

ESTTA Tracking number: **ESTTA573975**

Filing date: **12/02/2013**

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	Wrangler Apparel Corp.
Granted to Date of previous extension	12/01/2013
Address	3411 Silverside Road Wilmington, DE 19810 UNITED STATES

Attorney information	Paul J. Kennedy, Esquire PEPPER HAMILTON LLP 3000 Two Logan Square Eighteenth and Arch Streets Philadelphia, PA 19103-2799 UNITED STATES kennedyp@pepperlaw.com, catalant@pepperlaw.com Phone:215-981-4194
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Applicant Information

Application No	85892685	Publication date	06/04/2013
Opposition Filing Date	12/02/2013	Opposition Period Ends	12/01/2013
Applicant	CUBISM Inc. Osawa Building, 3-10 Higashiyama 3-chome Meguro-ku, Tokyo, JPX JPX		

Goods/Services Affected by Opposition

Class 025. First Use: 2013/03/24 First Use In Commerce: 2013/03/29 All goods and services in the class are opposed, namely: Clothing, namely, coats, jackets, suits, sweaters, vests, cardigans, shirts, polo shirts, sweat shirts, dress shirts, blouses, t-shirts, tunics, pullovers, ponchos, camisoles, tank tops, shorts, pants, skirts, dresses, kimonos, pajamas, rainwear, swimwear, socks, stockings, tights, leggings, underwear, neckties, mufflers, scarves, stoles, gloves, bandanas, earmuffs, hats, caps, and belts; footwear, excluding orthopedic footwear; shoes; sandals; clogs; slippers; boots, namely, half-boots, race boots, trekking boots, rain boots, and leather boots

Applicant Information

Application No	85892706	Publication date	06/18/2013
Opposition Filing Date	12/02/2013	Opposition Period Ends	
Applicant	CUBISM Inc. Osawa Building, 3-10 Higashiyama 3-chome Meguro-ku, Tokyo, JPX JPX		

Goods/Services Affected by Opposition

Class 018. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Bags, namely, all-purpose carrying bags and backpacks; pouches, namely, leather pouches and textile pouches; portable make-up pouches sold empty; wallets not of precious metals; umbrellas; leather straps; unworked leather

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.	634868	Application Date	05/17/1955
Registration Date	09/25/1956	Foreign Priority Date	NONE
Word Mark	W		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1948/11/06 First Use In Commerce: 1948/11/06 MEN'S, LADIES', BOYS', AND GIRLS' WESTERN STYLE DUNGAREES, WESTERN STYLE JACKETS, AND WESTERN STYLE SHIRTS		

U.S. Registration No.	3322277	Application Date	09/18/2006
Registration Date	10/30/2007	Foreign Priority Date	NONE
Word Mark	W		
Design Mark			
Description of Mark	The mark consists of Stitching in shape of W.		

Goods/Services	Class 025. First use: First Use: 1969/11/30 First Use In Commerce: 1969/11/30 jeans, casual pants, shorts, skirts, shirts, blouses, vests, jackets, diaper covers		
U.S. Registration No.	3633382	Application Date	03/12/2008
Registration Date	06/02/2009	Foreign Priority Date	NONE
Word Mark	W		
Design Mark			
Description of Mark	The mark consists of the letter "W" stylized, over a horizontal dashed line.		
Goods/Services	Class 025. First use: First Use: 2009/01/23 First Use In Commerce: 2009/01/23 bottoms, namely, jeans		

Attachments	71687673#TMSN.gif(bytes) 77001748#TMSN.jpeg(bytes) 77419554#TMSN.jpeg(bytes) 12-02-2013 Notice of Opposition (Wrangler v. Cubism).pdf(89715 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	/Paul J. Kennedy/
Name	Paul J. Kennedy, Esquire
Date	12/02/2013

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

WRANGLER APPAREL CORP.	:	
	:	
	:	Opposition No.
	:	
	:	Marks: "WW" & Design
Opposer	:	
v.	:	Application Serial No.: 85/892685
	:	Published in <i>Official Gazette</i>: June 4, 2013
	:	Filed: April 2, 2013
	:	
CUBISM, INC.	:	Application Serial No.: 85/892706
	:	Published in <i>Official Gazette</i>: June 18, 2013
Applicant	:	Filed: April 2, 2013
	:	

NOTICE OF OPPOSITION

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir or Madam:

Wrangler Apparel Corp., a Delaware corporation with offices at 3411 Silverside Road, Wilmington, Delaware 19810 ("Opposer"), believes it will be damaged by the issuance of two trademark registrations to Cubism, Inc., a Japan corporation with an address at Osawa Building, 3-10 Higashiyama 3-chome, Meguro-ku, Tokyo, Japan ("Applicant"), both for "WW" & Design (Serial Nos. 85/892685 and 85/892706) in International Classes 25 and 18, respectively, and hereby opposes the applications.

