

ESTTA Tracking number: **ESTTA296080**

Filing date: **07/20/2009**

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	Eddie Hahm Commune, a Calif. general partnership
Granted to Date of previous extension	07/19/2009
Address	1116 W. Washington Blvd. Los Angeles, CA 90015 UNITED STATES
Party who filed Extension of time to oppose	EddieHahm
Relationship to party who filed Extension of time to oppose	The opposer herein is Commune, a California general partnership. Since the inception of the Commune partnership, Eddie Hahm has been a partner. Eddie Hahm was mistakenly listed as the opposer in the request for extension. In addition, because Hahm is a partner in Commune, he is in privity with Commune.
Correspondence information	Eddie Hahm Commune, a Calif. general partnership 1116 W. Washington Blvd. Los Angeles, CA 90015 UNITED STATES eddie@wearecommune.com Phone:213-324-8950

Applicant Information

Application No	77576111	Publication date	01/20/2009
Opposition Filing Date	07/20/2009	Opposition Period Ends	07/19/2009
Applicant	Sekses Distribution, LLC 736 E 29th Street Los Angeles, CA 90011 UNITED STATES		

Goods/Services Affected by Opposition

Class 014. First Use: 2005/05/05 First Use In Commerce: 2005/05/05 All goods and services in the class are opposed, namely: Jewelry; Watches
Class 025. First Use: 2005/05/05 First Use In Commerce: 2005/05/05 All goods and services in the class are opposed, namely: clothing, namely, belts, blazers, blouses, coats, halter tops, hats, jackets, jeans, jerseys, jumpers, jumpsuits, overalls, pullovers, shirts, shorts, skirts, slacks, pants, sport coats, sweatshirts, T-shirts, tank tops, Socks; footwear, headgear, namely, baseball caps, fashion caps, beanies, head bands, bandannas, hats, straw caps and straw hats

Applicant Information

Application No	77560875	Publication date	01/20/2009
Opposition Filing Date	07/20/2009	Opposition Period Ends	
Applicant	Sekses Distribution, LLC 736 E 29th Street Los Angeles, CA 90011 UNITED STATES		

Goods/Services Affected by Opposition

Class 014. First Use: 2005/05/01 First Use In Commerce: 2005/05/01 All goods and services in the class are opposed, namely: Jewelry; Watches
Class 025. First Use: 2005/05/01 First Use In Commerce: 2005/05/01 All goods and services in the class are opposed, namely: clothing, namely, belts, blazers, blouses, coats, halter tops, hats, jackets, jeans, jerseys, jumpers, jumpsuits, overalls, pullovers, shirts, shorts, skirts, slacks, pants, sport coats, sweatshirts, T-shirts, tank tops, Socks; footwear, headgear, namely, baseball caps, fashion caps, beanies, head bands, bandannas, hats, straw caps and straw hats

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 No.	77562518	Application Date	09/04/2008
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	(C MMUNE)		
Design Mark			
Description of Mark	The mark consists of a depiction of a skull in parentheses and the word, "COMMUNE", in parentheses, with a skull-designed letter "O".		
Goods/Services	Class 025. First use: First Use: 2006/09/26 First Use In Commerce: 2007/02/08 Hooded sweat shirts; Jackets; Shirts; Sweaters; T-shirts; Tops; Vests		

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	COMMUNE		
Goods/Services	Hooded sweat shirts; Jackets; Shirts; Sweaters; T-shirts; Tops; Vests		

Related Proceedings	None
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Attachments	77562518#TMSN.jpeg (1 page)(bytes) opposition.pdf (4 pages)(105700 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	/Eddie Hahm, for Commune/
Name	Eddie Hahm, for Commune
Date	07/20/2009

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

In re: Application Ser. No. 77/576,111
Published: January 20, 2009
Applicant: Sekses Distribution, LLC
Mark: COMU E with design

In re: Application Ser. No. 77/560,875
Published: January 20, 2009
Applicant: Sekses Distribution, LLC
Mark: COMUNE with the "N" backward

COMMUNE, a California general partnership,

Opposition No. _____

Opposer

NOTICE OF OPPOSITION

vs.

SEKSES DISTRIBUTION, LLC,

Applicant.

COMMUNE, a California general partnership, through Eddie Hahm, a partner thereof, hereby opposes the registration of the above-identified trademark applications:

1. COMMUNE, a California general partnership ("Opposer"), which is located and doing business at 1116 W. Washington Blvd., Los Angeles, California 90015, believes that it will be damaged by the registration of the marks shown in the above-identified trademark applications in International Classes 14 and 25.

