

ESTTA Tracking number: **ESTTA390117**

Filing date: **01/26/2011**

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	Nautica Apparel, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	40 West 57th Street New York, NY 10019 UNITED STATES		

Attorney information	Linda Kurth Baker & Rannells, PA 575 Route 28, Suite 102 Raritan, NJ 08869 UNITED STATES officeactions@br-tmlaw.com,k.hnasko@br-tmlaw.com,n.friedman@br-tmlaw.com Phone:9087225640
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Applicant Information

Application No	79081811	Publication date	01/18/2011
Opposition Filing Date	01/26/2011	Opposition Period Ends	02/17/2011
International Registration No.	1036586	International Registration Date	03/09/2010
Applicant	BAUDURET Victor 37 rue de la République F-69620 Le Bois d'Oingt FRANCE		

Goods/Services Affected by Opposition

Class 041. All goods and services in the class are opposed, namely: education services, namely, providing classes, seminars and workshops in the fields of sport and nutrition; training services in the field of sport and nutrition; organizing community sporting and cultural events; information on entertainment or education; leisure services, namely, amusement parks; book publishing; book lending; videotape film production; rental of cinematographic films; rental of sound recordings; rental of video cassette recorders or of radio and television sets; rental of show scenery; videotape editing; photography services; arranging of athletic and water-based competitions for educational or entertainment purposes; educational services, namely, arranging and conducting of educational colloquiums, conferences or congresses in the field of sport and nutrition; arranging of exhibitions for cultural or educational purposes; booking of seats for shows; providing games online on a computer network; gambling services; electronic publishing of books and periodicals online; desktop publishing for others

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Dilution	Trademark Act section 43(c)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3114379	Application Date	12/01/2005
Registration Date	07/11/2006	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1991/01/01 First Use In Commerce: 1991/01/01 Financial sponsorship of sporting events, tournaments, competitions and contests Class 041. First use: First Use: 1991/01/01 First Use In Commerce: 1991/01/01 Organizing and operating sporting events, tournaments, competitions and contests		

U.S. Registration No.	3233030	Application Date	05/17/2006
Registration Date	04/24/2007	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 1989/07/01 First Use In Commerce: 1989/07/01 Watches		

U.S. Registration No.	2865299	Application Date	08/28/2003
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Registration Date	07/20/2004	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 020. First use: First Use: 1998/08/00 First Use In Commerce: 1998/08/00 Pillows		

U.S. Registration No.	2731466	Application Date	02/16/2002
Registration Date	07/01/2003	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 1998/08/00 First Use In Commerce: 1998/08/00 Mattress pads and bed vests		

U.S. Registration No.	1862585	Application Date	11/23/1993
Registration Date	11/15/1994	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1992/02/00 First Use In Commerce: 1992/02/00 footwear		

U.S. Registration No.	3109967	Application Date	06/04/2003
Registration Date	06/27/2006	Foreign Priority Date	NONE
Word Mark	NAUTICA BEACH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2003/10/00 First Use In Commerce: 2003/10/00 Clothing, namely, men's, women's and children's bathing suits, swim trunks,		

	swim suits, beach cover-ups, shorts, pants, woven and knitted shirts, warm-up suits, sweat shirts and pants and bathing caps
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U.S. Registration No.	2993023	Application Date	03/13/2002
Registration Date	09/06/2005	Foreign Priority Date	NONE
Word Mark	NAUTICA BLUE		
Design Mark	NAUTICA BLUE		
Description of Mark	The mark is presented in standard characters, without claim to any particular font, style, size or color		
Goods/Services	Class 025. First use: First Use: 2000/09/00 First Use In Commerce: 2000/09/00 Men's, women's and children's wearing apparel, namely, hosiery, shoes, sneaker, boots, moccasins, undershirts, boxer shirts, shirts, blouses, trousers, pants, jackets, coats, suits bathing suits, bathrobes, slippers, shorts, ties, neckwear, scarves, socks, hats and caps, gloves and mufflers, belts and suspenders and foul weather gear		

