

ESTTA Tracking number: **ESTTA291344**

Filing date: **06/23/2009**

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	Citi Trends, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	104 Coleman Boulevard Savannah, GA 31408 UNITED STATES		

Attorney information	Rachel C. Young Hunter, Maclean, Exley & Dunn, P.C. 200 E. Saint Julian Street Post Office Box 9848 Savannah, GA 31401 UNITED STATES trademark@huntermaclean.com Phone:912-236-0261
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Applicant Information

Application No	77610916	Publication date	06/02/2009
Opposition Filing Date	06/23/2009	Opposition Period Ends	07/02/2009
Applicant	City Image LLC 325 Fairview Avenue Lancaster, PA 17603 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. First Use: 2004/03/31 First Use In Commerce: 2004/03/31
All goods and services in the class are opposed, namely: Retail store services featuring clothing, hats and footwear

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.	2621881	Application Date	02/18/2000
Registration Date	09/17/2002	Foreign Priority Date	NONE
Word Mark	CITI TRENDS FASHION FOR LESS		
Design Mark	CITI TRENDS FASHION FOR LESS		

Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2000/02/15 First Use In Commerce: 2000/02/15 RETAIL DEPARTMENT STORE SERVICES

U.S. Registration No.	2625829	Application Date	02/18/2000
Registration Date	09/24/2002	Foreign Priority Date	NONE

Word Mark	CITI TRENDS
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Design Mark	CITI TRENDS
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Description of Mark	NONE
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Goods/Services	Class 035. First use: First Use: 2000/02/15 First Use In Commerce: 2000/02/15 RETAIL DEPARTMENT STORE SERVICES
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U.S. Registration No.	2629439	Application Date	04/25/2001
Registration Date	10/01/2002	Foreign Priority Date	NONE

Word Mark	CITI CLUB
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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: 2002/04/30 First Use In Commerce: 2002/04/30 Clothing and family apparel, namely shirts, sweaters, shoes, shirts, pants, blouses, dresses, belts and socks
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U.S. Registration No.	2881581	Application Date	06/06/2003
Registration Date	09/07/2004	Foreign Priority Date	NONE

Word Mark	CITI KNIGHTS
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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: 2003/05/02 First Use In Commerce: 2003/05/02 Clothing and apparel, namely shirts, sweaters, pants, blouses, and dresses
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U.S. Registration No.	2827710	Application Date	07/25/2002
Registration Date	03/30/2004	Foreign Priority Date	NONE

Word Mark	CITI NITE
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Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2002/07/23 First Use In Commerce: 2002/07/23 Clothing and apparel, namely shirts, sweaters, pants, blouses, and dresses

U.S. Registration No.	2874393	Application Date	02/09/2003
Registration Date	08/17/2004	Foreign Priority Date	NONE
Word Mark	CITI STEPS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2003/01/30 First Use In Commerce: 2003/01/30 Clothing and family apparel, namely shirts, sweaters, shoes, skirts, pants, blouses, and dresses		

U.S. Registration No.	2860305	Application Date	07/15/2003
Registration Date	07/06/2004	Foreign Priority Date	NONE
Word Mark	CITI TRENDS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2001/02/01 First Use In Commerce: 2001/02/01 Clothing, namely, hosiery		

U.S. Registration No.	2797832	Application Date	02/07/2003
Registration Date	12/23/2003	Foreign Priority Date	NONE
Word Mark	CITI WOMEN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2003/01/30 First Use In Commerce: 2003/01/30 Clothing, namely dresses, skirts, shirts, suits, blouses, pants, jackets and coats		

U.S. Registration No.	3000703	Application Date	07/14/2003
Registration Date	09/27/2005	Foreign Priority Date	NONE
Word Mark	CITI EXPRESS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2003/07/07 First Use In Commerce: 2003/07/07		

	Clothing and family apparel, namely, shirts, sweaters, shorts, skirts, pants, blouses, dresses, belts and socks
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U.S. Registration No.	3186109	Application Date	07/28/2005
Registration Date	12/19/2006	Foreign Priority Date	NONE
Word Mark	CITI SCRUBS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2005/08/01 First Use In Commerce: 2005/08/01 Clothing, namely uniforms for nurses		

