

ESTTA Tracking number: **ESTTA564525**

Filing date: **10/11/2013**

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

Name	High Cotton Ties LLC
Granted to Date of previous extension	10/16/2013
Address	19 W. Hargett Street, Suite 100 Raleigh, NC 27601 UNITED STATES

Correspondence information	High Cotton Ties LLC 19 W. Hargett Street, Suite 100 Raleigh, NC 27601 UNITED STATES donna.millard@klgates.com, karl.sawyer@klgates.com, ttablitigationdocket@klgates.com Phone: 704 331 5792
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Applicant Information

Application No	85790479	Publication date	06/18/2013
Opposition Filing Date	10/11/2013	Opposition Period Ends	10/16/2013
Applicant	High Cotton Outfitters, LLC 1320 Main Street Suite 300 Columbia, SC 29201 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 2009/09/25 First Use In Commerce: 2009/09/25 All goods and services in the class are opposed, namely: Cotton baseball caps and hats; cotton polo shirts; cotton short-sleeved or long-sleeved t-shirts; cotton T-shirts; cotton visors

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 No.	4272447	Application Date	11/16/2010
Registration Date	01/08/2013	Foreign Priority Date	NONE
Word Mark	HIGH COTTON		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 025. First use: First Use: 2012/10/30 First Use In Commerce: 2012/10/30 Bow ties, cummerbunds, pocket squares, belts, dress shirts, all the aforesaid goods made in whole or in substantial part of cotton

U.S. Registration No.	4162782	Application Date	03/04/2010
Registration Date	06/26/2012	Foreign Priority Date	NONE
Word Mark	HIGH COTTON TIES		
Design Mark			
Description of Mark	The mark consists of a hexagon surrounding a boll weevil with a triangle shaped design and two curves above it with the word "HIGH" in stylized font to the left of the hexagon and the words "COTTON TIES" in stylized font to the right of the hexagon.		
Goods/Services	Class 025. First use: First Use: 2010/02/19 First Use In Commerce: 2010/02/19 Cotton bow ties; cotton cummerbunds		

Attachments	85790479 Notice of Opposition.PDF(790816 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	/ Karl S. Sawyer, Jr. /
Name	High Cotton Ties LLC
Date	10/11/2013

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

High Cotton Ties LLC,)	
)	Opposition No: _____
Opposer,)	Mark: HIGH COTTON OUTFITTERS
)	Serial No.: 85/790,479
vs.)	Filing Date: November 29, 2012
)	Published: June 18, 2013
High Cotton Outfitters, LLC,)	
)	
Applicant)	
)	

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

NOTICE OF OPPOSITION

High Cotton Ties LLC ("Opposer"), a limited liability company organized and existing under the laws of North Carolina, having a principal place of business at 19 W. Hargett Street, Suite 100, Raleigh, NC 27601, believes it will be damaged by registration of the mark HIGH COTTON OUTFITTERS and Design (the "Applicant's Mark") shown in trademark application Serial No. 85/790,479, filed by High Cotton Outfitters, LLC (the "Applicant") on November 29, 2012, published in the *Official Gazette* on June 18, 2013, and hereby opposes registration of the mark. The grounds for opposition are as follows:

1. By the application herein opposed, Serial No. 85/790,479 (the "Application"), filed on November 29, 2012, Applicant seeks to register on the Principal Register the designation HIGH COTTON OUTFITTERS and Design, as a trademark in International Class 25 for "Cotton baseball caps and hats; cotton polo shirts; cotton short-sleeved or long-sleeved t-shirts; cotton T-shirts; cotton visors" (hereinafter "Applicant's Goods").
2. The opposed Application was published for opposition in the Official Gazette on June 18, 2013. Opposer has timely filed requests for extension to oppose the Application, which have been granted by the Trademark Trial and Appeal Board. This

Notice of Opposition is timely filed prior to expiration of the last extension period granted by the Trademark Trial and Appeal Board.

3. Opposer is the owner of the trademarks HIGH COTTON and HIGH COTTON TIES and Design (the "HIGH COTTON Marks"). Opposer has continuously manufactured and sold apparel goods under its HIGH COTTON Marks since at least as early as February 2010.