U.S. Registration No.	3076796	Application Date	04/21/2005
Registration Date	04/04/2006	Foreign Priority Date	NONE
Word Mark	NAUTICA COMPETITION		
Design Mark	NAUTICA COMPETITION		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1996/04/00 First Use In Commerce: 1996/04/00 men's, women's and children's wearing apparel, namely, shoes, sneakers, boots, undershirts, shirts, pants, jackets, coats, bathing suits, bathrobes, pajamas, slippers, shorts, ties, socks, hats, caps, gloves and foul weather gear		

U.S. Registration No.	1464663	Application Date	11/20/1986
Registration Date	11/10/1987	Foreign Priority Date	NONE
Word Mark	NAUTICA		

Design Mark	NAUTICA		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1985/05/03 First Use In Commerce: 1985/05/03 HOSIERY, SHOES, UNDERSHIRTS, UNDERSHORTS, SHIRTS, BLOUSES, TROUSERS, JACKETS, PANTS, COATS, SUITS, BATHING SUITS, BATHROBES, SLIPPERS AND SHORTS		

U.S. Registration No.	3168753	Application Date	02/07/2006
Registration Date	11/07/2006	Foreign Priority Date	NONE

Word Mark	NAUTICAKIDS		
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Design Mark	NAUTICAKIDS		
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Description of Mark	NONE		
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Goods/Services	Class 025. First use: First Use: 2004/05/00 First Use In Commerce: 2004/05/00 Coats; Dresses; Footwear; Gloves; Headwear; Jackets; Jeans; Pajamas; Pants; Raincoats; Robes; Scarves; Shirts; Shorts; Skirts; Sweaters; Swimsuits; T-shirts; Trousers; Underwear; Vests		
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U.S. Registration No.	3445949	Application Date	01/11/2007
Registration Date	06/10/2008	Foreign Priority Date	NONE

Word Mark	NAUTICARE		
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Design Mark	NAUTICARE		
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Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2008/02/00 First Use In Commerce: 2008/02/00 Dress shirts; Jackets; Men's suits; Neckwear; Overcoats; Pants

U.S. Registration No.	3114862	Application Date	08/27/2003
Registration Date	07/11/2006	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 2004/06/01 First Use In Commerce: 2004/06/01 DRAPERY FABRICS; AND TEXTILE FABRICS FOR USE IN THE FIELD OF HOME FURNISHINGS		

U.S. Registration No.	2865300	Application Date	08/28/2003
Registration Date	07/20/2004	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 1998/08/00 First Use In Commerce: 1998/08/00 DUVETS, DUVET COVERS, PILLOW CASES AND PILLOW PROTECTORS		

U.S. Registration No.	2865229	Application Date	07/29/2003
Registration Date	07/20/2004	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2003/03/00 First Use In Commerce: 2003/03/00 SPORTING GOODS, NAMELY, SPORT BALLS		

U.S. Registration No.	2304411	Application Date	09/18/1995
Registration Date	12/28/1999	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 011. First use: First Use: 1998/10/00 First Use In Commerce: 1999/01/28 lamps		

U.S. Registration No.	2639939	Application Date	03/27/1998
Registration Date	10/22/2002	Foreign Priority Date	NONE
Word Mark	NAUTICA BEDWEAR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 020. First use: First Use: 1998/08/00 First Use In Commerce: 1998/08/00 BED PILLOWS Class 024. First use: First Use: 1998/08/00 First Use In Commerce: 1998/08/00 DOWN COMFORTERS, MATTRESS PADS		

U.S. Registration No.	3170055	Application Date	06/09/2005
Registration Date	11/07/2006	Foreign Priority Date	NONE
Word Mark	NAUTICA BLUE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2006/02/00 First Use In Commerce: 2006/02/00 PERFUMERY, AFTER SHAVE LOTIONS		

U.S. Registration No.	3076597	Application Date	04/12/2005
Registration Date	04/04/2006	Foreign Priority Date	NONE
Word Mark	NAUTICA COMPETITION		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 003. First use: First Use: 1997/05/00 First Use In Commerce: 1997/05/00 cosmetics and toiletries for men and women, namely, colognes, skin cleansers, skin toners, cosmetic skin creams and lotions, shaving cream, after-shave lotion, after-shave cream, toilet soap, talcum powder, bath oil, personal deodorants, shampoo and conditioner

