

ESTTA Tracking number: **ESTTA602025**

Filing date: **05/02/2014**

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

Name	Forged Threadworks, Inc.		
Entity	Corporation	Citizenship	California
Address	10625 Scripps Ranch Blvd., Suite D San Diego, CA 92131 UNITED STATES		

Attorney information	Ben T. lila MANDOUR & ASSOCIATES, APC 16870 W Bernardo Drive, Suite 400 San Diego, CA 92127 UNITED STATES blila@mandourlaw.com,jmandour@mandourlaw.com Phone:8584879300		
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Applicant Information

Application No	86141259	Publication date	04/22/2014
Opposition Filing Date	05/02/2014	Opposition Period Ends	05/22/2014
Applicant	Peter Lik IP Holdings, LLC 6625 W. Badura Avenue Las Vegas, NV 89118 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Clothing, namely, hats, caps and headwear; t-shirts, polo-shirts, tank tops, jackets, jogging suits, sweat shirts, sweat pants, jeans, pants, swim wear, dress shirts, ties, blouses, dress pants, robes, sleepwear, ladies underwear, mens underwear, scarves, socks, slippers, caps, hats and bandannas; headwear; shoes; leather belts
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Other	Lack of a bona fide intent to use

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3709273	Application Date	09/25/2007
Registration Date	11/10/2009	Foreign Priority Date	NONE
Word Mark	FORGED		

Design Mark	<h1>Forged</h1>
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2008/02/08 First Use In Commerce: 2008/06/11 Bandanas; Caps; Denims; Footwear; Hats;Jackets; Pants; Shirts; Shorts; Sweat pants; Sweat shirts; T-shirts; Tank tops

U.S. Registration No.	3732401	Application Date	09/08/2008
Registration Date	12/29/2009	Foreign Priority Date	NONE

Word Mark	FORGED THREADWORKS
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Design Mark	<h1>FORGED THREADWORKS</h1>
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2008/04/07 First Use In Commerce: 2008/04/17 Apparel, namely, bandanas; caps; denims; footwear; hats; jackets; pants; shirts; shorts; sweat pants; sweat shirts; T-shirts; and tank tops

Attachments	77288842#TMSN.jpeg(bytes) 77564603#TMSN.jpeg(bytes) Notice of Opposition REBEL FORGED 05-02-14.pdf(14085 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	/Ben T. Lila/
Name	Ben T. lila

Date	05/02/2014
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Application Serial No. 86/141,259
Published in the Official Gazette (Trademarks) on April 22, 2014
Trademark: REBEL FORGED

Forged Threadworks, Inc.)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
Peter Lik IP Holdings, LLC,)	
)	
Applicant.)	
_____)	

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

NOTICE OF OPPOSITION

Forged Threadworks, Inc, a corporation of California having an address of 10625 Scripps Ranch Blvd., Suite D, San Diego, CA 92131 (hereinafter “Opposer”), believes it will be damaged by the registration of the trademark registration shown in Application Serial No. 86/141,259 for the identified goods and hereby opposed that application under the provisions of 15 U.S.C. § 1063.

Application Serial No. 86/141,259 was filed on December 11, 2013 on an Intent to Use basis for the trademark “REBEL FORGED”, and published in the Trademark Official Gazette on April 22, 2014. Opposer opposes registration of the above-referenced trademark application and alleges:

1. Since as early as February 8, 2008, Opposer began using the trademark FORGED for clothing and apparel.

2. Opposer is the owner of U.S. Trademark Registration No. 3,709,273 for FORGED for a “Bandanas; Caps; Denims; Footwear; Hats; Jackets; Pants; Shirts; Shorts; Sweat pants; Sweat shirts; T-shirts; Tank tops” in International Class 025. Opposer is also the owner of U.S. Trademark Registration No. 3,732,401 for FORGED THREADWORKS for “Apparel, namely, bandanas; caps; denims; footwear; hats; jackets; pants; shirts; shorts; sweat pants; sweat shirts; T-shirts; and tank tops” in International Class 025.

