

ESTTA Tracking number: **ESTTA613332**

Filing date: **07/02/2014**

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	Nasty Pig, Inc.
Granted to Date of previous extension	07/02/2014
Address	170 West 23rd St.Apt. 4V New York, NY 10011 UNITED STATES

Attorney information	Joel Karni Schmidt Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES spc@cll.com, jks@cll.com, ejs@cll.com, mx@cll.com, trademark@cll.com Phone:212-790-9200
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Applicant Information

Application No	86085785	Publication date	03/04/2014
Opposition Filing Date	07/02/2014	Opposition Period Ends	07/02/2014
Applicant	Janoskians LLC 209 East 31st Street New York, NY 10016 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: Belts; Blouses; Bottoms; Flip flops; Footwear; Headbands; Headwear; Hosiery; Jackets; Jeans; Knitted underwear; Leggings; Lingerie; Long underwear; Loungewear; Mukluks; Neckwear; Pajamas; Pants; Pantyhose; Robes; Sandals; Sarongs; Scarfs; Shirts; Shorts; Sleepwear; Slipper socks; Slippers; Suits; Sweat bands; Sweat jackets; Sweat pants; Sweat shirts; Sweat shorts; Sweat suits; Thermal underwear; Tops; Underwear; Wearable blankets in the nature of blankets with sleeves; Wristbands

Grounds for Opposition

Other	Please see the attached pleading.
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Attachments	Notice of Opposition - DIRTY PIG.pdf(69404 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	/Joel Karni Schmidt/
Name	Joel Karni Schmidt
Date	07/02/2014

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

In the Matter of Application Serial No. 86/085,785
Filed: October 8, 2013
Published in the Official Gazette of March 4, 2014

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NASTY PIG, INC.,		:	<u>NOTICE OF OPPOSITION</u>
	Opposer,	:	
		:	Opposition No.
v.		:	
JANOSKIANS LLC,		:	
	Applicant.	:	
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Commissioner of Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Opposer Nasty Pig, Inc. (`Opposer _), a New York corporation, believes that it will be damaged by registration on the Principal Register of the standard character word mark DIRTY PIG (`Applicant `s DIRTY PIG Mark _) for `Belts; Blouses; Bottoms; Flip flops; Footwear; Headbands; Headwear; Hosiery; Jackets; Jeans; Knitted underwear; Leggings; Lingerie; Long underwear; Loungewear; Mukluks; Neckwear; Pajamas; Pants; Pantyhose; Robes; Sandals; Sarongs; Scarfs; Shirts; Shorts; Sleepwear; Slipper socks; Slippers; Suits; Sweat bands; Sweat jackets; Sweat pants; Sweat shirts; Sweat shorts; Sweat suits; Thermal underwear; Tops; Underwear; Wearable blankets in the nature of blankets with sleeves; Wrist bands _ in International Class 25 (`Applicant `s Goods _) shown in Application Serial No. 86/085,785 (the `Application_) filed by Applicant Janoskians LLC (`Applicant _) on October 8, 2013, and having

been granted an extension of time to oppose up to and including July 2, 2014, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Since at least as early as 1994, and long prior to October 8, 2013, Applicant's constructive first use date, Opposer, its affiliates, its predecessors and/or its licensees engaged throughout the United States in the marketing, sale and distribution of clothing, jewelry, leather goods, and other goods and accessories bearing the NASTY PIG name and mark (Opposer's NASTY PIG Mark), as well as the provision of retail store services and computerized online retail services in these fields.

2. Opposer is the owner of U.S. Registration No. 2,800,386 for Opposer's NASTY PIG Mark, which issued on December 30, 2003 for various goods in International Classes 18, 24, 25 and 35, including but not limited to hats, pants, undershirts, shirts, jackets, shorts, belts, jeans, t-shirts, sweatshirts, jerseys, and tank tops, and retail store services and computerized online retail services in the field of clothing. Opposer's U.S. Registration No. 2,800,386 is incontestable.

3. Opposer is also the owner of an application for Opposer's NASTY PIG Mark, Ser. No. 86/114,145, for various goods in International Class 14, including jewelry, wallets, and leather goods.

4. Opposer also owns domain names incorporating Opposer's NASTY PIG Mark, such as the domain name NASTYPIG.COM, that lead to Opposer's website, which provides information about Opposer and through which consumers can purchase Opposer's goods sold under Opposer's NASTY PIG Mark.

5. Commencing long prior to October 8, 2013, Applicant's constructive first use date, Opposer has extensively advertised and otherwise promoted the sale of its goods and services bearing Opposer's NASTY PIG Mark and has sold such goods and rendered such services in interstate commerce.

6. Opposer has built up highly valuable goodwill in Opposer's NASTY PIG Mark, and said goodwill has become closely and uniquely identified and associated with Opposer.

7. On October 8, 2013, Applicant filed the Application for Applicant's DIRTY PIG Mark for Applicant's Goods based on an intent to use.

8. Upon information and belief, Applicant did not use Applicant's DIRTY PIG Mark in United States commerce for any of Applicant's Goods covered in the Application prior to its constructive first use date of October 8, 2013.

9. The goods covered by the Application are identical and/or closely related to the goods and services rendered in connection with Opposer's NASTY PIG Mark.

10. Applicant's DIRTY PIG Mark is a two-word mark comprised of: (1) the identical term `PIG,` and (2) the term `DIRTY,` which carries a connotation that is extremely similar to the term `NASTY` prominently featured in Opposer's NASTY PIG Mark. The overall commercial impression and connotation of Applicant's DIRTY PIG Mark is thus strikingly similar to Opposer's NASTY PIG Mark.

11. Applicant's DIRTY PIG Mark so resembles Opposer's NASTY PIG Mark as to be likely, when used in connection with Applicant's Goods, to cause confusion, or to cause mistake, or to deceive the trade and public, who are likely to believe that Applicant's Goods have their origin with Opposer and/or that such services are approved, endorsed or sponsored by

Opposer or associated in some way with Opposer. Opposer would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's DIRTY PIG Mark.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's DIRTY PIG Mark and requests that the opposition be sustained and registration be denied.

Please recognize as attorneys for Opposer in this proceeding Joel Karni Schmidt, Eric J. Shimanoff and Scott P. Ceresia (members of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 1133 Avenue of the Americas, New York, New York 10036.

Please address all communications to Joel Karni Schmidt, Esq. at the address listed below.

Dated: New York, New York
July 2, 2014

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By: /Scott P. Ceresia/
Joel Karni Schmidt
Eric J. Shimanoff
Scott P. Ceresia
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CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing NOTICE OF OPPOSITION to be sent via first class, postage paid mail to Applicant's Attorney and Correspondent of Record, Stephen L. Baker, Esq., Baker and Rannells, P.A., 575 Route 28, Raritan, New Jersey 08869-1354.

Dated: New York, New York
July 2, 2014

/Scott P. Ceresia/
Scott P. Ceresia