

ESTTA Tracking number: **ESTTA656295**

Filing date: **02/17/2015**

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	Nautica Apparel, Inc.
Granted to Date of previous extension	02/21/2015
Address	40 West 57th Street New York, NY 10019 UNITED STATES
Attorney information	Neil B. Friedman BAKER AND RANNELLS PA 575 ROUTE 28 RARITAN, NJ 08869 UNITED STATES officeactions@br-tmlaw.com, K.Hnasko@br-tmlaw.com ,n.friedman@br-tmlaw.com Phone:9087225640

Applicant Information

Application No	79153781	Publication date	12/23/2014
Opposition Filing Date	02/17/2015	Opposition Period Ends	02/21/2015
International Registration No.	1220248	International Registration Date	04/17/2014
Applicant	Maglificio Liliana di; Lorenzoni Andrea & C. s.n.c. Via Madonnina, 18/24 ITALY		

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: Cardigans; jerseys as clothing; sweaters; shirts; vests; trousers; skirts; suits; dresses; jackets as clothing; track suits; blouses; blousons; jeans; sweat pants; knickers; shorts; T-shirts; sweat shirts; overcoats; coats; fur coats; anoraks; gloves as clothing; socks; stockings; tights; leg warmers; dance shoes; dance costumes; belts for clothing; braces for clothing; infant wear; underwear; rainwear; foundation garments; swimwear; skiwear; sleepwear; beachwear; neckwear; loungewear; footwear; headwear
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Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1871390	Application Date	11/05/1993
Registration Date	01/03/1995	Foreign Priority Date	NONE
Word Mark	J-CLASS 1930 1937		
Design Mark	 <p>The design mark consists of the text 'J-CLASS' in a large, bold, serif font at the top. Below it is a stylized silhouette of a sailboat with two sails. At the bottom, the years '1930' and '1937' are written in a serif font, separated by the sailboat silhouette.</p>		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1990/11/00 First Use In Commerce: 1990/11/00 men's clothing; namely, jackets and knit and woven shirts		
U.S. Registration No.	2769600	Application Date	08/11/2000
Registration Date	09/30/2003	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2001/06/00 First Use In Commerce: 2001/06/00 MEN'S, WOMEN'S AND CHILDREN'S WEARING APPAREL, NAMELY, HO-SIERY, SHOES, SNEAKERS, BOOTS, MOCCASINS, UNDERSHIRTS, BOXER SHORTS, SHIRTS, BLOUSES, TROUSERS, PANTS, JACKET, COATS, SUITS, BATHING SUITS, BATHROBES, SLIPPERS, SHORTS, TIES, NECK-WEAR, SCARVES, SOCKS, HATS AND CAPS, GLOVES AND MUFFLERS, BELTS AND SUSPENDERS AND FOUL WEATHER GEAR		
U.S. Registration No.	2769601	Application Date	08/11/2000
Registration Date	09/30/2003	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 2001/06/00 First Use In Commerce: 2001/06/00 LEATHER AND IMITATIONS OF LEATHER AND ARTICLES MADE FROM THESE MATERIALS, NOT INCLUDED IN OTHER CLASSES, NAMELY, WALLETS, TRAVELING BAGS; GARMENT BAGS; TRUNKS;UMBRELLAS; PARASOLS AND WALKING STICKS		
U.S. Registration No.	2767263	Application Date	08/11/2000
Registration Date	09/23/2003	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2001/06/00 First Use In Commerce: 2001/06/00 SPECTACLES, INCLUDING EYEGLASSES, SUNGLASSES, AND ALL ACCESSORIES THERETO

U.S. Registration No.	2769603	Application Date	08/11/2000
Registration Date	09/30/2003	Foreign Priority Date	NONE

Word Mark	NONE
Design Mark	

Description of Mark	NONE
Goods/Services	Class 014. First use: First Use: 2001/06/00 First Use In Commerce: 2001/06/00 JEWELRY, INCLUDING IMITATION JEWELRY AND JEWELRY OF PRE-CIOUS METALS AND STONES;CUFF LINKS; TIE PINS; HOROLOGICAL AND CHRONOMETRIC INSTRUMENTS, NAMELY, CLOCKS AND WATCHES

U.S. Registration No.	2769608	Application Date	08/18/2000
Registration Date	09/30/2003	Foreign Priority Date	NONE