3. Opposer’s FORGED trademark has been clearly and prominently displayed on Opposer’s products. Through Opposer’s extensive sales of its FORGED product, consumers have come to recognize Opposer’s FORGED trademark as denoting a unique standard of high quality. As a result, Opposer’s FORGED trademark has acquired a wide and favorable reputation, symbolizing the goodwill that Opposer has created throughout the United States in connection with the sale of its products

4. Applicant is seeking to obtain registration on the Principal Register of the trademark REBEL FORGED for “Clothing, namely, hats, caps and headwear; t-shirts, polo-shirts, tank tops, jackets, jogging suits, sweat shirts, sweat pants, jeans, pants, swim wear, dress shirts, ties, blouses, dress pants, robes, sleepwear, ladies underwear, mens underwear, scarves, socks, slippers, caps, hats and bandannas; headwear; shoes; leather belts” in International Class 025.

5. Applicant has not yet claimed a date of first use of its trademark. Opposer’s date of first use in interstate commerce is at least as early as February 8, 2008. Opposer’s use of its trademark has been valid and continuous since said date of first use and has not been abandoned. Accordingly, Opposer has rights of priority in the FORGED trademark superior to those of Applicant.

6. The goods set forth in Applicant's application are related to those offered by Opposer, and are also within the natural zone of expansion of Opposer's goods.

7. The applied-for trademark REBEL FORGED is confusingly similar to the Opposer's FORGED trademark in terms of its appearance, sound, meaning, and overall commercial impression and it is likely to cause confusion, mistake, and deception as to an affiliation, connection, or association between Opposer and Applicant, or as to the origin, sponsorship, or approval of Applicant's goods, all to Opposer's detriment, thereby causing Opposer damage. Potential consumers are likely to believe that Applicant's goods originate from, or are sponsored or approved by Opposer, when such is not the case.

8. Applicant is not affiliated with or connected in any way to Opposer and Opposer has not consented to Applicant's use of Opposer's FORGED trademark.

9. By reason of the foregoing, Opposer believes that it will be damaged by registration of said trademark, and prays that this Opposition be sustained, that Application Serial No. 86/141,259 be rejected, and that the trademark applied for therein be refused registration.

10. Opposer alleges that Applicant did not have a *bona fide* intent to use the REBEL FORGED trademark at the time of filing the trademark application. Opposer alleges that Applicant had no intention of producing all the goods and services claimed on the REBEL FORGED application. Opposer alleges that to date Applicant has not sold in interstate commerce all the goods alleged in Applicant's application. Opposer alleges that Applicant lacked the ability and willingness to use the REBEL FORGED trademark in the United States to identify all the goods listed in the application at the time of the filing of the application.

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11. By reason of the foregoing, Opposer believes that it will be damaged by registration of the REBEL FORGED trademark and prays that this Opposition be sustained and Trademark Application Serial No. 86/141,259 be denied registration.

WHEREFORE, Petitioner requests that U.S. Trademark Serial No. 86/141,259 be denied registration and for such other and further relief as may be deemed proper.

To the best of Petitioner's knowledge, the name and address of the current Applicant of Trademark Application Serial No. 86/141,259 is as follows:

Peter Lik IP Holdings, LLC
6625 W. Badura Avenue
Las Vegas, NV 89118

Opposer has appointed Joseph A. Mandour and Ben T. Lila, Mandour & Associates, APC, 16870 West Bernardo Drive, Suite 400, San Diego, CA 92127, members of the bar of the State of California, as agents and attorneys in the matter of the opposition above-identified, to prosecute said opposition, to transact all business in the United States Patent & Trademark Office and in the United States courts in connection with this opposition, to sign his name to all papers which may hereinafter be filed in connection therewith, and to receive all communications relating to the same.

Respectfully submitted,

Date: May 2, 2014

By: /Ben T. Lila/
Ben T. Lila, Esq.
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FORGED THREADWORKS, INC.