2. Opposer has marketed clothing product bearing the mark COMMUNE and the mark COMMUNE with the "O" comprising a skull since at least September 26, 2006. It has marketed clothing product bearing these marks in interstate commerce since at least February 8, 2007. These goods have included shirts, t-shirts, hooded shirts, vests and tops. Opposer has continuously used these marks since its first use in connection with the

marketing of its clothing goods and has developed valuable and substantial goodwill in the marketplace.

3. Applicant Sekses Distribution, LLC (“Applicant”) filed US Trademark Application Serial No. 77/576,111, which is a subject of this Opposition, on September 22, 2008, for the mark COMU E with design for “clothing, namely, belts, blazers, blouses, coats, halter tops, hats, jackets, jeans, jerseys, jumpers, jumpsuits, overalls, pullovers, shirts, shorts, skirts, slacks, pants, sport coats, sweatshirts, T-shirts, tank tops, Socks; footwear, headgear, namely, baseball caps, fashion caps, beanies, head bands, bandannas, hats, straw caps and straw hats” in International Class 25 and for “Jewelry; Watches” in International Class 14. Applicant alleges May 5, 2005 as the date of first use and the date of the first use in commerce with respect to both classes.

4. Applicant filed US Trademark Application Serial No. 77/560,875, which is a subject of this Opposition, on September 2, 2008, for the mark COMUNE with the “N” backward for “clothing, namely, belts, blazers, blouses, coats, halter tops, hats, jackets, jeans, jerseys, jumpers, jumpsuits, overalls, pullovers, shirts, shorts, skirts, slacks, pants, sport coats, sweatshirts, T-shirts, tank tops, Socks; footwear, headgear, namely, baseball caps, fashion caps, beanies, head bands, bandannas, hats, straw caps and straw hats” in International Class 25 and for “Jewelry; Watches” in International Class 14. Applicant alleges May 1, 2005 as the date of first use and the date of the first use in commerce with respect to both classes.

5. Applicant’s goods as described in its applications are identical or highly related to Opposer’s goods that bear Opposer’s COMMUNE marks.

6. Applicant's COMUNE marks are nearly identical to Opposer's COMMUNE marks.

7. Although Applicant alleges first dates of use prior to Opposer's first dates of use, Opposer is informed and believes and thereon alleges that Applicant's alleged first dates of use are in fact not correct. Opposer is informed and believes and thereon alleges that, if Applicant marketed goods under its COMUNE marks, it was well after Opposer's first dates of use, both first use anywhere and in interstate commerce.

8. Alternatively, even if Applicant's alleged first dates were true and correct, Opposer is informed and believes and thereon alleges that Applicant (or any predecessor-in-interest) abandoned any purported trademark rights in the COMUNE marks and, therefore, Opposer has priority of use.

9. As a result of the substantial similarity between Opposer's marks and Applicant's marks, and the identical or highly related natures of the goods offered by Opposer and Applicant under their respective marks, Applicant's marks are likely to cause confusion, mistake or deception in the trade and among purchasers as to the source, origin or sponsorship of the parties respective goods and services.

10. Registration of Applicant's marks shown in the opposed applications also will result in damage to Opposer under the provisions of § 2(d) of the Lanham Act, 15 USC § 1052(d), and § 43(c) of the Lanham Act, 15 USC § 1125(c), pursuant to the allegations stated above.

11. If Applicant is permitted to register, the registrations will cause confusion among consumers as to the separate and distinct sources of Applicant's goods and Opposer's goods and the relationship between Applicant and Opposer, all to the detriment

of Opposer, which has expended considerable sums and effort promoting Opposer's marks.

12. WHEREFORE, Opposer prays that this Opposition be sustained and that registrations of US Trademark Application Serial No. 77/576,111 and US Trademark Application Serial No. 77/560,875 be denied.

Please direct all notices, pleadings and process regarding this matter to:

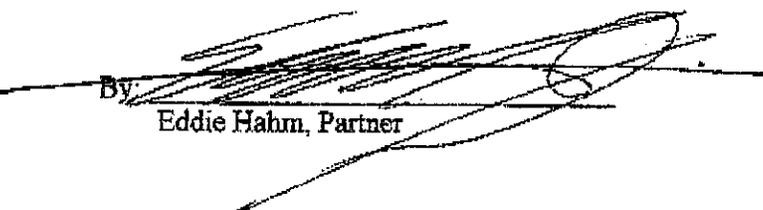
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Facsimile: 323-634-7788
E-mail: eddie@wearecommune.com

Respectfully submitted,

COMMUNE, a California general partnership

Dated: July 18, 2009

By:


Eddie Hahn, Partner