Word Mark	NONE
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Design Mark	
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Description of Mark	NONE
Goods/Services	Class 027. First use: First Use: 2001/06/00 First Use In Commerce: 2001/06/00 RUGS, WALL PAPER AND VINYL WALL COVERINGS

U.S. Registration No.	2730499	Application Date	02/16/2002
Registration Date	06/24/2003	Foreign Priority Date	NONE

Word Mark	NONE
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Design Mark	
Description of Mark	NONE
Goods/Services	Class 024. First use: First Use: 2001/06/00 First Use In Commerce: 2001/06/00 Mattress pads, bed vests, duvets, duvetcovers, pillow cases, and pillow protectors

U.S. Registration No.	2730498	Application Date	02/16/2002
Registration Date	06/24/2003	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 020. First use: First Use: 2001/06/00 First Use In Commerce: 2001/06/00 Bed pillows and pillows

U.S. Registration No.	2769609	Application Date	08/18/2000
Registration Date	09/30/2003	Foreign Priority Date	NONE

Word Mark	NONE
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Design Mark	
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Description of Mark	NONE
Goods/Services	Class 024. First use: First Use: 2001/06/00 First Use In Commerce: 2001/06/00 BEDSPREADS, BED BLANKETS; BED SHEETS; PILLOW CASES; COMFORTERS; FLANNEL; CURTAINS; TABLE LINENS; TABLE CLOTHS NOT OF PAPER; TABLE MATS NOT OF PAPER; TEXTILE PLACEMATS; POT HOLDERS; OVEN MITTS; KITCHEN TOWELS; BATH LINEN; TOWELS; BATH ACCESSORIES, NAMELY WASHING MITTS, WASHCLOTHS, FABRIC BATH MATS; UPHOLSTERY FABRICS AND TEXTILE WALL HANGINGS

U.S. Registration No.	2872026	Application Date	08/18/2000
Registration Date	08/10/2004	Foreign Priority Date	NONE

Word Mark	NONE
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Design Mark	
Description of Mark	NONE
Goods/Services	Class 016. First use: First Use: 2001/09/00 First Use In Commerce: 2001/09/00 PAPER NOTEBOOKS, DESK TOP ORGANIZERS, CALENDARS, AND PLASTIC AND PAPER PLACEMATS

U.S. Registration No.	3861194	Application Date	03/08/2007
Registration Date	10/12/2010	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			

Description of Mark	The mark is a drawing of two sails.
Goods/Services	Class 009. First use: First Use: 2009/01/30 First Use In Commerce: 2009/01/30 Swim masks; Swimming goggles; Flotationvests; Life jackets

U.S. Registration No.	3861195	Application Date	03/08/2007
Registration Date	10/12/2010	Foreign Priority Date	NONE

Word Mark	NONE
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Design Mark	
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Description of Mark	The mark is a drawing of two sails.
Goods/Services	Class 025. First use: First Use: 2009/01/30 First Use In Commerce: 2009/01/30 Wet suit gloves; Wet suits; Wet suits for water-skiing and sub-aqua

U.S. Application No.	86469645	Application Date	12/03/2014
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	NONE
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Design Mark	
Description of Mark	The mark consists of The mark consists of two sails.
Goods/Services	Class 002. First use: First Use: 0 First Use In Commerce: 0 Enamel paints; Interior paint; Paints; Paints, lacquers, varnishes; Wood stains

U.S. Application No.	86537175	Application Date	
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services			

U.S. Application No.	86537075	Application Date	
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services			

Attachments	74456597#TMSN.png(bytes) 76107781#TMSN.png(bytes) 76108245#TMSN.png(bytes) 76109220#TMSN.png(bytes) 76109221#TMSN.png(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	/Neil B. Friedman/
Name	Neil B. Friedman
Date	02/17/2015

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

Nautica Apparel, Inc.,

Opp. No. _____

Opposer,
v.

Mark: 
Serial No. 79153781

Maglificio Liliana di;
Lorenzoni Andrea & C. s.n.c.,

Filed: April 17, 2014

Applicant.

