

ESTTA Tracking number: **ESTTA517074**

Filing date: **01/21/2013**

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	Consolidated Artists B.V.
Granted to Date of previous extension	01/20/2013
Address	Lijnbaan 68 Rotterdam, 3012 EP NETHERLANDS

Attorney information	Steven J. Solomon Pearne & Gordon LLP 1801 East 9th Street Suite 1200 Cleveland, OH 44124 UNITED STATES tmdocket@pearne.com, dklett@pearne.com, ssolomon@pearne.com Phone: 2165791700
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Applicant Information

Application No	85386220	Publication date	07/24/2012
Opposition Filing Date	01/21/2013	Opposition Period Ends	01/20/2013
Applicant	Loopy Mango, LLC 78 Grand Street New York, NY 10013 UNITED STATES		

Goods/Services Affected by Opposition

Class 018. All goods and services in the class are opposed, namely: bags, namely, hand bags, tote bags, duffle bags, bags for carrying knitting supplies
Class 025. All goods and services in the class are opposed, namely: clothing, namely, shirts, dresses, scarves
Class 035. First Use: 2004/12/01 First Use In Commerce: 2004/12/01 Opposed goods and services in the class: Retail store services featuring clothing, accessories, bags, jewelry, shoes, hats, belts, scarves, soap, fragrances

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	2950734	Application Date	01/19/1996
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No.			
Registration Date	05/17/2005	Foreign Priority Date	11/09/1995
Word Mark	MNG BY MANGO		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 018. First use: goods made of leather and imitations of leather not included in other classes, namely, brief cases, billfolds, wallets, key cases, luggage, card cases, suitcases, vanity cases sold empty, all purpose sport bags sold empty, travelling cases, handbags, trunks for travelling, travelling bags, umbrellas, parasols and walking sticks, whips, harness and saddlery</p> <p>Class 025. First use: clothing, namely, underwear and outerwear, namely, coats, jackets, pants, suits, dresses, shirts, blouses, sweaters, skirts, belts, neckties, bathing suits, bath robes, swimwear, Bermuda shorts, shorts, track suits, trousers, tailor-made period costumes, lounge wear, blazers, waistcoats, rainwear, overcoats, wind-resistant jackets, muffs, scarves, stoles, girdles, foulards, gloves, socks and stockings, footwear, headwear, sleepwear</p>		

U.S. Registration No.	3436144	Application Date	05/19/2004
Registration Date	05/27/2008	Foreign Priority Date	NONE
Word Mark	MANGO		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 003. First use: BLEACHING PREPARATIONS AND OTHER SUBSTANCES FOR LAUNDRY USE, NAMELY, LAUNDRY STARCH, LAUNDRY DETERGENT, LAUNDRY SOAP; GENERAL PURPOSE CLEANING, POLISHING, GREASE REMOVING AND ABRASIVE LIQUIDS, PONDERS AND PASTES; BODY SOAPS; PERFUMERY; ESSENTIAL OILS FOR PERSONAL USE, COSMETICS, HAIR LOTIONS; DENTIFRICES</p> <p>Class 009. First use: OPTICAL APPARATUS AND INSTRUMENTS, NAMELY, SPECTACLES,</p>		

