

ESTTA Tracking number: **ESTTA584280**

Filing date: **01/28/2014**

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 | Brooks Brothers Group, Inc. |
| Granted to Date of previous extension | 04/09/2014 |
| Address | 100 PHOENIX AVENUE ENFIELD, CT 06082 UNITED STATES |

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| Attorney information | Neil B. Friedman Baker and Rannells, PA 575 Route 28 Raritan, NJ 08869 UNITED STATES Officeactions@br-tmlaw.com, k.hnasko@br-tmlaw.com Phone:908-722-5640 |
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Applicant Information

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|------------------------|--|------------------------|------------|
| Application No | 86015375 | Publication date | 12/10/2013 |
| Opposition Filing Date | 01/28/2014 | Opposition Period Ends | 04/09/2014 |
| Applicant | The Brooks Hospitality LLC Suite 700 Vienna, VA 22182 HOLY SEE (VATICAN CITY STATE) | | |

Goods/Services Affected by Opposition

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| Class 043. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Hotel services |
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Grounds for Opposition

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| False suggestion of a connection | Trademark Act section 2(a) |
| Priority and likelihood of confusion | Trademark Act section 2(d) |
| Dilution | Trademark Act section 43(c) |

Marks Cited by Opposer as Basis for Opposition

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|----------------------|----------------------------|-----------------------|------------|
| U.S. Application No. | 86121225 | Application Date | 11/18/2013 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | BROOKS BROTHERS RED FLEECE | | |

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| Design Mark | BROOKS BROTHERS RED FLEECE |
| Description of Mark | NONE |
| Goods/Services | Class 035. First use: First Use: 0 First Use In Commerce: 0 Mail order services featuring fragrances, body lotions, housewares, eyewear, jewelry, watches, leather goods, personal accessories, bags, luggage, clothing, footwear, hats, furniture, pillows, tableware, games, sporting equipment; On-line retail store services featuring fragrances, body lotions, housewares, eyewear, jewelry, watches, leather goods, personal accessories, bags, luggage, clothing, footwear, hats, furniture, pillows, tableware, games, sporting equipment; Retail store services featuring fragrances, body lotions, housewares, eyewear, jewelry, watches, leather goods, personal accessories, bags, luggage, clothing, footwear, hats, furniture, pillows, tableware, games, sporting equipment |

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| U.S. Application No. | 85859593 | Application Date | 02/25/2013 |
| Registration Date | NONE | Foreign Priority Date | NONE |

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| Word Mark | BROOKS BROTHERS RED FLEECE |
| Design Mark | BROOKS BROTHERS RED FLEECE |
| Description of Mark | NONE |
| Goods/Services | Class 003. First use: First Use: 0 First Use In Commerce: 0 After shave lotions; After-shave balms; After-shave creams; Bath gel; Bath lotion; Bath soaps; Bathing lotions; Beauty lotions; Body lotion; Body sprays; Cologne; Eau de perfume; Eau-de-toilette; Face and body beauty creams; Face and body lotions; Fragrances for personal use; Perfume; Perfumes, aftershaves and colognes; Scented body lotions and creams; Scented body spray; Shampoos; Shaving balm; Shaving cream; Shaving gel; Shaving preparations; Shower and bath gel; Skin cream Class 009. First use: First Use: 0 First Use In Commerce: 0 Eyeglass cases; Eyeglasses; Sunglasses Class 014. First use: First Use: 0 First Use In Commerce: 0 |

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| | <p>Clocks; Cufflinks; Jewelry; Key chains of precious metal; Tie clips; Watch bands; Watches</p> <p>Class 018. First use: First Use: 0 First Use In Commerce: 0</p> <p>All purpose sport bags; All-purpose athletic bags; All-purpose carrying bags; Attache cases; Backpacks; Billfolds; Briefcases; Business card cases; Card wallets; Handbags; Key cases; Key wallets; Leather bags and wallets; Leather key chains; Luggage; Messenger bags; Purses; Suitcarriers; Tie cases; Tote bags; Umbrellas; Wallets</p> <p>Class 025. First use: First Use: 0 First Use In Commerce: 0</p> <p>Ascots; Bathing suits; Belts; Blouses; Caps; Coats; Cummerbunds; Dresses; Footwear; Gloves; Gowns; Hats; Hosiery; Jackets; Loungewear; Neckties; Pajamas; Pants; Raincoats; Rainwear; Robes; Scarves; Shirts; Shorts; Skirts; Socks; Suits; Suspenders; Sweat pants; Sweaters; Sweatshirts; Swim suits; Swimwear; Ties; Tops; Trousers; Underwear; Vests</p> |
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|----------------------|--|-----------------------|------------|
| U.S. Application No. | 85949984 | Application Date | 06/04/2013 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | BROOKS BROTHERS THE ORIGINAL AMERICAN BRAND | | |
| Design Mark | <p style="text-align: center;">BROOKS BROTHERS THE ORIGINAL AMERICAN BRAND</p> | | |
| Description of Mark | NONE | | |
| Goods/Services | <p>Class 035. First use: First Use: 0 First Use In Commerce: 0</p> <p>Mail order services featuring Fragrances, body lotions, housewares, eyewear, jewelry, watches, leather goods, personal accessories, bags, luggage, clothing, footwear, hats, furniture, pillows, tableware, games, sporting equipment; On-line retail store services featuring Fragrances, body lotions, housewares, eyewear, jewelry, watches, leather goods, personal accessories, bags, luggage, clothing, footwear, hats, furniture, pillows, tableware, games, sporting equipment; Retail store services featuring Fragrances, body lotions, housewares, eyewear, jewelry, watches, leather goods, personal accessories, bags, luggage, clothing, footwear, hats, furniture, pillows, tableware, games, sporting equipment; The bringing together, for the benefit of others, of a variety of goods, enabling customers to conveniently view and purchase those goods in the field of Fragrances, body lotions, housewares, eyewear, jewelry, watches, leather goods, personal accessories, bags, luggage, clothing, footwear, hats, furniture, pillows, tableware, games, sporting equipment; The bringing together, for the benefit of others, of a variety of goods and services, enabling customers to conveniently view and purchase those goods and services from an Internet web site particularly specializing in the marketing of the sale of goods and services of others; Wholesale distributorships featuring Fragrances, body lotions, housewares, eyewear, jewelry, watches, leather goods, personal accessories, bags, luggage, clothing, footwear, hats, furniture, pillows, tableware, games, sporting equipment</p> | | |

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|----------------------|--------------------|-----------------------|------------|
| U.S. Application No. | 85004037 | Application Date | 04/01/2010 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | BROOKSSTORM FLEECE | | |

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| Design Mark | BROOKSSTORM FLEECE |
| Description of Mark | NONE |
| Goods/Services | Class 025. First use: First Use: 0 First Use In Commerce: 0 Bottoms; Tops |

