

ESTTA Tracking number: **ESTTA236931**

Filing date: **09/16/2008**

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	Cabea, LLC		
Entity	LLC	Citizenship	CT
Address	211 Smith Hill Road Winsted, CT 06098 UNITED STATES		

Correspondence information	Caroline Christensen founder Cabea, LLC 211 Smith Hill Road Winsted, CT 06098 UNITED STATES c.west.christensen@gmail.com Phone:860-738-0819
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**Applicant Information**

Application No	77413127	Publication date	09/16/2008
Opposition Filing Date	09/16/2008	Opposition Period Ends	10/16/2008
Applicant	Caden, Jodi 1917 Bayou Drive, #201 Bloomfield Hills, MI 48302 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 025. All goods and services in the class are opposed, namely: Stomach wrap in the nature of a supportive foundation garment made of elastic, durable nylon, spandex, neoprene, cotton, polyester and bamboo fabric used around the midsection to keep stomach in, and also used to reduce post pregnancy swelling, assist weight loss, support the midsection after surgery, and create a slimming effect
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
Other	The mark BB Belly Bandit sounds very similar to the mark owned by Cabea,LLC Baby Belly Band. Baby and BB when pronounced sound similar and when combined with Belly Band or Belly Bandit are too close in linguistic creating confusion to users or buyers of the products. In addition the products are for similar use. Both are used by pregnant or post partum women as support bands. The likelihood of confusion

	(Trademark Act section 2(d) is highly likely given the name of BB Belly Bandit to BabyBellyBand.
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### Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	77349642	Application Date	12/11/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BABYBELLYBAND MATERNITY SUPPORT WEAR		
Design Mark			
Description of Mark	The mark consists of the words "Baby", "belly", and "band" with no spaces in between each word. The first "B" in the word "Babybellyband" forms a figure of a woman. On top of the "B" is the profile of a woman's head with flowing hair all in green. The top curve of the "B" forms her upper torso with breast, and the lower curve of the letter "B" forms the woman's pregnant abdomen. Around the abdomen on the lower portion of the letter "B" is a band which is wrapping her abdomen. The green color outlines the entire "B" and is the color of the band. The center of the "B" is blue. The "aby" of "baby" and the word "band" are colored blue and outlined in green. The word "belly" is colored in green and outlined in blue.		
Goods/Services	Class 010. First use: First Use: 2007/10/10 First Use In Commerce: 2007/10/17 Abdominal belts for relief of discomforts related to pregnancy Supports for groin, abdomen, lower back for medical use		

Related Proceedings	Ownership of trademark Babybellyband Serial #77349642,
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Attachments	77349642#TMSN.jpeg ( 1 page )( bytes ) Opposition Statement BBbellybandit.pdf ( 1 page )(45989 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	/Caroline W. Christensen/
Name	Caroline Christensen
Date	09/16/2008

Notice of Opposition for Serial # 77413127 BB Belly Bandit

The reason for opposition is Priority and likelihood of confusion (Trademark Act section 2(d))

The mark BB Belly Bandit sounds very similar to the mark owned by Cabea, LLC, Baby Belly Band Serial # 77349642. Baby and BB when pronounced sound similar and when combined with Belly Band or Belly Bandit are too close in linguistics creating confusion to users or buyers of the products. In addition the products are for similar use. Both are used by pregnant or post-partum women as support bands causing greater confusion to the buyer when looking on-line or in a catalogue at the name, photo, or description. The likelihood of confusion (Trademark Act section 2(d)) is highly likely given the name of BB Belly Bandit to BabyBellyBand.

Photo of BB Belly Bandit product  
(figure 1)

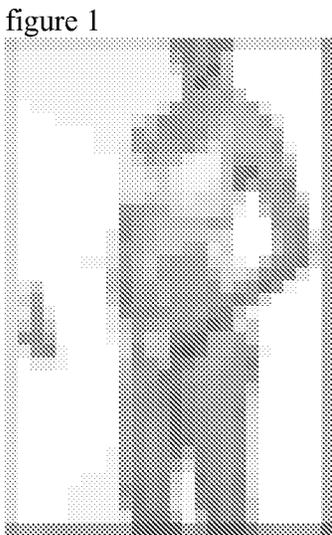


Photo of Babybellyband product  
(figure 2)

(also Velcro attachable and  
removable although not shown)

figure 2

