

ESTTA Tracking number: **ESTTA638405**

Filing date: **11/12/2014**

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	Neat Print, Inc.
Granted to Date of previous extension	11/12/2014
Address	2886 Ringling Blvd Ste. D Sarasota, FL 34237 UNITED STATES

Attorney information	Daniel R. Frijouf Frijouf, Rust & Pyle, P.A. 201 East Davis Blvd. Tampa, FL 33606 UNITED STATES frijouf@frijouf.com Phone:8132545100
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Applicant Information

Application No	86211940	Publication date	07/15/2014
Opposition Filing Date	11/12/2014	Opposition Period Ends	11/12/2014
Applicant	Pixel1Media LLC W301S1458 Brandybrook Rd Waukesha, WI 53188 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: Pants; Shirts; Shorts; T-shirts
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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. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	THIS GIRL		
Goods/Services	Pants; Shirts, Shorts; T-shirts.		

Attachments	Notice of Opposition.pdf(42514 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	/d/
Name	Daniel R. Frijouf
Date	11/12/2014

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

In the matter of Application Serial No. 86211940, published for Opposition in the
Official Gazette on July 15, 2014

Neat Print, Inc.)	
)	
Opposer,)	Opposition No.: _____
)	
v.)	
)	
Pixel1Media, LLC)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Opposer, Neat Print, Inc., a corporation of the State of Florida, with a business address of 2886 Ringling Blvd. Suite D, Sarasota, Florida 34237, believes that it will be damaged by the registration of Applicant’s THIS GIRL mark of United States Application Serial No. 86211940 for IC 025: Pants; Shirts, Shorts; T-shirts (hereinafter “Applicant’s mark”), and Opposer hereby opposes Applicant’s mark with respect to all the listed goods.

As grounds for this opposition, it is alleged:

1. Opposer began using the mark THIS GIRL in connection with clothing, namely, shirts, sweatshirts and tank tops (hereinafter “Opposer’s goods”), in interstate commerce, at least as early as October 1, 2012.

2. Opposer's use of the mark THIS GIRL in connection with Opposer's goods, in interstate commerce, has been continuous from October 1, 2012, to the present date.
3. Upon information and belief, Applicant, PixelMedia, LLC is a Wisconsin Limited Liability Company with an address of W301S1458 Brandybrook Rd. Waukesha, Wisconsin 53188.
4. On March 5, 2014, Applicant filed United States Application Serial No. 86211940 for Applicant's mark. The filing basis for Application Serial No. 86211940 is Section 1(b).
5. Upon information and belief, Applicant has not used Applicant's mark in commerce prior to March 5, 2014.
6. Opposer has continuously used the mark THIS GIRL in connection with Opposer's goods long prior to the filing date of Application Serial No. 86211940 and any date of first use Applicant may claim in commerce.
7. Opposer is, and has been for many years, engaged in the extensive advertising, distribution and sale of Opposer's goods under the mark THIS GIRL.
8. By reason of the long and continuous use and promotion of the mark THIS GIRL, on or in connection with Opposer's goods, long prior to Applicant's filing date and any date of first use Applicant may claim in commerce, Opposer has become the owner of the mark THIS GIRL.
9. Opposer has acquired strong common law trademark rights in and to the THIS GIRL mark in conjunction with Opposer's goods. Opposer's common

law trademark rights are senior to any right Applicant may allege in Applicant's mark.

10. Opposer's THIS GIRL mark is inherently distinctive and has acquired distinctiveness long prior to Applicant's filing date and any alleged date of first use of Applicant's mark.
11. Opposer has consistently and continuously, over a long period of time, invested significant resources into the development of high quality goods sold and distributed under the mark THIS GIRL. Opposer's goods are well-respected in the relevant industries and by and among its customers for a variety of tangible and intangible reasons, including Opposer's adherence to quality standards that ensure high quality goods. Opposer's solid and favorable reputation, goodwill, and name recognition are and have been derived from its consistent commitment to quality, as well as the consumer's satisfaction. The mark THIS GIRL has been and is a valuable and important component of Opposer's reputation and goodwill, and is therefore an important asset of immeasurable value.
12. Opposer has continuously used the mark THIS GIRL on goods which are related or identical to the goods recited in Applicant's Application.
13. Opposer's goods and Applicant's goods are likely to be purchased and used by the same class of purchasers.
14. Applicant's mark, used in conjunction with Applicant's goods, is confusingly similar in appearance, sound, connotation and commercial

impression to Opposer's THIS GIRL mark, used in association with Opposer's goods.

15. Applicant's mark is likely to cause confusion and mistake on the part of consumers as to the source and origin of such goods, and Opposer is and will continue to be damaged by said likelihood of confusion.
16. Applicant's mark causes and will continue to cause confusion and uncertainty in the industry and handicap and damage the legitimate present and future activities of Opposer, placing Applicant in a position to raise doubts as to the right of the Opposer to use its THIS GIRL mark in connection with Opposer's goods. As a result, Opposer will eventually be deprived of all distinctiveness, since Applicant's use will blur Opposer's mark and goods identified with said mark, such that the association with which said mark has come to convey will be tarnished.
17. For the above-stated reasons, Opposer believes that it will be damaged by the Registration of Applicant's mark of U.S. Application Serial No. 86211940, and therefore asks that said registration be denied.

Wherefore, Opposer respectfully requests that registration of United States Application Serial No. 86211940 be denied, and this Opposition be sustained.

Opposer appoints Daniel R. Frijouf along with the law firm of Frijouf, Rust & Pyle, P.A. to transact all business on its behalf in connection with this opposition proceeding.

Frijouf, Rust & Pyle, P.A.



November 12, 2014

Date

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Notice of Electronic Mailing

I hereby certify that on November 12, 2014, this Notice of Opposition is being electronically submitted by way of ESTTA with the United States Patent and Trademark Office, Trademark Trial and Appeal Board.



Daniel R. Frijouf

Certificate of Service

I hereby certify that on November 12, 2014, this Notice of Opposition was deposited in the U.S. mail, first class postage pre-paid, addressed to counsel for Applicant, Daniel A. Reidy Law Office of Daniel Reidy 1230 Spring Street Suite B Saint Helena, California 94574-2070.



Daniel R. Frijouf