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|----------------------|---|-----------------------|------------|
| U.S. Application No. | 85325701 | Application Date | 05/20/2011 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | BROOKS BROTHERS ESTABLISHED 1818 COLLEGE COLLECTION | | |
| Design Mark |  | | |
| Description of Mark | The mark consists of a circle design containing the terms "BROOKS BROTHERS", beneath which is the Golden Fleece design, beneath which are the terms "ESTABLISHED 1818". Beneath the circle design are the terms "COLLEGE COLLECTION". | | |
| Goods/Services | Class 025. First use: First Use: 0 First Use In Commerce: 0 Belts; Caps; Coats; Gloves; Hats; Jackets; Pajamas; Pants; Rainwear; Scarves; Shirts; Shoes; Shorts; Socks; Suits; Sweaters; Ties; Tops; Trousers; Underwear; Vests | | |

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| U.S. Application No. | 85859145 | Application Date | 02/25/2013 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | BROOKS BROTHERS | | |

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| Design Mark | BROOKS BROTHERS | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 043. First use: First Use: 0 First Use In Commerce: 0 Hotel services; Restaurant services | | |

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|----------------------|--|-----------------------|------------|
| U.S. Application No. | 85859125 | Application Date | 02/25/2013 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | BROOKS BROTHERS HOME COLLECTION | | |
| Design Mark | BROOKS BROTHERS HOME COLLECTION | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 027. First use: First Use: 0 First Use In Commerce: 0 Bath mats; Rugs | | |

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|----------------------|---------------------------------|-----------------------|------------|
| U.S. Application No. | 85859108 | Application Date | 02/25/2013 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | BROOKS BROTHERS HOME COLLECTION | | |

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| Design Mark | BROOKS BROTHERS HOME COLLECTION | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 024. First use: First Use: 0 First Use In Commerce: 0 Bed and table linen, wall hangings of textile; Bed blankets; Bed skirts; Curtains; Towels | | |

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|----------------------|--|-----------------------|------------|
| U.S. Application No. | 85859088 | Application Date | 02/25/2013 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | BROOKS BROTHERS HOME COLLECTION | | |
| Design Mark | BROOKS BROTHERS HOME COLLECTION | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 020. First use: First Use: 0 First Use In Commerce: 0 Accent pillows; Bed pillows; Furniture; Furniture, mirrors, picture frames; Picture frames; Pillows | | |

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|-----------------------|---------------------------------|-----------------------|------------|
| U.S. Registration No. | 4359876 | Application Date | 12/13/2011 |
| Registration Date | 07/02/2013 | Foreign Priority Date | NONE |
| Word Mark | BLACK FLEECE BY BROOKS BROTHERS | | |

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| Design Mark | BLACK FLEECE BY BROOKS BROTHERS |
| Description of Mark | NONE |
| Goods/Services | Class 025. First use: First Use: 2007/08/00 First Use In Commerce: 2007/08/00 Belts; Blouses; Boots; Bottoms; Coats; Dresses; Evening dresses; Gloves; Hats; Hosiery; Jackets; Mufflers; Neckties; Pants; Rainwear; Scarves; Shirts; Shoes; Shorts; Skirts; Socks; Suits; Suspenders; Sweaters; Ties; Tops; Trousers, none of the forgoing include goods made from black fleece fabric |

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| U.S. Registration No. | 4122925 | Application Date | 02/21/2011 |
| Registration Date | 04/03/2012 | Foreign Priority Date | NONE |
| Word Mark | BROOKS BROTHERS FLATIRON SHOP | | |
| Design Mark | BROOKS BROTHERS FLATIRON SHOP | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 035. First use: First Use: 2011/11/12 First Use In Commerce: 2011/11/12 Retail store services featuring clothing, footwear, eyewear, fragrances, leather goods, bags, and personal accessories | | |

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|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 4142789 | Application Date | 11/03/2011 |
| Registration Date | 05/15/2012 | Foreign Priority Date | NONE |
| Word Mark | BROOKSCOOL | | |

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| Design Mark | BROOKSCOOL | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 025. First use: First Use: 2003/03/00 First Use In Commerce: 2003/03/00 Jackets; Pants; Shirts; Suits | | |

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| U.S. Registration No. | 4012556 | Application Date | 01/27/2011 |
| Registration Date | 08/16/2011 | Foreign Priority Date | NONE |
| Word Mark | BLACK FLEECE BY BROOKS BROTHERS | | |
| Design Mark | BLACK FLEECE BY BROOKS BROTHERS | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 003. First use: First Use: 2009/09/01 First Use In Commerce: 2009/09/01 Fragrances | | |

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|-----------------------|-----------------------|-----------------------|------------|
| U.S. Registration No. | 3403721 | Application Date | 09/10/2004 |
| Registration Date | 03/25/2008 | Foreign Priority Date | NONE |
| Word Mark | BROOKS BROTHERS WOMEN | | |

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| Design Mark | <p>BROOKS BROTHERS WOMEN</p> | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 035. First use: First Use: 1998/09/11 First Use In Commerce: 1998/09/11 [Retail mail order services and] retail stores services and computerized online ordering and retail services via a computer network in the field of consumer goods and services, namely, clothing, [fabrics, housewares,] jewelry, leather goods, luggage and handbags, cosmetics [, paper goods and printed matter] | | |

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| U.S. Registration No. | 3277205 | Application Date | 08/22/2005 |
| Registration Date | 08/07/2007 | Foreign Priority Date | NONE |
| Word Mark | BROOKS BROTHERS COUNTRY CLUB | | |
| Design Mark | <p>BROOKS BROTHERS COUNTRY CLUB</p> | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 035. First use: First Use: 2003/03/31 First Use In Commerce: 2003/03/31 [Retail mail order services and] retail stores services [and computerized online ordering and online retail store services via a computer network] in the field of consumer goods, namely, shirts, tops, jackets, pants, suits, bottoms, luggage, wallets, cosmetics and jewelry | | |

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| U.S. Registration No. | 3250433 | Application Date | 12/23/2004 |
| Registration Date | 06/12/2007 | Foreign Priority Date | NONE |
| Word Mark | BROOKS BROTHERS | | |

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| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 018. First use: First Use: 1998/08/01 First Use In Commerce: 1998/08/01 Handbags, tote bags, backpacks, luggage, wallets, purses, key cases, briefcases, duffel bags, all-purpose sport bags, business card cases, credit card cases; briefcase-type portfolios, billfolds, attache cases, and key cases | | |

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| U.S. Registration No. | 3218098 | Application Date | 06/22/2006 |
| Registration Date | 03/13/2007 | Foreign Priority Date | NONE |
| Word Mark | BROOKS BROTHERS FACTORY STORE | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 035. First use: First Use: 1991/00/00 First Use In Commerce: 1991/00/00 Retail stores featuring clothing for men, women and children, sporting goods, eyewear, fragrance, body lotions, housewares, personal accessories and luggage | | |