	<p>EYEGLASSES, SUNGLASSES, ANTI-GLARE GOGGLES FOR USE IN SPORTS, SPORT EYE WEAR, CONTACT LENSES, EYE GLASS CHAINS, MONOCLES, BINOCULARS, MONOCULARS, CASES AND FRAMES THEREFOR</p> <p>Class 014. First use: PRECIOUS METALS AND THEIR ALLOYS; GOODS MADE OF OR COATED WITH PRECIOUS METALS AND THEIR ALLOYS, NAMELY, BADGES DECORATIVE BOXES, JEWELRY BOXES, JEWELRY CASES, BRACELETS, BUSTS, NON-MONETARY COINS, FIGURES, FIGURINES, GRAVE MARKERS, HAT ORNAMENTS, INGOTS, SHOE ORNAMENTS, STATUES, TROPHIES, TROPHIES COLUMNS; JEWELRY; TIMEPIECES AND CHRONOMETRIC INSTRUMENTS, NAMELY, WATCHES AND CLOCKS; PRECIOUS GEMSTONES AND PRECIOUS STONES</p> <p>Class 018. First use: LEATHER AND IMITATION LEATHER SOLD IN BULK; GOODS MADE OF LEATHER AND IMITATION LEATHER, NAMELY, HANDBAGS, TRAVELING BASS, SCHOOL BAGS, SPORTS BAGS, LEATHER SHOPPING BAGS, PURSES, WALLETS, BUSINESS CARD CASES; KEY CASES, BRIEF CASES, TOILETRY CASES SOLD EMPTY AND COSMETIC CASES SOLD EMPTY; ANIMAL SKINS AND HIDES; TRUNKS AND SUITCASES; UMBRELLAS, PARASOLS AND WALKING STICKS; WHIPS AND SADDLERY</p> <p>Class 025. First use: CLOTHING FOR MEN, WOMEN AND CHILDREN, NAMELY, ANORAKS, BATHING SUITS, BATHROBES, BEACHWEAR, BELTS, BLAZERS, BLOUSES, BLOUSONS, BODY SUITS, BOXER SHORTS, BRASSIERES, BRIEFS, CAPES, CARDIGANS, CHEMISES, COATS, FUR COATS, SUIT COATS, TOP COATS, CORSELETS, CUTLOTTEES, DRESSES, GLOVES, NIGHTGOWNS, HALTER TOPS, HOSIERY, JACKETS, JEANS, JOGGING SUITS, JUMPERS, JUMPSUITS, KIMONOS, LINGERIE, LOUNGE WEAR, MITTENS, MUFFLERS, NECKERCHIEFS, NECKTIES, NEGLIGEES, NIGHTSHIRTS, OVERALLS, OVERCOATS, PAJAMAS, PANTIES, PANTS, PANTSUITS, PARKAS, PEDAL PUSHERS, PEIGNOIRS, PINAFORES, POCKET SQUARES, PONCHOS, PULLOVERS, RAINCOATS, RAIN JACKETS, ROBES, SCARVES, SHAWLS, SHIRTS, SHORTS, NIGHTSHIRTS, UNDERSHIRTS, GYM SHORTS, SWEAT SHORTS, SKIRTS, SLACKS, SLEEPWEAR, SLIPS, SOCKS, SPORT COATS, SPORT SHIRTS, STOCKINGS, STOLES, SUITS, SUSPENDERS, SWEAT PANTS, SWEAT SHIRTS, SWEATERS, SWIM WEAR, TIES, T-SHIRTS, TROUSERS, TUXEDOS, UNDERCLOTHES, UNDERGARMENTS, UNDERPANTS, VESTS, VESTED SUITS, HEADBANDS, BANDANAS, KERCHIEFS; FOOTWEAR; HEADGEAR, NAMELY, CAPS, AND HATS EXCEPT FOR PANAMA HATS</p>
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U.S. Registration No.	3636814	Application Date	08/31/2005
Registration Date	06/09/2009	Foreign Priority Date	NONE
Word Mark	MNG BY MANGO		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2006/05/20 First Use In Commerce: 2006/05/20 Retail clothing, shoes, headgear not including Panama style hats, store services; computerized on-line retail store services in the field of clothing, shoes, headgear not including Panama style hats; retail shop-at-home party services in the field of clothing, shoes, headgear not including Panama style hats; retail store services available through computer communications and interactive television, featuring clothing, shoes, headgear not including Panama style hats; retail shop window display arrangement services; retail store services in the field of clothing, shoes, headgear not including Panama style hats, featuring a bonus incentive program for customers; rental of signs for advertising purposes

U.S. Registration No.	3749876	Application Date	09/29/2006
Registration Date	02/16/2010	Foreign Priority Date	08/04/2006

