

ESTTA Tracking number: **ESTTA553740**

Filing date: **08/13/2013**

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 | SC NetWorks Trading SRL |
| Granted to Date of previous extension | 08/14/2013 |
| Address | Siria F.N. Jud. Arad, 317340 ROMANIA |
| Attorney information | Clinton G. Newton Shook, Hardy & Bacon L.L.P. 2555 Grand Blvd. Kansas City, MO 64108 UNITED STATES cnewton@shb.com, emcfarland@shb.com, aerickson@shb.com, bhoward@shb.com, tdunkin@shb.com |

Applicant Information

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|------------------------|--|------------------------|------------|
| Application No | 85775105 | Publication date | 04/16/2013 |
| Opposition Filing Date | 08/13/2013 | Opposition Period Ends | 08/14/2013 |
| Applicant | Dece Clothing LLC #380 23679 Calabasas Road Calabasas, CA 91302 UNITED STATES | | |

Goods/Services Affected by Opposition

Class 025. First Use: 2012/10/15 First Use In Commerce: 2012/10/15
All goods and services in the class are opposed, namely: Clothing, namely, t-shirts, hats, pants, sweaters, sweatshirts, polo shirts, underwear, socks, shorts, denims, pajamas, and jackets

Grounds for Opposition

| | |
|--------------------------------------|----------------------------|
| Priority and likelihood of confusion | Trademark Act section 2(d) |
|--------------------------------------|----------------------------|

Mark Cited by Opposer as Basis for Opposition

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|----------------------|----------|-----------------------|------------|
| U.S. Application No. | 85872196 | Application Date | 03/11/2013 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | DECE | | |
| Design Mark | | | |

| | |
|---------------------|---|
| Description of Mark | NONE |
| Goods/Services | Class 025. First use: First Use: 2009/10/00 First Use In Commerce: 2010/05/28 hats, scarfs, mittens, headbands and head-huggers |

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| Attachments | MISSOURI-#5793698-v2-Notice_of_Opposition.pdf(156435 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 | /Elena K. McFarland/ |
| Name | Elena K. McFarland |
| Date | 08/13/2013 |

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

In the matter of Trademark Application Serial No. 85/775,105
Application filing date: 11/08/2012
For the mark: **DECE**
Published in the Official Gazette: 04/16/2013

SC NETWORKS TRADING SRL)
Opposer,)
vs.)
DECE CLOTHING LLC)
Applicant.)

NOTICE OF OPPOSITION

SC NetWorks Trading SRL, a corporation of Romania, having an address of Siria F.N., Jud. Arad 317340, Romania, files this Notice of Opposition pursuant to 15 U.S.C. 1063, 37 C.F.R. 2.101 and 2.104(a) and TBMP Section 215. Opposer believes that it will be damaged by the registration of applicant DECE Clothing LLC's mark DECE, as shown in Serial No. 85/775,105, for the following Class 25 goods:

clothing, namely, t-shirts, hats, pants, sweaters, sweatshirts, polo shirts, underwear, socks, shorts, denims, pajamas, and jackets

and opposes this application accordingly. This Notice of Opposition is submitted electronically. A courtesy copy has been sent to Applicant at the address of record.

The grounds for opposition are as follows:

1. For several years prior to the filing of Applicant's application for registration of the DECE mark, Opposer has been in the business of retail of hats, scarfs, mittens, headbands, and head-huggers under the DECE brand.

2. On March 11, 2013, Opposer filed a trademark application for the DECE mark having Serial No. 85/872,196.

3. Since at least October 2009, Opposer has been using the DECE mark. Opposer has been actually and continuously using the DECE mark in commerce since at least May 28, 2010 in conjunction with their corresponding goods in interstate and intrastate commerce, and plans to continue use of the DECE mark in conjunction with the above-identified goods.

4. On November 8, 2012, Applicant filed an application for registration of the mark DECE. The application was assigned Serial No. 85/775,105, and was published for opposition in the Official Gazette on April 16, 2013, identifying the goods as “Clothing, namely, t-shirts, hats, pants, sweaters, sweatshirts, polo shirts, underwear, socks, shorts, denims, pajamas, and jackets” in International Class 25.

5. During prosecution of Opposer’s application Serial No. 85/872,196, the examiner cited Applicant’s application Serial No. 85/775,105 as potentially creating a likelihood of confusion under Trademark Act Section 2(d) if Applicant’s mark were to register.

6. On information and belief, Applicant’s goods, in connection with which it uses the DECE mark, are so closely related to Opposer’s goods that they are and/or will be advertised, promoted, and sold through the same and/or similar channels of trade and to the same and/or similar general class of users and purchasers as Opposer’s goods are offered and sold under the DECE mark.

7. Applicant’s use of DECE so closely resembles Opposer’s use of the DECE mark in connection with hats, scarfs, mittens, headbands, and head-huggers that the registration of DECE by Applicant, which applied as intended to Applicant’s goods, is likely to cause confusion, mistake, and deception within the meaning of Section 2(d) of the Trademark Act of 1946 (15 U.S.C. § 1052(d)) and will result in irreparable damage and injury to Opposer.

8. Applicant's use of DECE so closely resembles Opposer's use of the DECE mark that the registration and use of DECE by Applicant will falsely suggest a connection with Opposer in violation of Section 2(a) of the Trademark Act of 1946 (15 U.S.C. § 1052(a)) and will result in irreparable damage and injury to Opposer.

9. Opposer believes that it will be damaged by the registration the DECE mark, as set forth in Applicant's application Serial No. 85/775,105, and that if registration of the opposed application is granted and the presumptions accorded to such registration are conferred under the Trademark Act of 1946, as amended, Applicant will receive benefits to which it is not entitled, to the damage and detriment of Opposer and its business.

10. By reason of the foregoing, Opposer believes that it will be irreparably damaged by the issuance to Applicant of a registration of the alleged trademark.

WHEREFORE, Opposer prays that this Notice of Opposition be sustained and that the Serial No. 85/775,105 for the DECE mark be refused registration on the U.S. Registry. The required fee of \$300 has been electronically submitted concurrently herewith.

Please direct all correspondence in conjunction with this matter to the attorney for Opposer at the address given below.

Respectfully submitted,

August 13, 2013

/Elena K. McFarland/

Elena K. McFarland, MO Bar # 60080
Alison L. Erickson, MO Bar # 62216
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ATTORNEYS FOR OPPOSER

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that the present **Notice of Opposition** was filed electronically with the Trademark Trial and Appeal Board on August 13, 2013.

/Elena K. McFarland/

Elena K. McFarland

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that a true and correct copy of the foregoing **Notice of Opposition** was served by first class United States Mail, postage prepaid, on this 13th day of August, 2013, on the following Applicant/Owner of Record:

DECE CLOTHING LLC
23679 CALABASAS RD # 380
CALABASAS, CALIFORNIA 91302-1502

/Elena K. McFarland/

Elena K. McFarland