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| U.S. Registration No. | 3197572 | Application Date | 05/17/2005 |
| Registration Date | 01/09/2007 | Foreign Priority Date | NONE |
| Word Mark | 346 BROOKS BROTHERS | | |

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| Design Mark | 346 BROOKS BROTHERS |
| Description of Mark | NONE |
| Goods/Services | Class 035. First use: First Use: 2005/09/00 First Use In Commerce: 2005/09/00 retail stores services in the field of consumer goods, namely, shirts, tops, sweaters, jackets, pants, suits, bottoms, socks, hats and caps, shoes, shorts, coats, neckties, underwear, vests, robes, hosiery, skirts, dresses, loungewear, scarves, rainwear, trousers, ties, outer shirts including evening, dress, polo, and sports shirts, collars, pajamas, robes, smoking jackets, dressing gowns, mufflers, gloves, handkerchiefs, hose, belts, suspenders, boots, slippers, shoes, overshoes, beach wear, swimwear, formal wear, handbags, tote bags, backpacks, luggage, wallets, purses, key cases, brief cases, duffel bags, all-purpose sport bags, business card cases, credit card cases, briefcase-type portfolios, billfolds, attaché cases, key cases, passport cases, suit bags, waist and fanny packs, trunks, travel bags, hat boxes for travel, key fobs, luggage tags, overnight bags and cases, cosmetic, toiletry and vanity cases sold empty, umbrellas, cosmetics and jewelry |

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| U.S. Registration No. | 3215887 | Application Date | 06/13/2006 |
| Registration Date | 03/06/2007 | Foreign Priority Date | NONE |
| Word Mark | BROOKSFLANNEL | | |
| Design Mark | BROOKSFLANNEL | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 025. First use: First Use: 2004/09/01 First Use In Commerce: 2004/09/01 Shirts | | |

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| U.S. Registration No. | 3029206 | Application Date | 07/08/2005 |
| Registration Date | 12/13/2005 | Foreign Priority Date | NONE |

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| Word Mark | BROOKS BROTHERS |
| Design Mark |  |
| Description of Mark | NONE |
| Goods/Services | <p>Class 003. First use: First Use: 1964/09/13 First Use In Commerce: 1964/09/13 cosmetics and toiletries, namely, emeryboards, cologne, cologne spray, after-shave lotion, after-shaving balms, shaving cream, [soap, deodorant for personal use,] shampoo, [styling gels,] body lotion, body gel, fragrances for personaluse, body creams, shower gels, skin cleansing cream, and skin and body lotions for personal use</p> <p>Class 008. First use: First Use: 1948/12/31 First Use In Commerce: 1948/12/31 Nail implements, namely, fingernail andtoenail clippers, tweezers, cuticle nippers and scissors, and nail buffers; flatware, namely, forks, [table and kitchen knives] and spoons [; pocket knives]</p> <p>Class 009. First use: First Use: 1993/03/31 First Use In Commerce: 1993/03/31 Eyeglasses, comprising spectacles, spectacle frames, sunglasses, [eyeglass chains, eyeglass retaining bands,] eyeglass cases and lens [; binoculars, tape measures and pedometers, calculators, electronic calendars, electrically operated shoe shine units; barometers; electric or battery operated travel irons, voltageconversion devices]</p> <p>Class 014. First use: First Use: 1948/12/31 First Use In Commerce: 1948/12/31 Watches, watchbands, clocks, key chainsmade of precious metal, and jewelry</p> <p>Class 016. First use: First Use: 1903/01/03 First Use In Commerce: 1903/01/03 [Tie Cases Made of Cardboard and Covered with Paper or Fabric and Sold Empty, Shoe Bags for Travel,] Garment Bags forTravel, diaries; [thesauri; dictionaries;] books on a variety of subjects, namely, history, wine, dining, etiquette, fashion, public speaking, and game rule books; personal organizers; calendars; stationery; [gift wrapping paper;] giftboxes; [gift bags;] appointment books; greeting cards; mail order catalogs featuring all of the foregoing as well as clothing and accessories [, and cosmetics]</p> <p>Class 018. First use: First Use: 1903/01/13 First Use In Commerce: 1903/01/13 Handbags, tote bags, backpacks, luggage, wallets, purses, key cases, briefcases, duffel bags, all-purpose sport bags, business card cases, credit card cases; briefcase-type portfolios, billfolds, tiecase, attachÃ© cases, passport cases andumbrellas</p> <p>Class 020. First use: First Use: 1981/12/31 First Use In Commerce: 1981/12/31 picture frames [, furniture] and pillows</p> <p>Class 021. First use: First Use: 1914/00/00 First Use In Commerce: 1914/00/00 [Hair combs and brushes, serving spoons and forks not made of metal; woodenware,] porcelain and china, namely, dishes, bowls, plates, serving platters, saladbowls, [salad servers, cake servers,]cups, saucers, [salt and pepper shakers,] non-electric coffee pots, tea pots not made of metal, containers for serving cream not made of metal, [napkin holders, napkin rings</p> |

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| | <p>not of precious metal.] candlestick holders not made of metal, vases and pitchers; crystal and glass beverage glassware, namely, [cocktail shakers, mugs, goblets,] wineglasses, [coasters,] decanters, pitchers, bowls, vases, [carafes, flasks, ice buckets, ice tongs not made of metal; ceramic and laminated accessories, namely, soap dishes and toothbrush holders; corkscrews]</p> <p>Class 024. First use: First Use: 1903/01/03 First Use In Commerce: 1903/01/03 bed sheets, [comforters, bed blankets,] dust ruffles, duvet covers, pillow cases, pillow shams, bed shams, bed spreads, [shower curtains,] towels, wash cloths, [fabric napkins, fabric placemats, fabric tablecloths and curtains]</p> <p>Class 025. First use: First Use: 1856/00/00 First Use In Commerce: 1856/00/00 Men's, women's, boy's and girl's shirts, tops, sweaters, jackets, pants, suits, bottoms, socks, hats and caps; shoes; shorts, coats, neckties, underwear, vests, robes, hosiery, skirts, dresses, loungewear, scarves, rainwear, trousers, ascots, ties, outer shirts including evening, dress, polo and sports shirts, collars, pajamas, robes, smoking jackets, dressing gowns, mufflers, gloves, hose, belts, suspenders, garters, boots, slippers, shoes, overshoes, beach wear, swimwear, and formal wear, namely, jackets, pants, suits, shirts, shoes, cummerbunds, ties, suspenders and gowns</p> <p>Class 027. First use: First Use: 2005/03/31 First Use In Commerce: 2005/03/31 [wallpaper]</p> <p>Class 028. First use: First Use: 1903/03/31 First Use In Commerce: 1903/03/31 Golf accessories and golf equipment, namely, divot tools, ball markers, golf balls, golf clubs, golf bags, [golf ball washers, non-motorized golf carts,] golf tees, and golf club covers</p> <p>Class 035. First use: First Use: 1818/00/00 First Use In Commerce: 1818/00/00 retail store services, online retail store services and mail order catalog services featuring clothing for men, women and children, sporting goods, eyewear, fragrance, body lotions, housewares, personal accessories and luggage</p> |
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| U.S. Registration No. | 3029064 | Application Date | 12/23/2004 |
| Registration Date | 12/13/2005 | Foreign Priority Date | NONE |
| Word Mark | BROOKS BROTHERS | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | <p>Class 025. First use: First Use: 1998/08/01 First Use In Commerce: 1998/08/01 Men's, women's, boys' and girl' shirts, tops, sweaters, jackets, pants, suits, bottoms, socks, hats and caps; shoes; shorts, coats, neckties, underwear, vests, robes, hosiery, skirts, dresses, loungewear, scarves, rainwear, trousers, ascots, ties, outer shirts including evening, dress, polo and sports shirts, collars, pajamas, robes, smoking jackets, dressing gowns, mufflers, gloves,</p> | | |