4. Opposer is the owner of U.S. Trademark Registration No. 4,272,447, granted January 8, 2013, for the word mark HIGH COTTON for the following goods in International Class 25: "Bow ties, cummerbunds, pocket squares, belts, dress shirts, all of the aforesaid goods made in whole or in substantial part of cotton."

5. Opposer is the owner of U.S. Trademark Registration No. 4,162,782, granted June 26, 2012, for HIGH COTTON TIES and Design for the following goods in International Class 25: "Cotton bow ties; cotton cummerbunds."

6. Opposer also manufactures and sells other apparel items, including t-shirts, headbands, and polo shirts, under its HIGH COTTON Marks.

7. Opposer has expended substantial amounts of money, time, and effort in advertising, promoting, and popularizing its HIGH COTTON Marks, and has established substantial good will associated therewith.

8. Opposer's HIGH COTTON Marks are inherently distinctive and have become widely recognized, widely and favorably known, and associated in the minds of the trade and purchasing public with Opposer as a well-known provider of apparel goods, and are therefore of significant value to Opposer.

9. Opposer's HIGH COTTON marks are now and have been used in and on, among other things, product packaging, product labels, advertisements, internet web sites, signage, promotional literature and goods bearing the HIGH COTTON Marks.

10. The Applicant's Mark HIGH COTTON OUTFITTERS and Design is confusingly similar in sight, sound, connotation and commercial impression to Opposer's HIGH COTTON Marks, including the marks of Opposer's registrations.

11. The goods recited in the Application are identical and/or closely related to the goods in connection with which Opposer uses and has used the HIGH COTTON Marks and are likely to be encountered in the same channels of trade by consumers.

12. The Applicant's Mark HIGH COTTON OUTFITTERS and Design so resembles Opposer's previously and continuously used HIGH COTTON marks so as to be likely, when used in connection with the Applicant's Goods, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's Goods have their origin with Opposer and/or that such goods are approved, endorsed, licensed or sponsored by Opposer or otherwise associated in some way with Opposer. Opposer would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's Mark in connection with Applicant's Goods.

13. Opposer would be further injured by the granting of a certificate of registration to Applicant because Applicant's Mark, when used in connection with Applicant's Goods, would mislead Opposer's customers and the public generally, causing such customers and the public to be confused as to the origination and sponsorship of Applicant's Goods marketed under Applicant's Mark, and misleading them into believing that such goods emanate from or are licensed by or are in some way associated with Opposer, to the detriment of Opposer and its reputation.

14. Opposer will be injured and damaged by the granting to Applicant of registration for the Applicant's Mark because such registration would be contrary and detrimental to the Opposer's rights under its own valid and subsisting federal trademark registrations and its other rights in the HIGH COTTON Marks.

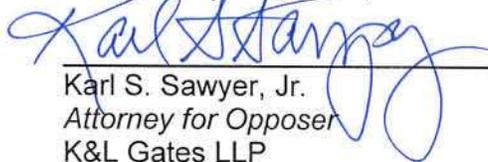
15. By reason of the foregoing, Applicant is not entitled to the registration of the Applicant's Mark sought by its application.

WHEREFORE, Opposer, by its undersigned attorneys, prays that its opposition to Application Serial No. 85/790,479 be sustained, that Applicant's application for HIGH COTTON OUTFITTERS and Design be denied, and that the Trademark Trial and Appeal Board grant any and all further relief to Opposer that the Board finds to be necessary and just in the circumstances.

Submitted herewith is \$300.00 in payment of the requisite fee for filing of the Notice of Opposition. Any additional fees that may be due may be charged and any overpayment of fees may be credited to Deposit Account 18-1215 of the undersigned law firm.

Date: October 11, 2013

Respectfully Submitted,

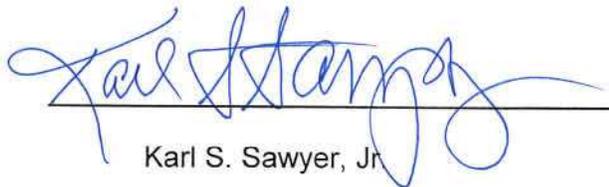


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Karl.Sawyer@klgates.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Notice of Opposition is being deposited with the United States Postal Service with sufficient postage as first-class mail this 11th day of October 2013 in an envelope addressed to Applicant at:

High Cotton Outfitters, LLC
1320 Main Street, Suite 300
Columbia, SC 29201


Karl S. Sawyer, Jr.