U.S. Registration No.	3076794	Application Date	04/21/2005
Registration Date	04/04/2006	Foreign Priority Date	NONE

Word Mark	NAUTICA COMPETITION
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 018. First use: First Use: 1996/10/00 First Use In Commerce: 1996/10/00 luggage, carry-on bags garment bags for travel, duffle bags, shoulder bags, tote bags, clutch bags, wallets and key cases
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U.S. Registration No.	1523565	Application Date	03/31/1987
Registration Date	02/07/1989	Foreign Priority Date	NONE

Word Mark	NAUTICA
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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: 1985/05/03 First Use In Commerce: 1985/05/03 HOSIERY, SHOES, UNDERSHIRTS, UNDERSHORTS, SHIRTS, BLOUSES, TROUSERS, PANTS, JACKETS, COATS, SUITS, BATHING SUITS, BATHROBES, SLIPPERS AND SHORTS
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U.S. Registration No.	3272760	Application Date	07/17/2003
Registration Date	07/31/2007	Foreign Priority Date	NONE
Word Mark	NAUTICA GOLF		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2006/01/25 First Use In Commerce: 2006/01/25 Men's, namely, shirts, tops, sweaters, jackets, pants, bottoms, hats and caps; [shorts, rainwear, trousers, outer shirts namely, polo, and sports shirts, collars]		

U.S. Registration No.	3232827	Application Date	02/14/2006
Registration Date	04/24/2007	Foreign Priority Date	NONE
Word Mark	NAUTICA PERFORMANCE TRAVEL GEAR		
Design Mark	 <p>NAUTICA PERFORMANCE TRAVEL GEAR</p>		
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 2005/09/00 First Use In Commerce: 2005/09/00 Briefcases; Duffel bags; Garment bags for travel; Handbags; Knapsacks; Leather shopping bags; Luggage; Shopping bags with wheels attached; Suitcases; Textile shopping bags; Trunks; Wallets		

U.S. Registration No.	1580007	Application Date	08/09/1988
Registration Date	01/30/1990	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark	 <p>NAUTICA</p>		
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1987/01/05 First Use In Commerce: 1987/01/05 NOTEBOOKS, DESK TOP ORGANIZERS, [CALENDARS, AND PHONEBOOK COVERS] MADE OF LEATHER OR IMITATION LEATHER		

	<p>Class 018. First use: First Use: 1987/01/05 First Use In Commerce: 1987/01/05 UMBRELLAS, LUGGAGE, TRUNKS, DUFFLE BAGS, GARMENT BAGS FOR TRAVELING, TRAVEL KITS AND LEATHER BOXES IN THE NATURE OF JEWELRY BOXES</p> <p>Class 025. First use: First Use: 1987/01/05 First Use In Commerce: 1987/01/05 BELTS AND SUSPENDERS</p>
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U.S. Registration No.	2246317	Application Date	09/18/1995
Registration Date	05/18/1999	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 020. First use: First Use: 1997/12/00 First Use In Commerce: 1998/01/00 outdoor furniture; living room furniture; bedroom furniture; furniture, namely wall units; furniture tables; bookcases; and picture frames		

U.S. Registration No.	2306324	Application Date	09/18/1995
Registration Date	01/04/2000	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 1998/10/00 First Use In Commerce: 1999/02/01 glass and plastic beverage ware; dinnerware; [coasters (not of paper or linen); paper plates; paper cups;] candlesticks not of precious metal		

U.S. Registration No.	2247914	Application Date	09/18/1995
Registration Date	05/25/1999	Foreign Priority Date	NONE
Word Mark	NAUTICA		

Design Mark	NAUTICA		
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 1997/04/00 First Use In Commerce: 1997/06/00 [table liners, table mats not of paper; place mats not of paper;] table napkins not of paper [; pot holders; oven mitts;] table cloths not of paper; kitchen towels; upholstery fabrics; and textile wall hangings		

U.S. Registration No.	2242969	Application Date	09/18/1995
Registration Date	05/04/1999	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark	NAUTICA		
Description of Mark	NONE		
Goods/Services	Class 027. First use: First Use: 1998/09/00 First Use In Commerce: 1998/09/00 rugs, wall paper, and vinyl wall covering		

