITS, CAMISOLES, PAJAMAS, JUMPSUITS, SWIM SUITS, SWIMWEAR, SOCKS, GLOVES; CLOTHING ACCESSORIES NAMELY BELTS, SCARVES, HATS, CAPS AND VISORS; FOOTWEAR, NAMELY LOAFERS, ESPADRILLES, SANDALS, THONGS, MULES, PUMPS, ATHLETIC SHOES, SLIPPERS, BOOTS, BEACH FOOTWEAR
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Attachments	76308113#TMSN.gif ( 1 page )( bytes ) Belahockey Notice of Opposition.pdf ( 10 pages )(622684 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 Overnight Courier on this date.

Signature	/Maha Sarah/
Name	Maha Sarah
Date	01/16/2008

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

In the Matter of Trademark Application	)	
Serial No. 77/128,018	)	
Filed: March 12, 2007	)	
Published: September 18, 2007	)	
By: BELA HOCKEY, LLC	)	
For the Trademark: BELAHOCKEY	)	
<hr/>	)	Opposition No.
COLOR IMAGE APPAREL, INC.,	)	
a California Corporation,	)	<hr/>
	)	
Opposer,	)	
v.	)	
	)	
BELA HOCKEY, LLC,	)	
a Maine Limited Liability Company,	)	
	)	
Applicant.	)	
<hr/>	)	

**NOTICE OF OPPOSITION**

Opposer, Color Image Apparel, Inc., a California corporation having a place of business at 6670 Flotilla Street, Commerce, California 90040 (hereinafter "Opposer") believes that it will be damaged by registration of the mark BELAHOCKEY shown in Application Serial No. 77/128,018, as published in the Official Gazette on September 18, 2007 and hereby opposes the same.

As grounds for the Opposition, it is alleged that:

1. Opposer is the owner of U.S. Trademark Registration No. 2,668,441, for the mark BELLA and Design for "garments, namely cotton T-shirts and tops" in class 25, with a date of first use since at least January 1, 2000. Said registration is valid and subsisting. A copy of the trademark registration with Title and Status is attached hereto as Exhibit A.

2. Opposer is the owner of U.S. Trademark Registration No. 2,895,709, for the mark BELLA for “men’s, women’s and children’s clothing, namely jeans, dresses, skirts, miniskirts, shorts, pants, slacks, trousers, suits, pantsuits, jackets, sweaters, cardigans, pullovers, coats, sport coats, blouses, vests, blazers, overalls, sweatshirts, sweatpants, sweatshorts, sweatsuits, shirts, polo shirts, knit shirts, sport shirts, tee-shirts, cotton shirts, tops, tank tops, halter tops, knit tops, woven tops, bodysuits, camisoles, pajamas, jumpsuits, swim suits, swimwear, socks, gloves; clothing accessories namely belts, scarves, hats, caps and visors; footwear, namely loafers, espadrilles, sandals, thongs, mules, pumps, athletic shoes, slippers, boots, and beach footwear” in class 25, with a date of first use since at least January 1, 2000. Said registration is valid and subsisting. A copy of the trademark registration with Title and Status is attached hereto as Exhibit B.

3. Opposer, since at least January 1, 2000, has also been, and is now, continuously using and advertising said marks in interstate commerce in connection with the promotion and sales of its aforesaid goods, and the aforesaid marks of Opposer are valid, subsisting and owned by Opposer and are recognized by a significant portion of the relevant public as identifying the products of Opposer. Therefore, the marks and goodwill associated therewith are valuable assets of the Opposer.

4. The registered marks of Opposer are evidence of Opposer’s exclusive right to use the marks in commerce on the goods specified in the registration. Applicant’s mark BELAHOCKEY Serial No. 77/128,018, is confusingly similar to the marks owned by Opposer, therefore, denying to Opposer the benefits of its marks in excluding confusingly similar uses. In view of the fact that the respective marks are confusingly similar and the goods provided by the respective parties are virtually identical it is alleged that Applicant’s mark so resembles Opposer’s registered mark as to be likely to cause confusion, or to cause mistake, or to deceive.

5. The goods purported to be provided by the Applicant includes goods which third parties may assume emanate from Opposer, specifically, apparel, namely, t-shirts, hooded sweatshirts, bandanas, undershirts, sweat pants, head bands and caps, and thus there is substantial likelihood of confusion of the relevant portion of the public who are exposed both to the

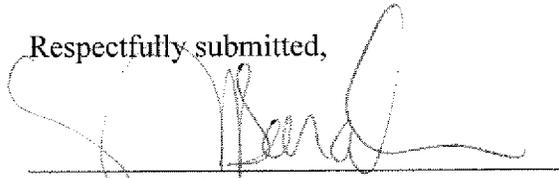
Applicant's goods and those of Opposer. The Applicant's mark, as the newcomer, will be seen as a deliberate variation of the Opposer's marks intended to indicate a product line extension or a spin off – all from the same source and thus is further likely to cause confusion, mistake, or deception.

WHEREFORE, Opposer prays that Application Serial No. 77/128,018 be refused in International Class 25 and denied registration as Opposer believes and avers that it will be damaged by the registration of Serial No. 77/128,018 filed March 12, 2007, as aforesaid and requests that Applicant be required to answer the allegations of this Notice of Opposition and that the opposition to the said application be sustained.

This Notice of Opposition is being submitted electronically. The required fee is authorized to be charged against the Deposit Account No. 501990 of the Attorney for Opposer.