U.S. Registration No.	3310831	Application Date	12/15/2006
Registration Date	10/16/2007	Foreign Priority Date	NONE
Word Mark	CITI TRENDS		
Design Mark			
Description of Mark	The mark consists of a teal thin line which outlines a solid teal box with the words CITI and TRENDS contained inside the box in white script and the first I in CITI has a yellow dot .		
Goods/Services	Class 035. First use: First Use: 2001/02/01 First Use In Commerce: 2001/02/01 Retail department stores		

U.S. Registration No.	3023700	Application Date	12/03/2004
Registration Date	12/06/2005	Foreign Priority Date	NONE
Word Mark	LIL CITI MAN		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2004/12/01 First Use In Commerce: 2004/12/01 Children's clothing namely shirts, pants, t-shirts, and coats

U.S. Registration No.	3439441	Application Date	06/04/2007
Registration Date	06/03/2008	Foreign Priority Date	NONE
Word Mark	CITI TRENDS		
Design Mark			
Description of Mark	The dot in the first "i" in the word "Citi" has a yellow interior with a teal border. The remainder of the stylized lettering forming the words "Citi Trends" is in teal.		
Goods/Services	Class 035. First use: First Use: 2001/02/01 First Use In Commerce: 2001/02/01 On-line retail store services featuring clothing and clothing accessories		

Attachments	75922972#TMSN.gif (1 page)(bytes) 75922974#TMSN.gif (1 page)(bytes) 78680334#TMSN.jpeg (1 page)(bytes) 77065044#TMSN.jpeg (1 page)(bytes) 78526814#TMSN.jpeg (1 page)(bytes) 77196546#TMSN.jpeg (1 page)(bytes) Opposition_to_CITY_IMAGE.pdf (3 pages)(13720 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	/Rachel C. Young/
Name	Rachel C. Young
Date	06/23/2009

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

Subject Mark: CITY IMAGE

Serial No.: 77/610916

CITI TRENDS, INC.,

Opposer

v.

CITY IMAGE, LLC,

Applicant

Opposition No. _____

NOTICE OF OPPOSITION

Opposer, Citi Trends, Inc., a Delaware corporation with a business address of 104 Coleman Boulevard, Savannah, Georgia, 31408, hereby opposes registration of the mark CITY IMAGE that is the subject of application Serial No. 77/610916 published in the Official Gazette on June 2, 2009, and requests that registration to Applicant be refused.

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

1. Opposer, for many years and prior to any date of first use upon which Applicant can rely, has adopted and continuously used the term CITI as a trademark in various marks in connection with various items of clothing and retail store services.

2. Opposer is the owner of Registration Nos. 2,621,881, 2,625,829, 2,629,439, 2,881,581, 2,827,710, 2,874,393, 2,860,305, 2,797,832, 3,000,703, 3,023,700, 3,186,109, 3,310,831 and 3,439,441 for the marks CITI CLUB, CITI KNIGHTS, CITI NITE, CITI STEPS, CITI TRENDS, CITI WOMEN, CITI EXPRESS, LIL CITI MAN, CITI SCRUBS and CITI TRENDS FASHION FOR LESS for various items of clothing and retail store services. These

registrations issued between September 17, 2002 and June 3, 2008.

3. Applicant has filed an application to register the mark CITY IMAGE for retail store services featuring clothing, hats and footwear in Class 35. The application was filed on November 10, 2008 and assigned Serial No.77/610916.

4. The word CITY in Applicant's mark is identical in sound and meaning and similar in appearance to Opposer's family of trademarks containing the word CITI. In addition, several of the Opposer's registrations include protection of the very same services Applicant seeks to protect.

5. Based on the foregoing, it is evident that Applicant's mark so resembles the mark in Opposer's Registrations as to be likely, when applied to the services set forth in Applicant's application, to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act.

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

I hereby certify that I have this day served a copy of the within and foregoing **Notice of Opposition** upon all parties to this matter by depositing a true copy of same in the U.S. Mail, proper postage prepaid, properly addressed to the following:

Peter J. Kraybill
Gibbell Kraybill & Hess, LLP
41 East Orange Street
Lancaster, Pennsylvania 17602

Respectfully submitted,

/s/ Rachel C. Young

Date: June 23, 2009

Rachel C. Young
Georgia Bar No. 747407
Matthew C. Henderson
Georgia Bar No. 346334
Attorneys for Opposer