U.S. Registration No.	1557528	Application Date	08/09/1988
Registration Date	09/26/1989	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1987/01/05 First Use In Commerce: 1987/01/05 PERFUMES [AND ESSENTIAL OILS FOR PERSONAL USE]		

U.S. Registration No.	1557527	Application Date	08/09/1988
Registration Date	09/26/1989	Foreign Priority Date	NONE
Word Mark	NAUTICA		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 1987/01/05 First Use In Commerce: 1987/01/05 PERFUMES AND ESSENTIAL OILS FOR PERSONAL USE

U.S. Registration No.	1882757	Application Date	02/04/1993
Registration Date	03/07/1995	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1993/06/00 First Use In Commerce: 1993/06/00 toiletries for men, namely shaving cream and toilet soap		

U.S. Registration No.	1873011	Application Date	11/12/1991
Registration Date	01/10/1995	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 006. First use: First Use: 1991/01/00 First Use In Commerce: 1991/04/00 key rings, key fobs, key holders and money clips Class 014. First use: First Use: 1991/01/00 First Use In Commerce: 1991/04/00 tie clips and collar pins Class 018. First use: First Use: 1991/01/00 First Use In Commerce: 1991/04/00 wallets, hipfold wallets, trifold wallets, key cases, tie cases for travel, shoulder bags, tote bags; clutch bags, carry-on bags Class 026. First use: First Use: 1988/01/00 First Use In Commerce: 1988/09/00 buttons for clothing; hair accessories; namely, barrettes and hairbands]		

U.S. Registration	2292976	Application Date	09/18/1995
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No.			
Registration Date	11/16/1999	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 008. First use: First Use: 1998/11/00 First Use In Commerce: 1999/03/00 tableware, namely forks, knives and spoons		

U.S. Registration No.	1553539	Application Date	06/24/1988
Registration Date	08/29/1989	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1987/01/05 First Use In Commerce: 1987/01/05 SPECTACLES, NAMELY EYEGASSES AND SUNGLASSES, AND ACCESSORIES, NAMELY CASES AND STRAPS		

U.S. Registration No.	3170094	Application Date	07/12/2005
Registration Date	11/07/2006	Foreign Priority Date	NONE
Word Mark	NAUTICA VOYAGE		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 2006/04/00 First Use In Commerce: 2006/04/00 PERFUMERY, AFTER SHAVE LOTIONS

U.S. Registration No.	3165353	Application Date	04/25/2006
Registration Date	10/31/2006	Foreign Priority Date	NONE

Word Mark	NAUTICAKIDS
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Design Mark	 <p>NAUTICAKIDS</p>
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Description of Mark	NONE
Goods/Services	Class 011. First use: First Use: 2005/08/00 First Use In Commerce: 2005/08/00 Lamp shades; Lamps

U.S. Registration No.	3165351	Application Date	04/25/2006
Registration Date	10/31/2006	Foreign Priority Date	NONE

Word Mark	NAUTICAKIDS
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Design Mark	 <p>NAUTICAKIDS</p>
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Description of Mark	NONE
Goods/Services	Class 024. First use: First Use: 2005/08/00 First Use In Commerce: 2005/08/00 Bed linen; Bed pads; Bed sheets; Bed skirts; Bed spreads; Children's blankets; Children's towels; Crib bumpers; Curtains; Fabric window coverings and treatments, namely curtains, draperies, sheers, swags and valances; Pillowcases; Quilts

U.S. Registration No.	3165354	Application Date	04/26/2006
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Registration Date	10/31/2006	Foreign Priority Date	NONE
Word Mark	NAUTICAKIDS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 027. First use: First Use: 2005/08/00 First Use In Commerce: 2005/08/00 Wallpaper; Wallpaper in the nature of roomsize decorative adhesive wall coverings		

U.S. Registration No.	3165352	Application Date	04/25/2006
Registration Date	10/31/2006	Foreign Priority Date	NONE
Word Mark	NAUTICAKIDS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2005/08/00 First Use In Commerce: 2005/08/00 Crib mobiles; Mobiles for children; Toy mobiles		