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| | <p>hose, belts, suspenders, garters, boots, slippers, shoes, overshoes, beach wear, swimwear, and formal wear, namely, jackets, pants, suits, shirts, shoes, cummerbunds, ties, suspenders and gowns</p> <p>Class 035. First use: First Use: 1998/08/01 First Use In Commerce: 1998/08/01 Retail store, on-line ecommerce store, and mail order catalog services featuring clothing and accessories therefor, leather goods, soaps and cosmetics, glassware, tableware, eyewear, home furnishings, and giftware</p> |
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| U.S. Registration No. | 3258230 | Application Date | 06/12/2006 |
| Registration Date | 07/03/2007 | Foreign Priority Date | NONE |
| Word Mark | 1818 BROOKS BROTHERS | | |
| Design Mark |  | | |
| Description of Mark | The mark consists of a crest design containing the image of the Golden Fleece design trademark. | | |
| Goods/Services | Class 025. First use: First Use: 2005/07/25 First Use In Commerce: 2005/07/25 Coats; Jackets; Men's suits, women's suits; Neckties; Robes; Shirts; Slippers; Smoking jackets; Suits; Sweaters; Ties; Tops | | |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3741232 | Application Date | 03/23/2006 |
| Registration Date | 01/19/2010 | Foreign Priority Date | NONE |
| Word Mark | 1818 BROOKS BROTHERS | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 021. First use: First Use: 2006/11/02 First Use In Commerce: 2006/11/02 mugs | | |

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|-------------------|---------|------------------|------------|
| U.S. Registration | 2893198 | Application Date | 03/25/2003 |
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| No. | | | |
| Registration Date | 10/12/2004 | Foreign Priority Date | NONE |
| Word Mark | BROOKS BUYS | | |
| Design Mark | BROOKS BUYS | | |
| Description of Mark | NONE | | |
| Goods/Services | <p>Class 035. First use: First Use: 2001/09/00 First Use In Commerce: 2001/09/00 Retail stores services and computerized online ordering and retail services via a computer network in the field of consumer goods, namely, shirts, tops, sweaters, jackets, pants, suits, bottoms, socks, hats and caps, shoes, shorts, coats, neckties, underwear, vests, robes, hosiery, skirts, dresses, loungewear, scarves, rainwear, trousers, ascots, ties, [outer shirts including evening, dress, polo, and sports shirts, collars,] pajamas, [robes, smoking jackets, dressing gowns, mufflers,] gloves, handkerchiefs, [hose,] belts [, suspenders, garters, boots, slippers, shoes, overshoes, beach wear, swimwear, formal wear, handbags, tote bags, backpacks, luggage, wallets, purses, key cases, brief cases, duffle bags, all-purpose sport bags, business card cases, credit card cases, briefcase-type portfolios, billfolds, attaché cases, key cases, passport cases, suit bags, waist and fanny packs, trunks, travel bags, hat boxes for travel, key fobs, luggage tags, overnight bags and cases, cosmetic, toiletry and vanity cases sold empty, umbrellas, canes, and walking sticks, cosmetics and jewelry, golf accessories, namely, golf equipment including golf balls, golf clubs, golf bags, golf shoes, golf ball washers, golf carts, golf tees, and golf club covers]</p> | | |

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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 2765572 | Application Date | 01/10/2001 |
| Registration Date | 09/16/2003 | Foreign Priority Date | NONE |
| Word Mark | BROOKS BOYS | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | <p>Class 025. First use: First Use: 2002/09/30 First Use In Commerce: 2002/09/30 Clothing, namely, shirts, tops, sweaters, jackets, pants, suits, [bottoms,] socks, hats and caps; shoes; shorts, coats, neckties, underwear, vests, [robes, hosiery, skirts, dresses, loungewear,] scarves, rainwear, trousers, ascots, ties, [outer shirts including evening, dress,] polo, and sports shirts, [collars,] pajamas, [robes, smoking jackets, dressing gowns, mufflers,] gloves, [hose,] belts, [suspenders, garters,] boots, slippers, shoes, [overshoes,] beach wear, swimwear, formal wear, namely, jackets, pants, suits, shirts, shoes, cummerbunds, ties [, suspenders and gowns]</p> | | |

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|-----------------------|--------------------|-----------------------|------------|
| U.S. Registration No. | 2625045 | Application Date | 03/15/2001 |
| Registration Date | 09/24/2002 | Foreign Priority Date | NONE |
| Word Mark | BROOKSBROTHERS.COM | | |
| Design Mark | | | |
| Description of Mark | NONE | | |

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| Goods/Services | Class 035. First use: First Use: 2000/08/00 First Use In Commerce: 2000/08/00 Retail store services, mail order services and computerized on-line retail services via a computer network featuring a wide variety of consumer goods; computerized on-line ordering services |
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|-----------------------|------------------------------|-----------------------|------------|
| U.S. Registration No. | 2882928 | Application Date | 06/12/2002 |
| Registration Date | 09/07/2004 | Foreign Priority Date | NONE |
| Word Mark | BROOKS BROTHERS COUNTRY CLUB | | |
| Design Mark | | | |
| Description of Mark | NONE | | |