Word Mark	MNG MANGO
Design Mark	
Description of Mark	NONE
Goods/Services	Class 003. First use: Soaps; perfumery; essential oils; cosmetics; hair lotions; dentifrices Class 009. First use: Spectacles, sunglasses, cases and frames thereof Class 014. First use: Precious metals and their alloys; goods made of or coated with precious metals and their alloys, namely, ashtrays, badges, tea balls, piggy banks, belt buckles for clothing, decorative boxes, jewellery boxes, jewellery cases, bracelets, busts, non-electric candelabras, candle holders, candle rings, candle snuffers, candlesticks, cigarette cases, cigarette holders, cigarette lighters, money clips, coffee pots, non-electric coffee servers, coffee services, non-monetary coins, cruet stands for oil or vinegar, cruets, figures, figurines, precious gemstones, grave markers, hat ornaments, hat pins, tea infusers, ingots, match boxes, match holders, napkin rings, nut crackers, shoe ornaments, serving platters, tea pots, coffee pots, serviette rings, snuff boxes, candle snuffers, statues, tankards, trophies, trophies columns; jewellery; precious stones; timepieces and chronometric instruments, namely, watches and clocks

	<p>Class 018. First use: Leather and imitation leather sold in bulk; goods made of leather and imitation leather, namely, handbags, travelling bags, school bags, sports bags, leather shopping bags, purses, wallets, business card cases, key cases, brief cases, toiletry cases sold empty and cosmetic cases sold empty; animal skins and hides; trunks and suitcases; umbrellas; parasols and walking sticks; whips, harnesses and saddlery</p> <p>Class 025. First use: Clothing for use by men, women and children, namely, anoraks; bathing suits, bathrobes, beachwear, belts, blazers, blouses, blousons, bodysuits, boxer shorts, brassieres, briefs, capes, cardigans, chemises, coats, fur coats, suit coats, top coats, corselets, culottes, dresses, gloves, nightgowns, halter tops, hosiery, jackets, jeans, jogging suits, jumpers, jumpsuits, kimonos, lingerie, lounge wear, mittens, mufflers, neckerchiefs, neckties, negligees, nightshirts, overalls, overcoats, pajamas, panties, pants, pantsuits, parkas, pedal pushers, peignoirs, pinafores, pocket squares, ponchos, pullovers, raincoats, rain jackets, robes, scarves, shawls, shirts, shorts, nightshirts, undershirts, gym shorts, sweat shorts, skirts, slacks, sleepwear, slippers, socks, sport coats, sport shirts, stockings, stoles, suits, suspenders, sweat pants, sweat shirts, sweaters, swim wear, ties, t-shirts, trousers, tuxedos, underclothes, under garments, underpants, vests, vested suits, headbands, bandanas, kerchiefs; footwear; headgear, namely, caps, and hats except for Panama hats</p> <p>Class 035. First use: Advertising, namely, online advertising on a computer network; rental of advertising space; organization of exhibitions and trade fairs for commercial or advertising purposes; dissemination of advertisements and advertising material, namely, leaflets, prospectuses, printed matter and samples; advertising mailing, namely, direct mail advertising; updating of advertising material; sales promotion services for third parties; shop-window dressing, namely, window dressing and display arrangement services; demonstration of goods; distribution of samples; modeling for advertising or sales promotion; retail store services for clothing featuring footwear, hats, perfumes, spectacles, jewels, watches and leatherwear articles</p>
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U.S. Application No.	78421651	Application Date	05/19/2004
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MANGO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: Retail store services featuring clothing, shoes, headgear not including Panama style hats; computerized on-line retail store services in the field of clothing,		

	shoes, headgear not including Panama style hats; retail shop-at-home party services in the field of clothing, shoes, headgear not including Panama style hats; retail store services available through computer communications and interactive television, featuring clothing, shoes, headgear not including Panama style hats; retail shop window display arrangement services; retail store services in the field of clothing, shoes, headgear not including Panama style hats, featuring a bonus incentive program for customers; rental of signs for advertising purposes
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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	/bryanmgallo/
Name	Bryan M. Gallo
Date	01/21/2013

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

CONSOLIDATED ARTISTS BV

Opposer,

v.

LOOPY MANGO, LLC

Applicant.