DATE: January 16, 2008

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Richard P. Sybert', written over a horizontal line.

Richard P. Sybert  
Maha Sarah  
Attorneys for Opposer  
COLOR IMAGE APPAREL, INC.

Certificate of Mailing by "Federal Express"

I hereby certify that a copy of this NOTICE OF OPPOSITION is being served by Federal Express mail service, to Addressee on January 16, 2008, as follows:

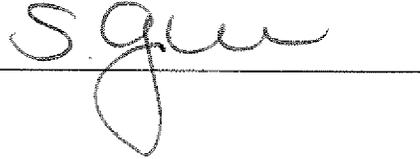
Alfred Frawley, Esq.  
PRETI, FLAHERTY, BELIVEAU & PACHIOS LLP  
One City Center  
Portland, ME 04112-9546  
(207) 791-3000

Date of Mailing: January 16, 2008

Federal Express No. 791478493787

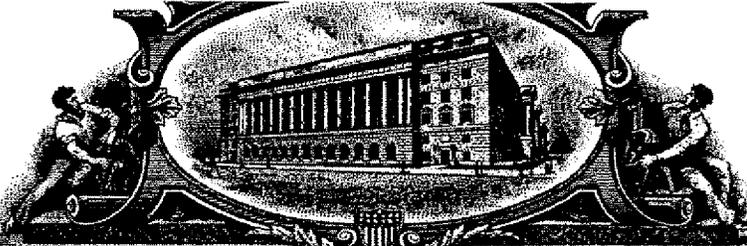
Printed Name: Sharee Gill

Signature:

A handwritten signature in cursive script, appearing to read "S. Gill", is written over a horizontal line.

# **EXHIBIT A**

7068786



**THE UNITED STATES OF AMERICA**

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

**UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office**

May 21, 2007

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,668,441 IS  
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY  
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH  
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *December 31, 2002*  
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office

*L. Edele*

L. EDELEN  
Certifying Officer



Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

**United States Patent and Trademark Office**

Reg. No. 2,668,441

Registered Dec. 31, 2002

**TRADEMARK  
PRINCIPAL REGISTER**

**bella**

COLOR IMAGE APPAREL, INC. (CALIFORNIA  
CORPORATION)  
601 WALSH AVENUE  
SANTA CLARA, CA 95050

FIRST USE 1-1-2000; IN COMMERCE 1-1-2000.

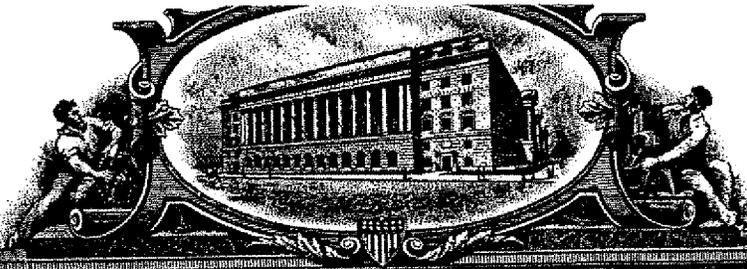
SER. NO. 76-308,113, FILED 9-4-2001.

FOR: GARMENTS, NAMELY COTTON T-SHIRTS  
AND TOPS, IN CLASS 25 (U.S. CLS. 22 AND 39).

AMOS T. MATTHEWS, JR., EXAMINING ATTOR-  
NEY

# **EXHIBIT B**

7068786



# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

May 21, 2007

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,895,709 IS  
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY  
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH  
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *October 19, 2004*  
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office



*L. Edelen*

L. EDELEN  
Certifying Officer

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 2,895,709

**United States Patent and Trademark Office**

Registered Oct. 19, 2004

**TRADEMARK  
PRINCIPAL REGISTER**

**BELLA**

COLOR IMAGE APPAREL, INC. (CALIFORNIA CORPORATION)  
6670 FLOTILLA STREET  
COMMERCE, CA 90040

FOR: MEN'S, WOMEN'S AND CHILDREN'S CLOTHING, NAMELY JEANS, DRESSES, SKIRTS, MINISKIRTS, SHORTS, PANTS, SLACKS, TROUSERS, SUITS, PANTSUITS, JACKETS, SWEATERS, CARDIGANS, PULLOVERS, COATS, SPORT COATS, BLOUSES, VESTS, BLAZERS, OVERALLS, SWEATSHIRTS, SWEATPANTS, SWEATSHORTS, SWEATSUITS, SHIRTS, POLO SHIRTS, KNIT SHIRTS, SPORT SHIRTS, TEE-SHIRTS, COTTON SHIRTS, TOPS, TANK-TOPS, HALTER TOPS, KNIT TOPS, WOVEN TOPS, BODYSUITS, CAMISOLES, PAJAMAS, JUMPSUITS, SWIM SUITS, SWIMWEAR, SOCKS, GLOVES; CLOTHING ACCESSORIES

NAMELY BELTS, SCARVES, HATS, CAPS AND VISORS; FOOTWEAR, NAMELY LOAFERS, ESPADRILLES, SANDALS, THONGS, MULES, PUMPS, ATHLETIC SHOES, SLIPPERS, BOOTS, BEACH FOOTWEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 1-1-2000; IN COMMERCE 1-1-2000.

OWNER OF U.S. REG. NO. 2,668,441.

THE ENGLISH TRANSLATION OF "BELLA" IS "BEAUTIFUL".

SER. NO. 78-306,447, FILED 9-28-2003.

MATTHEW PAPPAS, EXAMINING ATTORNEY