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|----------------|---|
| Goods/Services | Class 018. First use: First Use: 2004/04/00 First Use In Commerce: 2004/04/00 HANDBAGS, TOTE BAGS, [BACKPACKS, LUGGAGE, WALLETS,] PURSES, [KEY CASES, BRIEF CASES, DUFFLE BAGS, ALL-PURPOSE SPORT BAGS, BUSINESS CARD CASES, CREDIT CARD CASES, BRIEFCASE-TYPE PORTFOLIOS, BILLFOLDS, ATTACHE CASES, KEY CASES, PASSPORT CASES, SUIT BAGS, WAIST AND FANNY PACKS; TRUNKS, TRAVEL BAGS, HAT BOXES FOR TRAVEL, LUGGAGE TAGS, OVERNIGHT BAGS AND CASES; COSMETIC; TOILETRY AND VANITY CASES SOLD EMPTY;] UMBRELLAS, [CANES AND WALKING STICKS] Class 025. First use: First Use: 2004/04/00 First Use In Commerce: 2004/04/00 CLOTHING, NAMELY, SHIRTS, TOPS, SWEATERS, JACKETS, PANTS, [SUITS,] BOTTOMS, [SOCKS,] HATS AND CAPS; [SHOES;] SHORTS, COATS, [NECKTIES,] UNDERWEAR, VESTS, [ROBES, HOSIERY,] SKIRTS, DRESSES, LOUNGEWEAR, [SCARVES, RAINWEAR, TROUSERS, ASCOTS, TIES, OUTER SHIRTS INCLUDING EVENING, DRESS,] POLO AND SPORTS SHIRTS, [COLLARS, PAJAMAS, ROBES, SMOKING JACKETS, DRESSING GOWNS, MUFFLERS,] GLOVES, [HOSE,] BELTS, [SUSPENDERS, GARTERS, BOOTS, SLIPPERS, SHOES, OVERSHOES, BEACH WEAR,] SWIMWEAR, [FORMAL WEAR, NAMELY, JACKETS, PANTS, SUITS, SHIRTS, SHOES, CUMMERBUNDS, TIES, SUSPENDERS AND GOWNS] Class 028. First use: First Use: 2004/04/00 First Use In Commerce: 2004/04/00 GOLF ACCESSORIES AND GOLF EQUIPMENT, NAMELY, GOLF BALLS, [GOLF CLUBS,] GOLF BAGS, [GOLF BALL WASHERS, NON-MOTORIZED GOLF CARTS,] GOLF TEES, AND GOLF CLUB COVERS |
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|-----------------------|---------------|-----------------------|------------|
| U.S. Registration No. | 3248158 | Application Date | 07/22/2004 |
| Registration Date | 05/29/2007 | Foreign Priority Date | NONE |
| Word Mark | BROOKSFLANNEL | | |

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|---------------------|---|
| Design Mark | BROOKSFLANNEL |
| Description of Mark | NONE |
| Goods/Services | Class 024. First use: First Use: 2004/09/01 First Use In Commerce: 2004/09/01 Fabric for manufacturing apparel |

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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 3009280 | Application Date | 04/28/2001 |
| Registration Date | 10/25/2005 | Foreign Priority Date | NONE |
| Word Mark | BROOKSSTORM | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 025. First use: First Use: 2001/09/00 First Use In Commerce: 2001/09/00 Clothing with water resistant properties namely jackets, coats and rainwear | | |

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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 4289342 | Application Date | 01/07/2010 |
| Registration Date | 02/12/2013 | Foreign Priority Date | NONE |
| Word Mark | BROOKS BROTHERS FLEECE | | |
| Design Mark | BROOKS BROTHERS FLEECE | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 025. First use: First Use: 2010/08/01 First Use In Commerce: 2010/08/01 Clothing, namely, shirts, tops, sweaters, jackets, pants, suits, bottoms, socks, hats and caps; shoes; shorts, coats, underwear, vests, robes, hosiery, skirts,dresses, loungewear, scarves, rainwear,trousers, ties, polo shirts, pajamas, gloves, belts, boots, slippers, beach wear, swimwear Class 035. First use: First Use: 2011/02/26 First Use In Commerce: 2011/02/26 | | |

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| | Retail store services, online retail store services and mail order catalog services featuring clothing, sporting goods, eyewear, fragrance, housewares, personal accessories and luggage |
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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3746754 | Application Date | 07/08/2009 |
| Registration Date | 02/09/2010 | Foreign Priority Date | NONE |
| Word Mark | BROOKS BROTHERS COUNTRY CLUB | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 014. First use: First Use: 2004/06/25 First Use In Commerce: 2004/06/25 Cufflinks; Key chains of precious metal | | |

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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 4171950 | Application Date | 08/18/2008 |
| Registration Date | 07/10/2012 | Foreign Priority Date | NONE |
| Word Mark | BROOKS BROTHERS 1818 | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 003. First use: First Use: 1964/00/00 First Use In Commerce: 1964/00/00 Cologne; Fragrances for personal use | | |

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|-----------------------|------------------------------|-----------------------|------------|
| U.S. Registration No. | 4132169 | Application Date | 07/17/2008 |
| Registration Date | 04/24/2012 | Foreign Priority Date | NONE |
| Word Mark | BROOKS BROTHERS COUNTRY CLUB | | |

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|---------------------|--|--|--|
| Design Mark | BROOKS BROTHERS COUNTRY CLUB | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 003. First use: First Use: 2003/03/31 First Use In Commerce: 2003/03/31 Bath soaps; bathing lotions; cologne; shower and bath gel | | |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3959397 | Application Date | 01/29/2009 |
| Registration Date | 05/10/2011 | Foreign Priority Date | NONE |
| Word Mark | BROOKS BROTHERS CORPORATE COLLECTION | | |
| Design Mark | BROOKS BROTHERS CORPORATE COLLECTION | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 025. First use: First Use: 2009/09/00 First Use In Commerce: 2009/09/00 Coats; Dress shirts; Dresses; Polo shirts; Robes; Shirts; Skirts; Suits; Ties; Trousers; Vests | | |

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|-----------------------|---------------------------------|-----------------------|------------|
| U.S. Registration No. | 3821895 | Application Date | 02/15/2010 |
| Registration Date | 07/20/2010 | Foreign Priority Date | NONE |
| Word Mark | BROOKS BROTHERS BB COUNTRY CLUB | | |

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| Design Mark |  |
| Description of Mark | The mark consists of the terms "BROOKS BROTHERS" in a script font and a crest design containing the letters "BB" with a decorative partition between the two letters and a ribbon containing the terms "COUNTRY CLUB". |
| Goods/Services | <p>Class 003. First use: First Use: 2003/03/31 First Use In Commerce: 2003/03/31 Fragrances, after shave balm, body creams and body wash</p> <p>Class 018. First use: First Use: 2003/03/31 First Use In Commerce: 2003/03/31 handbags, tote bags, backpacks, luggage, wallets, purses, duffle bags, all-purpose sport bags, billfolds, key cases, travel bags, overnight bags, umbrellas</p> <p>Class 025. First use: First Use: 2003/03/31 First Use In Commerce: 2003/03/31 shirts, tops, sweaters, jackets, pants, bottoms, socks, hats and caps, shorts, coats, underwear, vests, robes, hosiery, skirts, dresses, loungewear, scarves, rainwear, trousers, ties, pajamas, robes, gloves, belts, boots, beach wear, swimwear</p> <p>Class 028. First use: First Use: 2003/03/31 First Use In Commerce: 2003/03/31 golf accessories and golf equipment, namely, golf balls, golf bags, golf tees, and golf club covers</p> <p>Class 035. First use: First Use: 2003/03/31 First Use In Commerce: 2003/03/31 Retail mail order services and retail stores services and computerized online ordering and online retail store services via a computer network in the field of consumer goods, namely, clothing, luggage, wallets, cosmetics and jewelry</p> |