U.S. Registration No.	3165348	Application Date	04/11/2006
Registration Date	10/31/2006	Foreign Priority Date	NONE
Word Mark	NAUTICAKIDS		

Design Mark	NAUTICAKIDS
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2003/03/00 First Use In Commerce: 2003/03/00 Retail apparel stores; Retail clothing stores; Retail department stores

U.S. Application No.	85013805	Application Date	04/14/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark	NAUTICA		
Description of Mark	NONE		
Goods/Services	Class 019. First use: Building materials, namely, non-metal countertops for further installation; Nonstructural building materials, namely, granite used in decorative surface applications for countertops and vanity tops; Rock materials used in the manufacture of flooring, roofing, countertops, walls, cladding and fireplaces		

U.S. Application No.	85013792	Application Date	04/14/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NAUTICA		

Design Mark	<h1>NAUTICA</h1>		
Description of Mark	NONE		
Goods/Services	Class 021. First use: Bath accessories, namely, cup holders; Dispensers for facial tissues; Porcelain knobs; Rails and rings for towels; Soap holders; Soap holders and boxes; Toilet roll holders; Toilet tissue holders; Towel bars; Towel rings		

U.S. Application No.	85013716	Application Date	04/14/2010
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	NAUTICA		
Design Mark	<h1>NAUTICA</h1>		
Description of Mark	NONE		
Goods/Services	Class 020. First use: Bathroom vanities; Cabinet doors for furniture cabinets; Cabinets; Medicine cabinets; Mirrored cabinets; Mirrors; Non-metal clothes hooks; Non-metal garment hooks; Plastic tissue box covers; Shower curtain hooks; Shower grab bars not of metal; Towel closets; Towel hooks not of metal; Towel stands		

U.S. Application No.	85013687	Application Date	04/14/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NAUTICA		

Design Mark	<h1>NAUTICA</h1>		
Description of Mark	NONE		
Goods/Services	Class 011. First use: Bathtubs; Faucet sprayers; Faucets; Hand held shower heads; Jet nozzles for bathtubs; Shower bases; Shower doors; Shower faucet extensions; Shower head sprayers; Shower heads; Shower panels; Shower platforms; Shower stands; Shower surrounds; Showers; Sink pedestals; Sinks; Sinks integrated into counters or countertops; Water faucet spout		

U.S. Registration No.	3232846	Application Date	02/28/2006
Registration Date	04/24/2007	Foreign Priority Date	NONE

Word Mark	NAUTICA		
Design Mark	<h1>NAUTICA</h1>		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1987/04/22 First Use In Commerce: 1987/04/22 Retail store services in the field of wearing apparel, fashion accessories, home fashions, eyewear, luggage and personal care products		

U.S. Registration No.	2474154	Application Date	03/19/1999
Registration Date	07/31/2001	Foreign Priority Date	NONE

Word Mark	NAUTICA JEANS		
Design Mark	<h1>NAUTICA JEANS</h1>		

Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1999/01/00 First Use In Commerce: 1999/05/00 MEN, WOMEN AND CHILDREN'S WEARING APPAREL, NAMELY, HOSIERY, SHOES, SNEAKERS, BOOTS, MOCCASINS, UNDERSHIRTS, BOXER SHORTS, SHIRTS, BLOUSES, TROUSERS, PANTS, JACKETS, COATS, SUITS, BATHING SUITS, BATHROBES, SLIPPERS, SHORTS, TIES, NECKWEAR, SCARVES, SOCKS, HATS AND CAPS, GLOVES AND MUFFLERS, AND FOUL WEATHER GEAR, BELTS AND SUSPENDERS

U.S. Application No.	78912400	Application Date	06/20/2006
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	ISLAND BY NAUTICA
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Design Mark	
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Description of Mark	NONE
Goods/Services	Class 025. First use: Blazers; Caps; Coats; Hats; Jackets; Pants; Shirts; Shorts; Sweaters; Swimsuits; T-shirts

