

ESTTA Tracking number: **ESTTA220247**

Filing date: **06/25/2008**

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	ErinMurphy
Granted to Date of previous extension	06/25/2008
Address	15581 Product Lane C4 Huntington Beach, CA 92649 UNITED STATES

Correspondence information	ErinMurphy 15581 Product Lane C4 Huntington Beach, CA 92649 UNITED STATES murphy@fireflite.net
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**Applicant Information**

Application No	77153759	Publication date	02/26/2008
Opposition Filing Date	06/25/2008	Opposition Period Ends	06/25/2008
Applicant	Charles River Apparel, Inc. 60 Amaranth Avenue Medford, MA 02155 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 025. All goods and services in the class are opposed, namely: Outerwear, namely, jackets and pullovers, athletic uniforms, and tops for men women and children
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**Grounds for Opposition**

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)

**Mark Cited by Opposer as Basis for Opposition**

U.S. Registration No.	2890189	Application Date	09/27/2002
Registration Date	09/28/2004	Foreign Priority Date	NONE
Word Mark	COASTAL		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2003/11/01 First Use In Commerce: 2004/01/01 SHIRTS, HATS, BELTS, SOCKS, SWEATERS, T-SHIRTS, JACKETS, SHORTS, JEANS, AND PANTS

Attachments	TTAB - Notice of Opposition - Coastal.pdf ( 3 pages )(68085 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	/Erin Murphy/
Name	ErinMurphy
Date	06/25/2008

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Erin Patrick Murphy,	)	
an individual	)	
	)	
Opposer	)	
	)	
	)	
v.	)	Opposition No. _____
	)	Application Serial No. 77153759
	)	
Charels River Apparel Inc.,	)	
a corporation of Massachusetts)	)	
	)	
Applicant	)	
	)	
	)	

**NOTICE OF OPPOSITION**

Opposer, Erin Patrick Murphy, an individual citizen of the USA, whose address is located at 419 Main Street #225, Huntington Beach, California 92648 hereby opposes registration of the mark COASTAL COLOURS by charels river apparel that is the subject of Application Serial No. 77153759, published in the Official Gazette on February 6, 2008, and requests that registration to Applicant be refused.

As grounds in support of its opposition, Opposer(s) asserts as follows:

**COUNT 1**

**Likelihood of Confusion**

Opposer is the registered trademark owner of U.S. Registration No. 2890189 for the trademark COASTAL used in connection with clothing, namely, shirts, hats, belts, socks, sweaters, t-shirts, jackets, shorts, jeans, and pants. Opposer's effective priority filing date was September 27, 2002.

Applicant filed a trademark application for the trademark COASTAL COLOURS by charels river apparel used in connection with clothing, namely, outerwear, jackets and pullovers, athletic uniforms, and tops for men women and children. Applicant was assigned serial no. 77153759. Applicant's effective filing date was April 11, 2007.

Applicant's mark COASTAL COLOURS BY CHARLES RIVER APPAREL so resembles Opposer's registered trademark COASTAL as to be likely, when applied to the goods set forth in Applicant's application, to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act.

Applicant's mark contains the identical term COASTAL, which is the primary and lead feature of the trademark by virtue of Applicant's graphic design of the word COASTAL which is graphically separate from the remainder of the design.

Applicant's addition of the word COLOURS BY CHARLES RIVER APPAREL does not change the commercial impression of the trademark, but merely reinforces the meaning of COASTAL. As such, the commercial impression of Applicant's trademark and Opposer's trademark is the same.

Applicant's goods are identical or closely related to the goods of Opposer, and flow in the same or related channels of trade.

Opposer's effective filing date of April 11, 2007 precedes both Applicant's effective filing date of July 20, 2004 and alleged date of first use of April 17, 2003. As such, Opposer possesses superior trademark rights.

Applicant's trademark so closely resembles Opposer's trademark that it falsely suggests a connection with Opposer in violation of Section 2(a) of the Trademark Act, because Applicant's mark points uniquely to Opposer, and purchasers will assume that goods sold under Applicant's trademark are connected with Opposer.

Opposer will be damaged by the use and registration of Applicant's trademark as it will deprive Opposer of the ability to protect its reputation, persona and goodwill.

Opposer will be damaged by the registration of Applicant's trademark as it will narrow the scope of trademark protection accorded to Opposer's registered trademark such that others may use the word "COASTAL" in the clothing industry without regard to whether additional wording creates a similar commercial impression.

WHEREFORE, Opposer prays that the opposition be sustained and that registration to Applicant be refused.

Dated: June 25, 2008

Respectfully submitted,

By: \_\_\_\_\_  
Erin Murphy  
Coastal Clothing

419 Main Street #225  
Huntington Beach, CA 92649