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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 3861885 | Application Date | 08/19/2009 |
| Registration Date | 10/12/2010 | Foreign Priority Date | NONE |
| Word Mark | BROOKSIE | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 028. First use: First Use: 2009/11/01 First Use In Commerce: 2009/11/01 Teddy bears | | |

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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 3285134 | Application Date | 11/21/2006 |
| Registration Date | 08/28/2007 | Foreign Priority Date | NONE |
| Word Mark | BROOKS BROTHERS | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 016. First use: First Use: 2005/00/00 First Use In Commerce: 2005/00/00 Pens | | |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 4214156 | Application Date | 12/10/2007 |
| Registration Date | 09/25/2012 | Foreign Priority Date | NONE |
| Word Mark | BROOKS BROTHERS MADISON | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 003. First use: First Use: 2010/11/00 First Use In Commerce: 2010/11/00 Fragrances for personal use | | |

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|-----------------------|---------------------|-----------------------|------------|
| U.S. Registration No. | 2716108 | Application Date | 04/12/2000 |
| Registration Date | 05/13/2003 | Foreign Priority Date | NONE |
| Word Mark | 346 BROOKS BROTHERS | | |

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|---------------------|---|
| Design Mark | BROOKS BROTHERS 346 |
| Description of Mark | NONE |
| Goods/Services | Class 025. First use: First Use: 2001/02/28 First Use In Commerce: 2001/02/28 Clothing, namely, shirts, tops, sweaters, jackets, pants, suits, bottoms, socks, hats and caps, shoes, shorts, coats, neckties, underwear, vests, robes, hosiery, skirts, dresses, loungewear, scarves, rainwear, trousers, [ascots, ties,] [outer shirts, including evening, dress, polo, and sports shirts, collars,] pajamas, [smoking jackets,] [dressing gowns, mufflers,] gloves, [hose,] belts, suspenders, [garters,] boots, slippers, [overshoes,] beachwear, swimwear [, and formal wear, namely, jackets, pants, suits, shirts, shoes, cummerbunds, ties, suspenders and gowns] |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 2634532 | Application Date | 05/02/2001 |
| Registration Date | 10/15/2002 | Foreign Priority Date | NONE |
| Word Mark | BROOKS BROTHERS MAKERS | | |
| Design Mark | BROOKS BROTHERS MAKERS | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 018. First use: First Use: 1943/00/00 First Use In Commerce: 1943/00/00 [Handbags, tote bags, backpacks, luggage, wallets, purses, key cases, briefcases, duffel bags, all-purpose sport bags, business card cases, credit card cases; briefcase-type portfolios, billfolds, attache cases and passport cases] Class 025. First use: First Use: 1943/00/00 First Use In Commerce: 1943/00/00 Clothing, namely, shirts, tops, [sweaters, jackets, pants, suits, bottoms, socks, hats and caps; shoes; shorts, coats, neckties, underwear, vests, robes, hosiery, skirts, dresses, loungewear, scarves, rainwear, trousers, ascots, ties, outer shirts including evening, dress, polo, and sports shirts, collars, pajamas, robes, smoking jackets, dressing gowns, mufflers, gloves, handkerchiefs, hose, belts, suspenders, garters, boots, slippers, shoes, overshoes, beach wear, swimwear and formal wear, namely jackets, pants, suits, shirts, shoes, cummerbunds,] ties, [suspenders and gowns] | | |

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|-----------------------|-----------------|-----------------------|------------|
| U.S. Registration No. | 2498978 | Application Date | 11/08/1999 |
| Registration Date | 10/16/2001 | Foreign Priority Date | NONE |
| Word Mark | THE BROOKS CARD | | |

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|---------------------|---|--|--|
| Design Mark | THE BROOKS CARD | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 036. First use: First Use: 1999/11/00 First Use In Commerce: 1999/11/00 Credit card services | | |

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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 2498929 | Application Date | 09/22/1999 |
| Registration Date | 10/16/2001 | Foreign Priority Date | NONE |
| Word Mark | BROOKS STRETCH | | |
| Design Mark | BROOKS STRETCH | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 025. First use: First Use: 1999/03/00 First Use In Commerce: 1999/03/00 Clothing, namely, shirts, pants, [shorts, skirts, sweaters,] jackets, [shoes, socks, ties, hats, overcoats, dresses, underwear, hosiery, scarves, blouses, swimwear,] suits, [loungewear, caps, gloves, pajamas, ascots, trousers, raincoats, parkas, vests, polo and sport shirts, belts, suspenders, boots, slippers, sport coats, dress shirts, formal wear, namely jackets, pants, suits, shirts, shoes, cummerbunds, ties, suspenders and gowns and robes] | | |

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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 1771690 | Application Date | 07/27/1992 |
| Registration Date | 05/18/1993 | Foreign Priority Date | NONE |
| Word Mark | BROOKS BROTHERS | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 030. First use: First Use: 1990/09/00 First Use In Commerce: 1990/09/00 foods; namely, cakes, cookies | | |

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|-----------------------|-----------------|-----------------------|------------|
| U.S. Registration No. | 1835798 | Application Date | 01/11/1993 |
| Registration Date | 05/10/1994 | Foreign Priority Date | NONE |
| Word Mark | BROOKS BROTHERS | | |

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|---------------------|---|
| Design Mark | |
| Description of Mark | NONE |
| Goods/Services | Class 042. First use: First Use: 1818/00/00 First Use In Commerce: 1818/00/00 retail store and mail order catalog services featuring clothing and accessories therefor, leather goods, soaps and cosmetics, glassware, eyewear, home furnishings and giftware |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 1835478 | Application Date | 12/09/1992 |
| Registration Date | 05/10/1994 | Foreign Priority Date | NONE |
| Word Mark | BROOKS BROTHERS | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 021. First use: First Use: 1914/00/00 First Use In Commerce: 1914/00/00 beverage glassware, bottles sold empty, jars sold empty, beverage containers for household use, carafes, drinking flasks, insulated and uninsulated beverage bottles sold empty and drinking cups | | |

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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 1839876 | Application Date | 05/28/1992 |
| Registration Date | 06/14/1994 | Foreign Priority Date | NONE |
| Word Mark | BROOKS BROTHERS | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 009. First use: First Use: 1993/03/00 First Use In Commerce: 1993/03/00 eyeglasses, comprising spectacles, spectacle frames, sunglasses, eyeglass chains, eyeglass retaining bands, eyeglass cases and lens; binoculars, tape measures and pedometers, calculators, electronic calendars, electrically operated shoe shine units; barometers; travel irons, voltage conversion devices | | |