Opposition No.: _____

Application No.: 85/386,220

Mark: LOOPY MANGO

Appl'n Filed: August 1, 2011

Published: July 24, 2012

NOTICE OF OPPOSITION

The Opposer, Consolidated Artists BV (“Consolidated”), believing it will be damaged by Loopy Mango, LLC’s (“Loopy Mango”) registration of the mark LOOPY MANGO pursuant to application No. 85/386,220, hereby opposes the registration of said mark. Hereinafter, Consolidated may be referred to as the “Opposer,” and Loopy Mango may be referred to as “Applicant.”

Background

1. The LOOPY MANGO mark that is the subject of the ‘220 application was published for opposition on July 24, 2012. On August 21, 2012, Opposer timely filed a request for a 90-day extension of time to oppose the Applicant's registration of the mark. This extension request was granted the same day, and the deadline to oppose was extended to November 21, 2012. On November 19, 2012 and with the Applicant's consent, Opposer timely filed a request for a further 60-day extension of time to file a notice of opposition. This request was granted the same day, and the deadline to

oppose was extended to January 20, 2013. Because January 20, 2013 fell on a Sunday, this Notice of Opposition is timely filed on the following business day.

The Parties

2. Consolidated is a company duly organized and existing under the laws of the Netherlands and having a place of business at Lijnbaan 68 – 3012 EP Rotterdam, The Netherlands.

3. Loopy Mango, on information and belief, is a limited liability company organized under the laws of the state of New York and having an address at 78 Grand Street, New York, New York 10013.

Consolidated's MANGO Marks

4. Consolidated is the owner of U.S. Trademark Registration No. 2,950,734 (the '734 registration) for MNG BY MANGO registered on May 17, 2005 in connection with, among other things, leather and imitation leather handbags in class 18 and numerous clothing articles in Class 25, including shirts, dresses, scarves, belts, footwear and headwear. The application that issued as the '734 registration was filed on January 19, 1996. The '734 registration is incorporated herein by reference. Said registration is valid and subsisting.

5. Consolidated is the owner of U.S. Trademark Registration No. 3,436,144 (the '144 registration) for MANGO registered on May 27, 2008 in connection with, among other things, body soaps and perfumery in Class 3, jewelry and other accessories in Class 14, leather and imitation leather handbags, shopping bags and purses in Class 18, and numerous clothing articles in Class 25, including shirts, dresses, scarves, belts, footwear and hats. The application that issued as the '144 registration was filed on May

19, 2004. The '144 registration is incorporated herein by reference. Said registration is valid and subsisting.

6. Consolidated is the owner of U.S. Trademark Registration No. 3,636,814 (the '814 registration) for MNG BY MANGO registered on June 9, 2009 in connection with, among other things, retail services featuring clothing, shoes and headgear in Class 35. The '814 registration is incorporated herein by reference. Said registration is valid and subsisting.

7. Consolidated is the owner of U.S. Trademark Registration No. 3,749,876 (the '876 registration) for MNG MANGO registered on February 16, 2010 in connection with, among other things, soaps and perfumery in Class 3, jewelry and other accessories in class 14, leather and imitation leather handbags, shopping bags and purses in Class 18, numerous clothing articles in Class 25, including shirts, dresses, scarves, belts, footwear and hats, and retail store services for clothing featuring footwear, hats, perfumes, spectacles, jewels, watches and leatherwear articles in Class 35. The '876 registration is incorporated herein by reference. Said registration is valid and subsisting.

8. Consolidated is the owner of U.S. Trademark Application No. 78/421,651 (the '651 application) for MANGO filed on May 19, 2004 in connection with, among other things, retail store services featuring clothing, shoes and headgear in Class 35. The '651 application is incorporated herein by reference.

Loopy Mango's application to register

9. Loopy Mango filed application serial No. 85/386,220 on August 1, 2011 seeking to register the mark LOOPY MANGO in connection with, among others, the

following goods and services:

- Bags, namely, hand bags, tote bags, duffle bags and bags for carrying knitting supplies in Class 18 based on intent to use;
- Clothing, namely, shirts, dresses and scarves in Class 25 based on intent to use;
- Retail store services featuring clothing, accessories, bags, jewelry, shoes, hats, belts, scarves, soap and fragrances in class 35 based on a claim of first use in commerce at least as early as December 1, 2004.