Attachments	78764381#TMSN.jpeg (1 page)(bytes) 78885472#TMSN.jpeg (1 page)(bytes) 76371274#TMSN.gif (1 page)(bytes) 78114601#TMSN.gif (1 page)(bytes) 78614003#TMSN.jpeg (1 page)(bytes) 73631447#TMSN.jpeg (1 page)(bytes) 78809150#TMSN.jpeg (1 page)(bytes) 77081223#TMSN.jpeg (1 page)(bytes) 78647283#TMSN.jpeg (1 page)(bytes) 78606800#TMSN.jpeg (1 page)(bytes) 78613836#TMSN.jpeg (1 page)(bytes) 73652468#TMSN.gif (1 page)(bytes) 78814361#TMSN.jpeg (1 page)(bytes) 73745061#TMSN.gif (1 page)(bytes) 74730051#TMSN.jpeg (1 page)(bytes) 74730052#TMSN.jpeg (1 page)(bytes) 74730054#TMSN.jpeg (1 page)(bytes) 74730053#TMSN.jpeg (1 page)(bytes) 73745057#TMSN.gif (1 page)(bytes) 74220315#TMSN.gif (1 page)(bytes) 74730265#TMSN.gif (1 page)(bytes) 73737613#TMSN.gif (1 page)(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	/Linda Kurth/
Name	Linda Kurth
Date	01/26/2011

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

NAUTICA APPAREL, INC.,

Opp. No. _____

Opposer,

Mark: NAUTICATHLON

v.

Serial No. 79081811

VICTOR BAUDURET

Filed: May 13, 2010

Applicant.

**NOTICE OF OPPOSITION
PURSUANT TO 15 U.S.C. § 1063**

Opposer, Nautica Apparel, Inc., by its attorneys Baker and Rannells, PA, alleges on knowledge as to its own acts and otherwise on information and belief and as grounds for opposition as follows:

1. Opposer believes that allowing Application Serial No. 79081811 to proceed to registration will cause Opposer damage.

2. Opposer, Nautica Apparel, Inc., is a corporation organized and existing under the laws of the State of Delaware, doing business at 40 West 57th Street, New York, NY 10019.

3. Applicant, Victor Bauduret, is an individual of French citizenry residing at 37 rue de la République F-69620 Le Bois d'Oingt, France.

4. On May 13, 2010, Applicant filed an Application, namely Serial No. 79081811 for the mark NAUTICATHLON (“Applicant’s Mark”), with a filing basis under 66(a) citing international registration number 1036586, as a trademark for

“education services, namely, providing classes, seminars and workshops in the fields of sport and nutrition; training services in the field of sport and nutrition; organizing community sporting and cultural events; information on entertainment or education; leisure services, namely, amusement parks; book publishing; book lending; videotape film production; rental of cinematographic films; rental of sound recordings; rental of video cassette recorders or of radio and television sets; rental of show scenery; videotape editing; photography services; arranging of athletic and water-based competitions for educational or entertainment purposes; educational services, namely, arranging and conducting of educational colloquiums, conferences or congresses in the field of sport and nutrition; arranging of exhibitions for cultural or educational purposes; booking of seats for shows; providing games online on a computer network; gambling services; electronic publishing of books and periodicals online; desktop publishing for others” in International Class 41 (“Applicant’s Services”), which was published for opposition in the Official Gazette on January, 18, 2011.

5. Opposer is the owner of numerous trademarks in a variety and constantly expanding number of classes including the NAUTICA marks, marks that contain the word NAUTICA and variations thereof (“Opposer’s Marks”) as trademarks, trade names, and as service marks, including Registration No. 3114379 for the mark NAUTICA for “Organizing and operating sporting events, tournaments, competitions and contests” in Class 41 and “Financial sponsorship of sporting events, tournaments, competitions and contests” in Class 36.