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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 1354158 | Application Date | 01/24/1985 |
| Registration Date | 08/13/1985 | Foreign Priority Date | NONE |
| Word Mark | BROOKS-BLEND | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 024. First use: First Use: 1984/09/04 First Use In Commerce: 1984/09/04 FABRICS TO BE MADE INTO CLOTHING | | |

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|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 1291279 | Application Date | 08/26/1983 |
| Registration Date | 08/21/1984 | Foreign Priority Date | NONE |
| Word Mark | BROOKSUEDE | | |

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| Design Mark | |
| Description of Mark | NONE |
| Goods/Services | Class 025. First use: First Use: 1982/09/01 First Use In Commerce: 1982/09/11 Tops, Jackets, Coats, Suits, Skirts, Dresses, Pants and Sweaters, Made in Wholeor in Part of Suede |

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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 1232809 | Application Date | 09/10/1979 |
| Registration Date | 03/29/1983 | Foreign Priority Date | NONE |
| Word Mark | BROOKSCLOTH | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 024. First use: First Use: 1954/09/21 First Use In Commerce: 1954/09/21 Fabrics for Use in the Manufacture of Clothing | | |

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| Attachments | 86121225#TMSN.jpeg(bytes) 85859593#TMSN.jpeg(bytes) 85949984#TMSN.jpeg(bytes) 85004037#TMSN.jpeg(bytes) 85325701#TMSN.jpeg(bytes) 85859145#TMSN.jpeg(bytes) 85859125#TMSN.jpeg(bytes) 85859108#TMSN.jpeg(bytes) 85859088#TMSN.jpeg(bytes) 85494521#TMSN.jpeg(bytes) 85247752#TMSN.jpeg(bytes) 85463944#TMSN.jpeg(bytes) 85227463#TMSN.jpeg(bytes) 78979708#TMSN.jpeg(bytes) 78697607#TMSN.jpeg(bytes) 78538066#TMSN.jpeg(bytes) 78914606#TMSN.jpeg(bytes) 78631884#TMSN.jpeg(bytes) 78906585#TMSN.jpeg(bytes) 78666736#TMSN.jpeg(bytes) 78538053#TMSN.jpeg(bytes) 78905703#TMSN.jpeg(bytes) 78844045#TMSN.jpeg(bytes) 78229743#TMSN.gif(bytes) 78454874#TMSN.jpeg(bytes) 77907226#TMSN.jpeg(bytes) 77776273#TMSN.jpeg(bytes) 77549635#TMSN.jpeg(bytes) 77524904#TMSN.jpeg(bytes) 77981463#TMSN.jpeg(bytes) 77936030#TMSN.jpeg(bytes) 77807759#TMSN.jpeg(bytes) 77048808#TMSN.jpeg(bytes) 77348241#TMSN.jpeg(bytes) 76024283#TMSN.gif(bytes) 76249859#TMSN.gif(bytes) 75843184#TMSN.gif(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 | /Neil B. Friedman/ |
| Name | Neil B. Friedman |
| Date | 01/28/2014 |

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

Brooks Brothers Group, Inc.,

Opposer,

Mark: THE BROOKS

v.

Serial Nos. 86015375

The Brooks Hospitality LLC,

Filed: July 19, 2013

Applicant.

NOTICE OF OPPOSITION
PURSUANT TO 15 U.S.C. § 1063

Opposer, Brooks Brothers Group, Inc. (hereinafter “Brooks Brothers” or “Opposer”), by its attorneys Baker and Rannells, PA, alleges on knowledge as to its own acts and otherwise on information and belief and as grounds for opposition as follows:

1. Opposer believes that allowing Application Serial No. 86015375 to proceed to registration will cause Opposer damage.

2. Brooks Brothers is a corporation organized and existing under the laws of the State of Delaware, doing business at 100 Phoenix Avenue, Enfield, Connecticut 06082.

3. Applicant, The Brooks Hospitality LLC (hereinafter “Applicant”), is a Virginia limited liability company doing business at 8230 Leesburg Pike, Suite 700, Vienna Virginia 22182.

4. On July 19, 2013, Applicant filed an intent to use Application, namely Serial No. 86015375 for the mark THE BROOKS (“Applicant’s Mark”) as a trademark for “hotel services” in International Class 43. Hereinafter, the services set forth in

Applicant’s application shall be referred to herein as “Applicant’s Services”. Such application was published for opposition in the Official Gazette on December 10, 2013.

5. Opposer is the owner of numerous trademarks in a variety and constantly expanding number of classes including the BROOKS BROTHERS mark, marks that contain the element or word BROOKS and variations thereof (“Opposer’s Marks”) as trademarks, trade name, and service mark. Examples of Opposer’s Marks are as follows:

| Serial Number | Reg. Number | Marks |
|----------------------|--------------------|---|
| 86121225 | | BROOKS BROTHERS RED FLEECE |
| 85859593 | | BROOKS BROTHERS RED FLEECE |
| 85949984 | | BROOKS BROTHERS THE ORIGINAL AMERICAN BRAND |
| 85004037 | | BROOKSSTORM FLEECE |
| 85325701 | | BROOKS BROTHERS ESTABLISHED 1818 COLLEGE COLLECTION |
| 85859145 | | BROOKS BROTHERS |
| 85859125 | | BROOKS BROTHERS HOME COLLECTION |
| 85859108 | | BROOKS BROTHERS HOME COLLECTION |
| 85859088 | | BROOKS BROTHERS HOME COLLECTION |
| 85494521 | 4359876 | BLACK FLEECE BY BROOKS BROTHERS |
| 85247752 | 4122925 | BROOKS BROTHERS FLATIRON SHOP |
| 85463944 | 4142789 | BROOKSCOOL |
| 85227463 | 4012556 | BLACK FLEECE BY BROOKS BROTHERS |
| 78979708 | 3403721 | BROOKS BROTHERS WOMEN |
| 78697607 | 3277205 | BROOKS BROTHERS COUNTRY CLUB |
| 78538066 | 3250433 | BROOKS BROTHERS |
| 78914606 | 3218098 | BROOKS BROTHERS FACTORY STORE |
| 78631884 | 3197572 | 346 BROOKS BROTHERS |
| 78906585 | 3215887 | BROOKSFLANNEL |
| 78666736 | 3029206 | BROOKS BROTHERS |
| 78538053 | 3029064 | BROOKS BROTHERS |

