

ESTTA Tracking number: **ESTTA423956**

Filing date: **08/08/2011**

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	SPECIALTY RETAILERS, INC.		
Entity	Corporation	Citizenship	Texas
Address	10201 Main Street Houston, TX 77025 UNITED STATES		

Correspondence information	Jennifer B. Perry Attorney for Opposer McAfee & Taft 1717 S. Boulder, Suite 900 Tulsa, OK 74119 UNITED STATES jenna.perry@mcafeetaft.com, diane.goswick@mcafeetaft.com Phone:918-574-3019
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Applicant Information

Application No	85245964	Publication date	07/19/2011
Opposition Filing Date	08/08/2011	Opposition Period Ends	08/18/2011
Applicant	Fabco International Inc 6235 Calle Veracruz La Jolla, CA 92037 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 2006/06/01 First Use In Commerce: 2006/07/15 All goods and services in the class are opposed, namely: Clothing, namely, footwear, headbands, aprons, capes, shoes, boots, t-shirts, jeans, sweaters, underwear, hats, caps, beanies, belts, tutus, cloth bibs, and plastic baby bib
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	1475067	Application Date	05/14/1987
Registration Date	02/02/1988	Foreign Priority Date	NONE
Word Mark	HANNAH		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1975/05/01 First Use In Commerce: 1975/05/29 WOMEN'S READY TO WEAR APPAREL, NAMELY [DRESSES,] SLACKS, SKIRTS, BLOUSES, SWEATERS, JACKETS, COATS, SLEEPWEAR, HEADWEAR, HOSIERY, [BELTS,] SHOES [AND SCARVES] Class 042. First use: First Use: 1975/05/01 First Use In Commerce: 1975/05/29 RETAIL STORE SERVICES IN THE FIELD OF WOMEN'S READY TO WEAR APPAREL

Attachments	NOTICEOFOPPOSITIONHANNAHANNADESIGN.pdf (5 pages)(928853 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	/J. Perry/
Name	Jennifer B. Perry
Date	08/08/2011

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

In re United States Application Serial No. 85245964
Filing Date: February 18, 2011
Mark: HANNAH ANNA & Design
Published in the Official Gazette at page TM 724, July 19, 2011

Specialty Retailers, Inc.,)
)
Opposer,)
)
v.) Opposition No. _____
)
Fabco International Inc.,)
)
Applicant.)

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

NOTICE OF OPPOSITION

In the matter of the application for registration of HANNAH ANNA & Design, United States Application Serial No. 85/245,964 filed February 18, 2011, by Fabco International, Inc., a California corporation, published for opposition on page TM 724 of the Official Gazette on July 19, 2011, Opposer, Specialty Retailers, Inc., believes that it would be damaged by such registration and hereby opposes the registration of the mark for all goods in International Class 025. The grounds for opposition are as follows:

1. Specialty Retailers, Inc. ("Opposer") is a Texas corporation with a principal place of business at 10201 Main Street, Houston, Texas 77025.
2. Opposer owns and operates retail stores that market and sell, among other things, clothing items throughout the United States.

3. At least as early as May 29, 1975, Opposer's predecessor in interest began using in interstate commerce the distinctive trademark HANNAH in association with women's ready to wear apparel, namely, dresses, slacks, skirts, blouses, sweaters, jackets, coats, sleepwear, headwear, hosiery, belts, shoes and scarves. The HANNAH mark has been continuously used in interstate commerce in connection with these goods since that time.

4. On May 14, 1987, Opposer's predecessor in interest filed United States Application Serial No. 73/660,672 to register the HANNAH mark for women's ready to wear apparel, namely, dresses, slacks, skirts, blouses, sweaters, jackets, coats, sleepwear, headwear, hosiery, belts, shoes and scarves in International Class 025 in the United States Patent & Trademark Office ("USPTO"). On February 2, 1988, the USPTO issued United States Registration Number 1,475,067 for the HANNAH mark on the Principal Register.

5. Opposer is the current owner of United States Registration No. 1,475,067 for the HANNAH mark by virtue of assignment of the entire interest and goodwill. The assignment was recorded in the USPTO at Reel/Frame 3622/0472 on September 17, 2007.

6. Opposer has expended a great deal of effort and money to market and promote its goods associated with the HANNAH mark. The HANNAH mark is very well known in the clothing industry throughout the United States. By carefully controlling the quality of the goods, Opposer has built up an excellent reputation and valuable goodwill in association with its HANNAH mark.

7. As evidenced by its publication in the Official Gazette on page TM 724 of the July 18, 2011, issue, Fabco International Inc. ("Applicant") filed Application Serial No. 85/245,964 to register the HANNAH ANNA & Design mark on the Principal Register in the USPTO for goods in International Class 025. In the application, Applicant listed the goods

associated with the mark as “clothing, namely, footwear, headbands, aprons, capes, shoes, boots, t-shirts, jeans, sweaters, underwear, hats, caps, beanies, belts, tutus, cloth bibs, and plastic baby bib.”

8. Opposer clearly has prior use of its HANNAH mark with respect to Applicant’s HANNAH ANNA & Design mark. Upon information and belief, based on Application Serial No. 85/245,964, Applicant began using the HANNAH ANNA & Design mark in commerce on July 15, 2006. Opposer, through its predecessor in interest, has continuously used the HANNAH mark in interstate commerce since at least as early as May 29, 1975. Therefore, Opposer’s use and registration of the HANNAH mark precedes Applicant’s earliest possible priority date with respect to the mark by at least thirty (30) years.

9. Opposer’s HANNAH mark and Applicant’s HANNAH ANNA & Design mark are similar as to sound and connotation and create a similar commercial impression. Furthermore, the goods listed in the application for HANNAH ANNA & Design are very similar and in some instances identical to the goods identified by Opposer’s HANNAH mark. As a result of the similarity between Opposer’s HANNAH mark and Applicant’s HANNAH ANNA & Design mark and because the goods associated with Applicant’s mark are very similar and in some instances identical to the goods associated with Opposer’s mark, registration and use of HANNAH ANNA & Design in connection with Applicant’s goods is likely to cause confusion among purchasers who are likely to believe that Applicant’s goods are in some way associated or connected with or sponsored, authorized or warranted by Opposer.

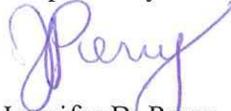
10. If Applicant is allowed to register the HANNAH ANNA & Design mark, it will obtain statutory rights to the mark that will conflict with and substantially degrade Opposer’s rights in United States Registration No. 1,475,067 as well as Opposer’s superior common law

rights to its HANNAH mark. Opposer's goodwill and reputation will be jeopardized by Applicant's registration of HANNAH ANNA & Design. Poor quality of Applicant's goods would greatly harm Opposer's reputation and translate to lost sales. Furthermore, Applicant would be unjustly enriched by its use of HANNAH ANNA & Design and it would unfairly reap the benefit of Opposer's goodwill and reputation.

WHEREFORE, Opposer respectfully requests that this Opposition be sustained and that registration of HANNAH ANNA & Design in International Class 025 evidenced by United States Application Serial No. 85/245,964 be refused and any other and further relief as is deemed just and proper.

Dated: August 8, 2011

Respectfully submitted,



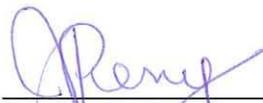
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Attorney for Opposer

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing NOTICE OF OPPOSITION was mailed, certified mail return receipt requested, on this 8th day of August, 2011, to:

FABCO INTERNATIONAL INC.
6235 Calle Veracruz
La Jolla, California 92037-6919



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