As grounds for the opposition, Opposer alleges that:

1. Applicant is seeking to obtain, under the provisions of the Trademark Act of 1946, as amended, two trademark registrations on the Principal Register of the mark “WW” & Design for “clothing, namely, coats, jackets, suits, sweaters, vests, cardigans, shirts, polo shirts, sweat shirts, dress shirts, blouses, t-shirts, tunics, pullovers, ponchos, camisoles, tank tops, shorts, pants, skirts, dresses, kimonos, pajamas, rainwear, swimwear, socks, stockings, tights, leggings, underwear, neckties, mufflers, scarves, stoles, gloves, bandanas, earmuffs, hats, caps, and belts; footwear, excluding orthopedic footwear; shoes; sandals; clogs; slippers; boots, namely, half-boots, race boots, trekking boots, rain boots, and leather boots” in International Class 25 and “bags, namely, all-purpose carrying bags and backpacks; pouches, namely, leather pouches and textile pouches; portable make-up pouches sold empty; wallets not of precious metals; umbrellas; leather straps; unworked leather” in International Class 18 (“Applicant’s Proposed Marks”).

2. Applicant is not now, and never was, entitled to registration on the Principal Register of Applicant’s Proposed Marks either on April 2, 2013, the date of Applicant’s filing of the applications, or on June 4, 2013 and June 18, 2013, the dates of publication in the *Official Gazette*.

3. Opposer is the owner of the following trademark registrations (“Opposer’s Marks”):

a. W[®] stitch design (Registration No. 634868) for “men’s, ladies’, boys’, and girls’ western style dungarees, western style jackets and western style shirts” in International Class 25, which has been in use since 1948 and registered since 1956;

b. W[®] stitch design (Registration No. 3322277) for “jeans, casual pants, shorts, skirts, shirts, blouses, vests, jackets, diaper covers” in International Class 25, which has been in use since 1969 and registered since 2007; and

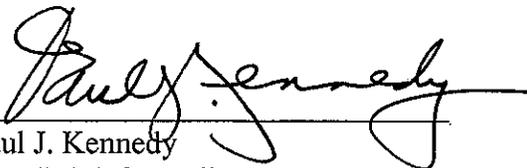
c. W & Design[®] (Registration No. 3633382), for “bottoms, namely jeans” in International Class 25, which has been in use since 2009 and registered since 2009.

4. Opposer has, since long prior to the filing date of Applicant’s applications, sold in commerce its goods under Opposer’s Marks. Through usage by Opposer, the Opposer’s Marks have become well-known to consumers and potential customers as trademarks of Opposer and as an origin and source indicator of the goods sold and provided by Opposer.

5. Because of the great similarity between Opposer’s Marks, which are various solid and stitching designs in the shape of a W to represent Wrangler, and Applicant’s Proposed Marks, which contain a repeat “W” stitching design, and the fact that Applicant’s Proposed Marks will ultimately be used on the same or similar products as those of the Opposer, and within the same classifications, Applicant’s Proposed Marks are likely to cause confusion, mistake, or deception amongst the general and consuming public as to whether Applicant’s goods are being offered by, or in affiliation with, Opposer, hence causing damage to Opposer.

Accordingly, Opposer requests that registration of the marks "WW" & Design (Serial Nos. 85/892685 and 85/892706) be denied to Applicant and this opposition be sustained.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Kennedy", written over a horizontal line.

Paul J. Kennedy
Sean P. McConnell
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DATE: December 2, 2013

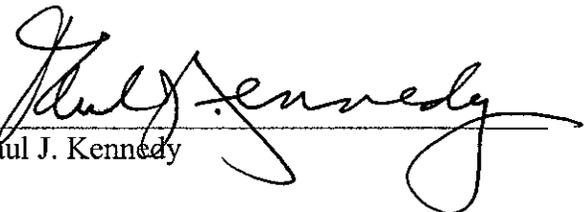
*Attorneys for Opposer
Wrangler Apparel Corp.*

CERTIFICATE OF SERVICE

I, Paul J. Kennedy, hereby certify that on December 2, 2013, a true and correct copy of the foregoing Notice of Opposition was served via electronic mail and U.S. First Class Mail, postage prepaid, upon the following:

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Attorneys for Applicant


Paul J. Kennedy