

ESTTA Tracking number: **ESTTA604050**

Filing date: **05/13/2014**

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	RobLiefeld
Granted to Date of previous extension	05/14/2014
Address	16780 Oak Burl Yorba Linda, CA 92886 UNITED STATES

Correspondence information	Courtnei E. Thorpe Baker & Hostetler, LLP 1900 E. 9th Street Suite 3200 Cleveland, OH 44114 UNITED STATES clevelandip@bakerlaw.com Phone:216-861-6106
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### Applicant Information

Application No	86022841	Publication date	01/14/2014
Opposition Filing Date	05/13/2014	Opposition Period Ends	05/14/2014
Applicant	AZAR, NUBEN M 201 pulaski st SUITE 2C brooklyn, NY 11206 UNITED STATES		

### Goods/Services Affected by Opposition

Class 016. First Use: 2013/03/12 First Use In Commerce: 2013/03/12  
All goods and services in the class are opposed, namely: Comic books

### 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. Application No.	86192612	Application Date	02/13/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SUPREME		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 016. First use: First Use: 1992/01/31 First Use In Commerce: 1992/05/31 comic books

U.S. Application No.	86192930	Application Date	02/13/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SUPREME		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2012/04/04 First Use In Commerce: 2012/04/04 providing online digital publications in the nature of comic books via the Internet		

Attachments	86192612#TMSN.jpeg( bytes ) 86192930#TMSN.jpeg( bytes ) Notice of Opposition - SUPREME.pdf(15975 bytes ) EXHIBIT A.PDF(149414 bytes ) EXHIBIT B.PDF(154241 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	/cet/
Name	Courtnei E. Thorpe

Date	05/13/2014
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VIA ELECTRONIC SYSTEM FOR  
TRADEMARK TRIALS AND APPEALS (“ESTTA”)  
DATE OF FILING: May 13, 2014

UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD

In The Matter Of Application Serial No. 86022841  
Published In The *Official Gazette*, January 14, 2014

_____	)	
Rob Liefeld,	)	
	)	
Opposer,	)	
v.	)	<b>NOTICE OF OPPOSITION</b>
	)	
Nuben M. Azar	)	
	)	
Applicant.	)	
_____	)	

Rob Liefeld (“Liefeld”), an individual and citizen of the United States, whose principal address is 16780 Oak Burl, Yorba Linda, California 92886, believes that he will be damaged by the registration of the mark covered by Application Serial No. 86022841, SUPREME, in International Class 16, and hereby opposes the registration of said mark. As grounds for the opposition it is alleged as follows:

1. Liefeld is the owner of the SUPREME trademarks discussed herein.
2. Nuben M. Azar (“Applicant”) seeks to register SUPREME for “Comic books” in Class 16. The filing date of Applicant’s application was July 29, 2013.
3. Liefeld owns all of the copyrights, trademarks, and other subsidiary rights relating to the SUPREME comic book series.

4. At least 68 issues of Liefeld’s SUPREME comic books have been published since 1992.

5. Liefeld is the owner of record of the following applications with the United States Patent and Trademark Office (the “SUPREME Marks”):

<b>Mark</b>	<b>Serial No.</b>	<b>Class</b>	<b>Goods/Services</b>	<b>Date of First Use</b>
SUPREME	86192612	16	comic books	January 31, 1992
SUPREME	86192930	41	providing online digital publications in the nature of comic books via the Internet	April 4, 2012

6. Attached as Exhibits A-B are true and accurate copies of the Trademark Status and Document Retrieval (TSDR) reports for the SUPREME Marks.

7. Applicant filed his application on the basis of Section 1(a) of the Lanham Act, based on his actual use of the mark in interstate commerce.

8. Leifeld will be damaged by the registration of Applicant’s mark in that Leifeld is using the mark SUPREME in commerce and confusion of the relevant trade and public is likely to result from the registration of Applicant’s mark. Further, if Applicant’s mark is permitted to register on the Principal Register, with all the substantive and procedural benefits conferred by its status as a registration on the Principal Register, Applicant will enjoy unlawful gain and advantage to which it is not entitled under the Trademark Act of 1946.

9. Upon information and belief, the identical visual and auditory elements of the SUPREME mark identified in Applicant’s application are likely to confuse consumers and trade on the goodwill built up in the SUPREME Marks.

10. Upon information and belief, the goods Applicant is promoting and marketing under the SUPREME mark are similar in type to goods and services that Leifeld and his

licensees market, and as such are likely to create confusion among consumers regarding whether Applicant's goods have been approved by Leifeld.

11. Upon information and belief, the goods Applicant is promoting and marketing under the SUPREME mark are being promoted and marketed through the same or similar channels of trade as the goods and services Leifeld and his licensees market under the SUPREME Marks, and are likely to create consumer confusion as to whether Applicant's goods and the promoted goods and services have been approved by Leifeld.

12. There is no issue as to priority. The date Applicant filed the SUPREME application is subsequent to Leifeld's first use.