Grounds for opposition

10. The Class 18 goods listed in the LOOPY MANGO application are identical, related or substantially similar to the Class 18 goods listed in Consolidated's '734, '144 and '876 registrations.

11. The Class 25 goods listed in the LOOPY MANGO application are identical, related, or substantially similar to the Class 25 goods listed in Consolidated's '734, '144 and '876 registrations.

12. The above-identified Class 35 services in the LOOPY MANGO application are identical, related or substantially similar to the above-identified Class 35 services listed in Consolidated's '814 and '876 registrations, as well as above-identified Class 35 services listed in Consolidated's '651 application.

13. Loopy Mango's retail store services identified above are also related to the above-identified Class 18 and 25 goods in Consolidated's '734, '144 and '876 registrations, and are related to the above-identified Class 3 and 14 goods in

Consolidated's '144 and '876 registrations.

14. Because the Class 18 and 25 goods in Consolidated's registrations and Loopy Mango's application are identical or nearly so, they are assumed to move, or can be expected to move, in the same channels of trade.

15. Because the above-identified Class 35 services in Consolidated's registrations and application and Loopy Mango's application are identical or nearly so, they can be expected to be offered to the same consumers.

16. The LOOPY MANGO mark is similar in appearance, sound and commercial impression to the MANGO marks owned by Consolidated. Applicant's LOOPY MANGO mark wholly incorporates the distinctive MANGO element of Consolidated's marks.

17. Consolidated believes that it will be, or that it is likely to be, damaged should the LOOPY MANGO mark register, that mark being sufficiently similar to Consolidated's registered MANGO marks in sound, appearance and commercial impression as to be likely to cause confusion or mistake as to the source, origin and/or sponsorship of the goods and services sold or offered under the LOOPY MANGO mark.

18. Consumers and the public are likely to confuse the bags and clothing sold under the LOOPY MANGO mark with the bags and clothing sold by Consolidated under its MANGO marks, and to erroneously believe that the Applicant's goods also came from, are affiliated with or endorsed by Consolidated.

19. Consumers and the public are likely to confuse the retail store services featuring clothing, accessories, bags, jewelry, shoes, hats, belts, scarves, soap and fragrances that applicant offers in connection with its LOOPY MANGO mark with the retail store services for the same goods that Consolidated offers under its MANGO

marks, and to erroneously believe that the Applicant's services are affiliated with or endorsed by Consolidated.

Conclusion

20. For the foregoing reasons, the present opposition should be sustained, and the Applicant should be refused registration of the LOOPY MANGO mark on all goods identified in Classes 18 and 25 of the application, and on the retail store services featuring clothing, accessories, bags, jewelry, shoes, hats, belts, scarves, soap and fragrances identified in Class 35.

This Notice of Opposition is being filed electronically through the ESTTA system. The fee for opposing registration in three classes is being paid on filing through our Deposit Account. If any additional fees are required by the filing of this Notice of Opposition, or if the correct fee for opposing three classes was not paid on filing, then please charge all such fees to our Deposit Account No. 16-0820, and reference Order No. DGRT-O1188.

Respectfully submitted,

By: /bryanmgallo/
Bryan M. Gallo
Steven J. Solomon
Pearne & Gordon LLP
1801 East 9th Street, Suite 1200
Cleveland, Ohio 44114-3108
Tel: (216) 579-1700
Fax: (216) 579-6073
Attorneys for Opposer

Certificate of Service

I hereby certify that on the date indicated below the foregoing Notice of Opposition was served on the Attorney for the Applicant via first-class mail in an envelope addressed as follows:

Boris Matvenko
Mintz Levin Cohn Ferris Glovsky & Popeo
Chrysler Center, 666 Third Avenue
New York, New York 10017

Date: January 21, 2013

/bryanmgallo/
Bryan M. Gallo

Attorney for Opposer