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| 78905703 | 3258230 | 1818 BROOKS BROTHERS |
| 78844045 | 3741232 | 1818 BROOKS BROTHERS |
| 78229743 | 2893198 | BROOKS BUYS |
| 78042659 | 2765572 | BROOKS BOYS |
| 78053282 | 2625045 | BROOKSBROTHERS.COM |
| 78135283 | 2882928 | BROOKS BROTHERS COUNTRY CLUB |
| 78454874 | 3248158 | BROOKSFLANNEL |
| 78060954 | 3009280 | BROOKSSTORM |
| 77907226 | 4289342 | BROOKS BROTHERS FLEECE |
| 77776273 | 3746754 | BROOKS BROTHERS COUNTRY CLUB |
| 77549635 | 4171950 | BROOKS BROTHERS 1818 |
| 77524904 | 4132169 | BROOKS BROTHERS COUNTRY CLUB |
| 77981463 | 3959397 | BROOKS BROTHERS CORPORATE COLLECTION |
| 77936030 | 3821895 | BROOKS BROTHERS BB COUNTRY CLUB |
| 77807759 | 3861885 | BROOKSIE |
| 77048808 | 3285134 | BROOKS BROTHERS |
| 77348241 | 4214156 | BROOKS BROTHERS MADISON |
| 76024283 | 2716108 | 346 BROOKS BROTHERS |
| 76249859 | 2634532 | BROOKS BROTHERS MAKERS |
| 75843184 | 2498978 | THE BROOKS CARD |
| 75806140 | 2498929 | BROOKS STRETCH |
| 74297721 | 1771690 | BROOKS BROTHERS |
| 74347278 | 1835798 | BROOKS BROTHERS |
| 74338598 | 1835478 | BROOKS BROTHERS |
| 74279208 | 1839876 | BROOKS BROTHERS |
| 73519152 | 1354158 | BROOKS-BLEND |
| 73441143 | 1291279 | BROOKSUEDE |
| 73230752 | 1232809 | BROOKSCLOTH |
| 73051213 | 1033956 | BROOKS-AIRE |
| 73023925 | 1007938 | BROOKSGATE |
| 71462298 | 0404790 | BROOKS BROTHERS ESTABLISHED 1818 |
| 71462304 | 0404792 | BROOKS BROTHERS ESTABLISHED 1818 |
| 71462303 | 0404625 | BROOKS BROTHERS ESTABLISHED 1818 |
| 71462299 | 0404683 | BROOKS BROTHERS ESTABLISHED 1818 |
| 72274477 | 0867673 | BROOKS BROTHERS |

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|----------|---------|-----------------|
| 72265819 | 0840920 | BROOKSEASE |
| 72178343 | 0781452 | BROOKSTWEED |
| 72029152 | 0667458 | BROOKS BROTHERS |
| 71644007 | 0585767 | BROOKSWEAVE |

Hereinafter the goods and services recited in Opposer's Marks and registrations are referred to collectively as "Opposer's Goods and Services".

6. Opposer's Goods and Services have been widely advertised, offered for sale and sold throughout the United States under Opposer's Marks and Opposer's Marks are famous.

7. Opposer is now and has been, for many years prior to any date which may be claimed by Applicant using Opposer's Marks as a trademark.

8. Opposer is now and has been for many years trading as and known by Opposer's Marks, identifying Opposer as the source of high quality products and services.

9. Applicant's Services are the same or substantially similar to Opposer's Goods and Services and/or are within Opposer's ever expanding natural progression of goods and services and channels of trade.

10. Among Opposer's Marks is its application for BROOKS BROTHERS Serial No. 85859145. Opposer's filing date precedes that of Applicant and on that basis, Opposer has priority.

11. Opposer is now and has been, for many years prior to any date which may be claimed by Applicant, engaged in the use of Opposer's Marks for Opposer's Goods and Services.

12. Opposer is now and has been, for many years prior to any date which may be claimed by Applicant, engaged in the sale of high quality products and services under Opposer's Marks.

13. Since long prior to any date which may be claimed by Applicant, Opposer on its own behalf has been, and is now engaged in the sale of high quality products and services that are substantially related to those of Applicant under Opposer's Marks in interstate commerce.

14. The use by Opposer of Opposer's Marks for Opposer's Goods and Services alleged herein is long prior to any date which may be lawfully claimed by Applicant, and Opposer has priority.

15. Opposer's Marks and Applicant's Mark are substantially identical and confusingly similar when applied to the goods and services of the parties.

16. Applicant's intended use of Applicant's Mark in connection with Applicant's Services is without the consent or permission of Opposer.

17. Since Opposer owns Opposer's Marks by virtue of prior use, confusion, mistake or deception as to the source of origin of the goods will arise and will injure and damage the Opposer and its goodwill.

18. The registration of Applicant's Mark to Applicant will cause the relevant purchasing public to erroneously assume and thus be confused, misled, or deceived, that Applicant's Goods are made by, licensed by, controlled by, sponsored by, or in some way connected, related or associated with Opposer, all to Opposer's irreparable damage.

19. As a result of Opposer's long use, extensive advertising and promotion, and successful sales for over 100 years, Opposer's Marks have become distinctive and famous, long prior to any date which may be claimed by Applicant.

20. The registration of Applicant's Mark to Applicant will cause the relevant purchasing public to erroneously assume and thus be confused, misled, or deceived, that Applicant's Services are provided by, licensed by, controlled by, sponsored by, or in some way connected, related or associated with Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), all to Opposer's irreparable damage.

21. The association which would arise from the similarity between Applicant's Mark and Opposer's famous Marks will harm the reputation of Opposer and Opposer's famous Marks thereby resulting in dilution by tarnishment in violation of Section 43(c) of the Lanham Act, 15 U.S.C. §1125(c). There is an overwhelming likelihood that this association will impugn Opposer's Goods and Services and injure its business reputation.

22. The association which would arise from the similarity between Applicant's Mark and Opposer's famous Marks will impair the distinctiveness of Opposer's famous Marks and thereby result in dilution by blurring in violation of Section 43(c) of the Lanham Act, 15 U.S.C. §1125(c). There is an overwhelming likelihood that this association will impugn Opposer's Goods and Services and injure its business reputation.

23. Applicant's Mark falsely suggests a connection with Opposer, and/or will bring Opposer into contempt or disrepute, in violation of §2(a) of the Lanham Act, 15 U.S.C. §1052(a), all to Opposer's irreparable damage.

24. Applicant's use of Applicant's Mark points uniquely and unmistakably to Opposer.

25. Consumers that encounter Applicant's Mark will recognize Applicant's Mark as pointing uniquely and unmistakably to Opposer.

26. Issuance of registration for Applicant's Mark to Applicant would create a false and misleading connection to Opposer all to the irreparable damage of consumers and Opposer.

27. Issuance of registration for Applicant's Mark to Applicant would create a cloud on Opposer's rights to use Opposer's Marks for Opposer's Goods and Services.

WHEREFORE, Opposer prays that the application for registration of Applicant's Mark, Serial No. 86015375, filed on July 19, 2013 be denied and that this Opposition be sustained.

Dated: June 13, 2012

Respectfully submitted for Opposer
Brooks Brothers Group, Inc.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was forwarded by first class postage prepaid mail by depositing the same with the U.S. Postal Service on this 28th day of January, 2014 to counsel for the Applicant at the following address:

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/Neil B. Friedman/
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