#### **CLAIM I**

13. Leifeld repeats and re-alleges each and every allegation set forth in paragraphs 1 through 12.

14. The SUPREME mark is a reproduction, copy, and colorful imitation of the SUPREME Marks. Applicant's use of the SUPREME mark is likely to cause confusion, mistake, or deception with respect to the origin of said goods, and to confuse, mislead, and deceive members of the public into believing that Leifeld has allowed, sponsored, approved, or licensed Applicant to offer such goods, or in some way Applicant is connected to or affiliated with Leifeld. Any such confusion would result in injury to or have a direct impact on Leifeld's reputation and its ability to market its goods and services. Furthermore, any defect, objection, or fault found with the goods promoted and marketed under Applicant's SUPREME mark would negatively impact and seriously injure the reputation Leifeld has established for the goods and services it sells under the SUPREME Marks.

15. If Applicant is granted the registration herein opposed, Applicant would thereby obtain at least a prima facie exclusive right to use the SUPREME mark. Such registration would be a source of damage and injury to Liefeld within the meaning of Section 13 of the Lanham Act, 15 U.S.C. § 1063.

WHEREFORE, Liefeld prays that this Opposition be granted and Application Serial No. 86022841 be refused registration.

Respectfully submitted,

/Courtne E. Thorpe/

Deborah A. Wilcox

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*Attorneys for Rob Liefeld*

**CERTIFICATE OF FILING**

I hereby certify that the foregoing Notice of Opposition was filed with the Commissioner for Trademarks, through the Electronic System for Trademark Trials and Appeals on this 13th day of May, 2014.

/Courtne E. Thorpe/  
*One of the Attorneys for Opposer*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **Notice of Opposition** was served this 13th day of May, 2014, by first-class U.S. mail, postage prepaid, upon Mr. Nuben M. Azar, 201 Pulaski St, Apt. 2C, Brooklyn, NY 11206-6855, the correspondence address identified for Applicant in the Trademark Status and Document Retrieval system of the U.S. Patent and Trademark Office.

/Courtne E. Thorpe/  
*One of the Attorneys for Opposer*

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Mark: SUPREME

SUPREME

US Serial Number: 86192612

Application Filing Date: Feb. 13, 2014

Register: Principal

Mark Type: Trademark

Status: New application will be assigned to an examining attorney approximately 3 months after filing date.

Status Date: Feb. 26, 2014

## Mark Information

Mark Literal Elements: SUPREME

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks \*...\* identify additional (new) wording in the goods/services.

For: comic books

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 31, 1992

Use in Commerce: May 31, 1992

## Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: Rob Liefeld

Owner Address: 16780 Oak Burl  
Yorba Linda, CALIFORNIA 92886  
UNITED STATES

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Deborah A. Wilcox

Docket Number: 045446.02000

Attorney Primary Email: [clevelandip@bakerlaw.com](mailto:clevelandip@bakerlaw.com)  
Address:

Attorney Email: Yes  
Authorized:

### Correspondent

Correspondent Name/Address: DEBORAH A. WILCOX  
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[dwilcox@bakerlaw.com](mailto:dwilcox@bakerlaw.com) [twaitos@bakerlaw.com](mailto:twaitos@bakerlaw.com)

Correspondent e-mail Yes  
Authorized:

Domestic Representative - Not Found

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## Prosecution History

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Date	Description	Proceeding Number
Feb. 26, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 17, 2014	NEW APPLICATION ENTERED IN TRAM	

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## TM Staff and Location Information

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TM Staff Information - None  
File Location

Current Location: NEW APPLICATION PROCESSING

Date in Location: Feb. 26, 2014

Generated on: This page was generated by TSDR on 2014-05-13 16:06:02 EDT

Mark: SUPREME

SUPREME

US Serial Number: 86192930

Application Filing Date: Feb. 13, 2014

Register: Principal

Mark Type: Service Mark

Status: New application will be assigned to an examining attorney approximately 3 months after filing date.

Status Date: Feb. 26, 2014

## Mark Information

Mark Literal Elements: SUPREME

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks \* identify additional (new) wording in the goods/services.

For: providing online digital publications in the nature of comic books via the Internet

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 04, 2012

Use in Commerce: Apr. 04, 2012

## Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: Rob Liefeld

Owner Address: 16780 Oak Burl  
Yorba Linda, CALIFORNIA 92886  
UNITED STATES

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Deborah A. Wilcix

Docket Number: 045446.02000

Attorney Primary Email: [clevelandip@bakerlaw.com](mailto:clevelandip@bakerlaw.com)  
Address:

Attorney Email Yes  
Authorized:

### Correspondent

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Correspondent e-mail Yes  
Authorized:

Domestic Representative - Not Found

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## Prosecution History

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Date	Description	Proceeding Number
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Feb. 17, 2014	NEW APPLICATION ENTERED IN TRAM	

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## TM Staff and Location Information

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TM Staff Information - None  
File Location

Current Location: NEW APPLICATION PROCESSING

Date in Location: Feb. 26, 2014