6. Including Registration Number 3114379, examples of Opposer’s Marks are as follows:

Trademark	Serial No.	Application Date	Registration No.	Registration Date	Class	Status
NAUTICA	78764381	12-Dec-2005	3114379	11-Jul-2006	36, 41	Registered
NAUTICA	78885472	17-May-2006	3233030	24-Apr-2007	14	Registered
NAUTICA	78293501	28-Aug-2003	2865299	20-Jul-2004	20	Registered
NAUTICA	76/371274	16-Feb-2002	2731466	1-Jul-2003	24	Registered
NAUTICA	78292765	27-Aug-2003	3114862	11-Jul-2006	24	Registered
NAUTICA	78293506	28-Aug-2003	2865300	20-Jul-2004	24	Registered
NAUTICA	74462464	23-Nov-1993	1862585	15-Nov-1994	25	Registered
NAUTICA	78280401	29-Jul-2003	2865229	20-Jul-2004	28	Registered
NAUTICA	78825489	28-Feb-2006	3232846	24-Apr-2007	35	Registered
NAUTICA	74730271	18-Sep-1995	2304411	28-Dec-1999	11	Registered
NAUTICA BEACH	78258096	4-Jun-2003	3109967	27-Jun-2006	25	Registered
NAUTICA BEDWEAR	75/458277	27-Mar-1998	2639939	22-Oct-2002	20, 24	Registered
NAUTICA BERMUDA BLUE	78963691	30-Aug-2006	3447065	10-June-2008	3	Registered
NAUTICA BERMUDA TABLEWARES	75569530	12-Oct-1998	2476203	7-Aug-2001	8, 21, 24	Registered
NAUTICA BLUE	78647283	9-Jun-2005	3170055	7-Nov-2006	3	Registered
NAUTICA BLUE	78/114601	13-Mar-2002	2993023	6-Sep-2005	25	Registered
NAUTICA BLUE	78/114981	14-Mar-2002	2987139	23-Aug-2005	25	Registered
NAUTICA COMPETITION	78606800	12-Apr-2005	3076597	4-Apr-2006	3	Registered
NAUTICA COMPETITION	78613836	21-Apr-2005	3076794	4-Apr-2006	18	Registered
NAUTICA COMPETITION	78614003	21-Apr-2005	3076796	4-Apr-2006	25	Registered
NAUTICA EMBLEM	73652468	31-Mar-1987	1523565	7-Feb-1989	25	Registered

NAUTICA GOLF	78275303	17-Jul-2003	3272760	31-Jul-2007	25	Registered
NAUTICA ISLAND	78912365	20-Jun-2006	3888149	07-Dec-2010	25	Registered
NAUTICA JEANS	75664161	19-Mar-1999	2474154	31-Jul-2001	25	Registered
NAUTICA JEANS COMPANY	75663915	19-Mar-1999	2523102	25-Dec-2001	25	Registered
NAUTICA PERFORMANCE TRAVEL GEAR	78814361	14-Feb-2006	3232827	24-Apr-2007	18	Registered
NAUTICA	73745061	30-Jan-1990	1580007	30-Jan-1990	16 18 25	Registered
NAUTICA	74730051	18-Sep-1995	2246317	18-May-1999	20	Registered
NAUTICA	74730052	18-Sep-1995	2306324	4-Jan-2000	21	Registered
NAUTICA	74/730054	18-Sep-1995	2247914	25-May-1999	24	Registered
NAUTICA	73631447	20-Nov-1986	1464663	10-Nov-1987	25	Registered
NAUTICA	74730053	18-Sep-1995	2242969	4-May-1999	27	Registered
NAUTICA	73745058	9-Aug-1988	1557528	26-Sep-1989	3	Registered
NAUTICA	73745057	9-Aug-1988	1557527	26-Sep-1989	3	Registered
NAUTICA	74355511	4-Feb-1993	1882757	7-Mar-1995	3	Registered
NAUTICA	74220315	12-Nov-1991	1873011	10-Jan-1995	6 14 18 26	Registered
NAUTICA	74730265	18-Sep-1995	2292976	16-Nov-1999	8	Registered
NAUTICA	73737613	24-Jun-1988	1553539	29-Aug-1989	9	Registered
NAUTICA VOYAGE	78668277	12-Jul-2005	3170094	7-Nov-2006	3	Registered
NAUTICAKIDS	78868779	25-Apr-2006	3165353	31-Oct-2006	11	Registered
NAUTICAKIDS	78868734	25-Apr-2006	3165351	31-Oct-2006	24	Registered
NAUTICAKIDS	78809150	7-Feb-2006	3168753	7-Nov-2006	25	Registered
NAUTICAKIDS	78869724	26-Apr-2006	3165354	31-Oct-2006	27	Registered

