

ESTTA Tracking number: **ESTTA629270**

Filing date: **09/25/2014**

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	Bop, LLC
Granted to Date of previous extension	10/08/2014
Address	101 East Badger Road Madison, WI 53713 UNITED STATES

Attorney information	Catherine M.C. Farrelly Gibbons P.C. One Penn Plaza, 37th Floor New York, NY 10119 UNITED STATES cfarrelly@gibbonslaw.com Phone:2126132071
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Applicant Information

Application No	85827611	Publication date	06/10/2014
Opposition Filing Date	09/25/2014	Opposition Period Ends	10/08/2014
Applicant	Chantel McGee 1133 Broadway Suite 715 New York, NY 10010 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 2013/01/29 First Use In Commerce: 2013/01/29 All goods and services in the class are opposed, namely: Computer software for wireless content delivery; computer application software to facilitate shopping transactions via mobile phone; computer e-commerce software to allow users to perform electronic business transactions via a global computer network
Class 035. First Use: 2013/01/29 First Use In Commerce: 2013/01/29 All goods and services in the class are opposed, namely: Electronic commerce services, namely, providing information about products via telecommunication networks for advertising and sales purposes

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2740164	Application Date	09/25/2002
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Registration Date	07/22/2003	Foreign Priority Date	NONE
Word Mark	SHOPBOP		
Design Mark	SHOPBOP		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1999/07/00 First Use In Commerce: 1999/07/00 on-line retail store services featuring clothing and clothing accessories		

Attachments	76452572#TMSN.png(bytes) SHOPHOP-NoticeOpp.pdf(175930 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	/cmcf/
Name	Catherine M.C. Farrelly
Date	09/25/2014

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

In the Matter of Application Ser. No. 85/827,611
Mark: SHOPHOP

BOP, LLC,			
	v.	Opposer,	Opposition No.
CHANTEL MCGEE,		Applicant.	

NOTICE OF OPPOSITION

Bop, LLC (“Shopbop” or “Opposer”), a Wisconsin limited liability company located at 101 East Badger Road, Madison, WI 53713, believes that it will be damaged by registration of the subject mark of Application Ser. No. 85/827,611 (the “Challenged Application”), SHOPHOP, and hereby opposes that application. On information and belief, the owner of the Challenged Application is Chantel McGee (“Applicant”), an individual having an address of 1133 Broadway, Suite 715, New York, NY 10010.

The grounds for opposition are as follows:

1. Shopbop is the owner of the trademark SHOPBOP (the “SHOPBOP Mark”), which it has used in the United States for its on-line retail store featuring clothing and clothing accessories (see www.shopbop.com) since at least as early as July 29, 1999.

2. Shopbop also has used its SHOPBOP Mark in United States commerce in connection with computer application software since at least as early as January 2014.

3. The SHOPBOP Mark is the subject of United States Trademark Registration No. 2,740,164, based on use in commerce of the SHOPBOP mark for “on-line retail store services featuring clothing and clothing accessories” since at least as early as July 1999. A copy of the corresponding registration certificate is annexed hereto as Exhibit A.

4. By virtue of Shopbop’s longstanding use and promotional efforts, the SHOPBOP Mark has developed substantial and valuable goodwill that belongs exclusively to Shopbop.

5. On October 3, 2013, Applicant filed the Challenged Application, seeking to register the mark SHOPHOP for the following goods and services:

Class 9: Computer software for wireless content delivery; computer application software to facilitate shopping transactions via mobile phone; computer e-commerce software to allow users to perform electronic business transactions via a global computer network; and

Class 35: Electronic commerce services, namely, providing information about products via telecommunication networks for advertising and sales purposes.

6. The Challenged Application is based on use in commerce since January 29, 2013.

7. Shopbop’s rights in and to its SHOPBOP Mark are long prior to the priority date asserted in the Challenged Application.

8. Shopbop's rights in and to its SHOPBOP Mark are long prior to any common law rights Applicant may have in the subject mark of the Challenged Application.

9. The subject mark of the Challenged Application so resembles Opposer's SHOPBOP Mark as to be likely, when used in connection with Applicant's services, to cause confusion, to cause mistake, or to deceive as to the affiliation, connection or association of Applicant with Shopbop, or as to the origin, sponsorship or approval of Applicant by Shopbop.

10. Applicant's goods and services are closely related to those provided by Shopbop under its SHOPBOP Mark.

11. Opposer believes that it will be damaged by the registration of the subject mark of the Challenged Application because such registration would support and assist Applicant in the confusing and misleading use of the designation it seeks to register, and would give color of exclusive statutory rights to Applicant, in violation and derogation of the prior superior rights of Shopbop.

WHEREFORE, Shopbop requests that the Challenged Application be refused registration, and that the Trademark Trial and Appeal Board grant such other relief as it deems just and proper.

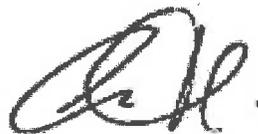
Please recognize as attorneys for Opposer in this proceeding Catherine M.C. Farrelly (member of the Bar of the State of New York), and the law firm of Gibbons P.C., One Penn Plaza, 37th Floor, New York, NY 10119. Kindly direct all correspondence to the attention of

Catherine M.C. Farrelly at the following address.

Dated: September 25, 2014

Respectfully Submitted,

GIBBONS P.C.

A handwritten signature in black ink, appearing to read 'C.M. Farrelly', written over a horizontal line.

By: _____
Catherine M.C. Farrelly
One Penn Plaza
37th Floor
New York, NY 10119
Tel: 212.613.2071
E: IPdocket@gibbonslaw.com

Attorneys for Opposer
Bop, LLC

EXHIBIT A

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

Reg. No. 2,740,164

United States Patent and Trademark Office

Registered July 22, 2003

**SERVICE MARK
PRINCIPAL REGISTER**

SHOPBOP

**BOP, LLC (WISCONSIN LTD LIAB CO)
222 WEST GORHAM STREET
MADISON, WI 53703**

FIRST USE 7-0-1999; IN COMMERCE 7-0-1999.

OWNER OF U.S. REG. NO. 2,664,989.

FOR: ON-LINE RETAIL STORE SERVICES FEATURING CLOTHING AND CLOTHING ACCESSORIES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

SER. NO. 76-452,572, FILED 9-25-2002.

ESTHER BELENKER, EXAMINING ATTORNEY

CERTIFICATE OF SERVICE

I certify under penalty of perjury pursuant to 28 U.S.C. § 1746 that on this 25th day of September, 2014, I caused a true copy of the foregoing Notice of Opposition to be served on Applicant via First Class Mail and e-mail to:

Chantel McGee
1133 Broadway
Suite 715
New York, NY 10010

Chantel.McGee@gmail.com



Tonya T. Owens