

ESTTA Tracking number: **ESTTA548042**

Filing date: **07/11/2013**

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

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|---------------------------------------|---|
| Name | DABSSA, LLC |
| Granted to Date of previous extension | 07/13/2013 |
| Address | 209 S. LaSalle St., Suite 800 Chicago, IL 60604 UNITED STATES |

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| Attorney information | David Gulbransen Law Office of David Gulbransen 159 N. Marion St. Suite 172 Oak Park, IL 60301 UNITED STATES david@gulbransenlaw.com |
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Applicant Information

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|------------------------|---|------------------------|------------|
| Application No | 85807303 | Publication date | 05/14/2013 |
| Opposition Filing Date | 07/11/2013 | Opposition Period Ends | 07/13/2013 |
| Applicants | Malave, Gail M. PO Box 265332 Daytona Beach, FL 32126 UNITED STATES Aloi, Anthony G. PO Box 265332 Daytona Beach, FL 32126 UNITED STATES | | |

Goods/Services Affected by Opposition

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| Class 025. All goods and services in the class are opposed, namely: Shirts; Sweat shirts; T-shirts; Tank tops |
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Grounds for Opposition

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

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| U.S. Registration No. | 4265432 | Application Date | 09/14/2011 |
| Registration Date | 12/25/2012 | Foreign Priority Date | NONE |

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| Word Mark | BADASS |
| Design Mark | |
| Description of Mark | NONE |
| Goods/Services | Class 025. First use: First Use: 2012/10/15 First Use In Commerce: 2012/10/15 Hats; Jackets; Pants; Shirts; Shoes; Short-sleeved or long-sleeved t-shirts; Skirts; Sweatshirts; Tank-tops Class 028. First use: First Use: 2012/10/15 First Use In Commerce: 2012/10/15 Martial arts training equipment |

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| U.S. Registration No. | 4265433 | Application Date | 09/14/2011 |
| Registration Date | 12/25/2012 | Foreign Priority Date | NONE |
| Word Mark | TEAM BADASS | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 025. First use: First Use: 2012/10/15 First Use In Commerce: 2012/10/15 Hats; Jackets; Pants; Shirts; Shoes; Short-sleeved or long-sleeved t-shirts; Sweatshirts; Tank-tops Class 028. First use: First Use: 2012/10/15 First Use In Commerce: 2012/10/15 Martial arts training equipment | | |

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| Attachments | Old-School-Badass-Opposition.pdf(235305 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.

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| Signature | /David Gulbransen/ |
| Name | David Gulbransen |
| Date | 07/11/2013 |

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

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|--|-------------|-------------------------|
| Dabssa, LLC | | Trademark Application |
| | Opposer, | Mark: Old School Badass |
| v. | | Serial No. 85807303 |
| Gail M. Malave and Anthony G. Aloï | | Filed: 12/20/2012 |
| | Applicants. | Published: 05/14/2013 |
| | | Opposition No. _____ |

NOTICE OF OPPOSITION

Dabssa, LLC, an Illinois Limited Liability Company (the “Opposer”), having a place of business at 209 S. LaSalle St., Ste. 800, Chicago, Illinois 60604, hereby opposes the application of Gail M. Malave and Anthony G. Aloï (“Applicants”), United States citizens, pursuant to 37 CFR § 2.104(a), for the mark OLD SCHOOL BADASS, Application Serial No. 85807303 in Class 25.

As grounds for opposition, Opposer states:

1. Opposer has been engaged in the manufacturer, distribution and sales of clothing, accessories, and athletic equipment since October, 2012.
2. Opposer’s goods are marketed and sold nationwide in the United States, and the Opposer is actively working to expand the market for its goods through television and web-series promotions.

3. Opposer is the owner of valid and subsisting U.S. trademark registrations for the mark BADASS (U.S. Reg. No. 4265432 in International Class 025 and International Class 028, first used on October 15, 2012) and TEAM BADASS (U.S. Reg. No. 4265433 in IC 25 and IC 28, first used on October 15, 2012). The registrations are valid, subsisting, and in full force and effect.

4. As a result of continuous advertising, sale, use and promotion of goods in connection with Opposer's BADASS and TEAM BADASS marks and their high quality, the marks have acquired consumer recognition throughout the United States and enjoy valuable goodwill.

5. Applicant filed Trademark Application Serial No. 85807303 with a 1(b) "intent to use" filing basis for the mark OLD SCHOOL BADASS for "Shirts; Sweat shirts; T-shirts; Tank tops" in International Class 25 on December 20, 2012.

6. Opposer has priority over Applicant because its use and application filing dates for the BADASS and TEAM BADASS marks proceed Applicant's filing date.

7. Registration of the OLD SCHOOL BADASS mark is barred by the provisions of Section 2(d) of the Lanham Act because the mark consist of, or comprises a mark which so resembles a mark previously registered in the United States Patent and Trademark office and/or used in the United States by Opposer and not abandoned, as to be likely, when used in connection with the alleged goods of the Applicant to cause confusion, mistake or deception.

8. Applicant's OLD SCHOOL BADASS mark is confusingly similar to Opposer's used and registered BADASS and TEAM BADASS marks.

9. Applicant's OLD SCHOOL BADASS mark so resembles Opposer's used and registered BADASS and TEAM BADASS marks as to be likely to cause confusion, to cause mistake, or to deceive. The likelihood of confusion, mistake, or deception that would arise from concurrent use and registration of Applicant's OLD SCHOOL BADASS mark with Opposer's use and registration if its BADASS and TEAM BADASS marks is that persons are likely to believe that the Applicant's goods are in some way legitimately connected or affiliated with, sponsored, approved, endorsed, or licensed by Opposer when they are not. Accordingly, registration of Applicant's OLD SCHOOL BADASS mark is barred by the provisions of Section 2(d) and Section 43(a) of the Lanham Act.

WHEREFORE, Opposer prays that Application Serial No. 85807303 be rejected, and that registration of the mark OLD SCHOOL BADASS be denied and refused.

This Notice of Opposition is being filed electronically pursuant to the ESTTA system.

Respectfully submitted,

Dabssa, LLC.

Date: July 11, 2013

By:



David L. Gulbransen
Attorney for Opposer

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing NOTICE OF OPPOSITION was served on the Applicant, this 11th day of July, 2013, by sending same via First Class mail, postage prepaid, to the following:

Gail M. Malave
PO Box 265332
Daytona Beach, FL 32126



David L. Gulbransen