NAUTICAKIDS	78868759	25-Apr-2006	3165352	31-Oct-2006	28	Registered
NAUTICAKIDS	78858780	11-Apr-2006	3165348	31-Oct-2006	35	Registered
NAUTICARE	77081223	11-Jan-2007	3445949	10-June-2008	25	Registered
ISLAND BY NAUTICA	78912400	20-Jun-2006			25	Pending
NAUTICA	85013805	14-Apr-2010			19	Pending
NAUTICA	85013792	14-Apr-2010			21	Pending
NAUTICA	85013716	14-Apr-2010			20	Pending
NAUTICA	85013687	14-Apr-2010			11	Pending

Hereinafter the goods and services recited in Opposer’s Marks are referred to as “Opposer’s Goods and Services.”

7. Opposer’s Goods and Services have been widely advertised, offered for sale and sold throughout the United States under Opposer’s Marks and Opposer’s Marks are famous.

8. Since long prior to any date which may be claimed by Applicant, Opposer has been engaged in the offer for sale and sale of Opposer’s Goods and Services under Opposer’s Mark in interstate commerce.

9. Opposer’s Goods and Services have been widely advertised, offered for sale and sold throughout the United States under Opposer’s Mark and Opposer’s Mark has become well known.

10. Opposer is now and has been for many years trading as and known by Opposer’s Mark, identifying Opposer as the source of high quality goods and services.

11. Opposer is now and has been, for many years prior to any date which may be claimed by Applicant, engaged in the use of Opposer's Mark for Opposer's Goods and Services.

12. Opposer is now and has been, for many years prior to any date which may be claimed by Applicant, engaged in the sale of Opposer's Goods and Services under Opposer's Mark.

13. The use by Opposer of Opposer's Mark for Opposer's Goods and Services alleged herein is long prior to any date which may be lawfully claimed by Applicant, and Opposer has priority.

14. Opposer's Mark and Applicant's Mark are substantially identical and confusingly similar when applied to the goods and services of the parties.

15. Applicant intends to promote Applicant's Services through the same channels of trade as Opposer, and direct its respective goods to the same ultimate consumer as Opposer.

16. Applicant's intended use of Applicant's Mark in connection with Applicant's Goods is without the consent or permission of Opposer.

17. Since Opposer owns Opposer's Mark by virtue of prior use, confusion, mistake or deception as to the source of origin of the goods will arise and will injure and damage the Opposer and its goodwill.

18. The registration of Applicant's Mark to Applicant will cause the relevant purchasing public to erroneously assume and thus be confused, misled, or deceived, that Applicant's Services are made by, licensed by, controlled by, sponsored by, or in some

way connected, related or associated with Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), all to Opposer's irreparable damage.

19. Issuance of registration for Applicant's Mark to Applicant would create a false and misleading connection to Opposer all to the irreparable damage of consumers and Opposer.

20. Issuance of registration for Applicant's Mark to Applicant would create a cloud on Opposer's rights to use Opposer's Mark for Opposer's Goods and Services.

21. As a result of Opposer's long use, extensive advertising and promotion, and successful sales for at least 20 years, Opposer's Marks have become distinctive and famous, long prior to any date which may be claimed by Applicant.

22. The registration of Applicant's Mark, will cause the dilution of the distinctive quality of Opposer's Marks, all to Opposer's irreparable damage

WHEREFORE, Opposer prays that the application for registration of Applicant's Mark, Serial No. 79081811 be denied and that this Opposition be sustained.

Dated: January 26, 2011

Respectfully submitted for
Opposer Nautica Apparel, Inc.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Opposer's Notice of Opposition was forwarded by first class postage prepaid mail by depositing the same with the U.S. Postal Service on this 26th day of January, 2011 to the attorney for the Applicant at the following address:

Carl Oppedahl, Esq.
Oppedahl Patent Law Firm LLC
P O Box 5940
Dillon CO 80435-5940

/ Linda Kurth/
Linda Kurth