**NOTICE OF OPPOSITION
PURSUANT TO 15 U.S.C. § 1063**

Opposer, Nautica Apparel, Inc., by its attorneys Baker and Rannells, PA, alleges on knowledge as to its own acts and otherwise on information and belief and as grounds for opposition as follows:

1. Opposer believes that allowing Application Serial No. 79153781 to proceed to registration will cause Opposer damage.
2. Opposer, Nautica Apparel, Inc., is a corporation organized and existing under the laws of the State of Delaware, doing business at 40 West 57th Street, New York, NY 10019.
3. Applicant, Maglificio Liliana di; Lorenzoni Andrea & C. s.n.c., (“Applicant”) is an Italian General partnership, doing business at Via Madonnina, 18/24 I-25018 Montichiari (BS) Italy.

4. On April 17, 2014, Applicant filed an Application, namely Serial No.



79153781 for the mark (“Applicant’s Mark”), as a trademark for “cardigans; jerseys as clothing; sweaters; shirts; vests; trousers; skirts; suits; dresses; jackets as clothing; track suits; blouses; blousons; jeans; sweat pants; knickers; shorts; T-shirts; sweat shirts; overcoats; coats; fur coats; anoraks; gloves as clothing; socks; stockings; tights; leg warmers; dance shoes; dance costumes; belts for clothing; braces for clothing; infant wear; underwear; rainwear; foundation garments; swimwear; skiwear; sleepwear; beachwear; neckwear; loungewear; footwear; headwear” in International Class 25 (hereinafter referred to as “Applicant’s Goods”), which was published for opposition in the Official Gazette on December 23, 2014 and the time to oppose having been extended.

5. Opposer is the owner of numerous trademarks for the Nautica Sailing Symbol (“Opposer's Marks”) as a trademark and service mark for a wide variety of lifestyle products including, but not limited to, clothing including, but not limited to, hats and shirts, fragrance products, bags, jewelry, watches, eyewear, home goods, bedding, tableware, furniture, beach and water sport items, games and playthings. Examples of Opposer’s Marks are as follows:

Mark	Serial No./ Registration No.	Date of Registration	International Class
	86537075	Filed: February 17, 2015	3
	86537175	Filed: February 17, 2015	6
	86469645	Filed: December 3, 2014	2

	3861195	October 12, 2010	25
	3861194	October 12, 2010	9
	2872026	August 10, 2004	16
	2769609	September 30, 2003	24
	2730498	June 24, 2003	20
	2730499	June 24, 2003	24
	2769608	September 30, 2003	27
	2769603	September 30, 2003	14
	2767263	September 23, 2003	9
	2769601	September 30, 2003	18
	2769600	September 30, 2003	25

 <p>J-CLASS 1980 1937</p>	1871390	January 3, 1995	25
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Hereinafter the goods and services recited above and within Opposer's Marks (its applications and registrations) are referred to collectively as "Opposer's Goods and Services".

6. Opposer's Goods and Services have been widely advertised, offered for sale and sold throughout the United States under Opposer's Marks and Opposer's Marks are famous.

7. Opposer is now and has been for many years trading as and known by Opposer's Marks, identifying Opposer as the source of high quality clothing, bags, fragrance products, watches and other goods and services.

8. Applicant's Goods are identical or substantially similar to Opposer's Goods and Services.

9. Opposer is now and has been, for many years prior to any date which may be claimed by Applicant, engaged in the use of Opposer's Marks for Opposer's Goods and Services.

10. Opposer is now and has been, for many years prior to any date which may be claimed by Applicant, engaged in the sale of high quality clothing, bags, fragrance products, watches and other goods and services under Opposer's Marks.

11. Since long prior to any date which may be claimed by Applicant, Opposer on its own behalf has been, and is now engaged in the sale of high quality apparel, bags,

fragrance products, watches and other goods and services under Opposer's Marks in interstate commerce.

12. The use by Opposer of Opposer's Marks for Opposer's Goods and Services alleged herein, is long prior to any date which may be lawfully claimed by Applicant, and Opposer has priority.

13. Applicant intends to distribute and/or to provide Applicant's Goods through the same channels of trade as Opposer and as a result, Applicant is now, or will be, directing its respective goods and services to the same ultimate consumer as Opposer.

14. Opposer's Marks and Applicant's Mark are confusingly similar when applied to the goods of the parties.

15. The goods and services of Applicant and Opposer are identical or substantially similar to Opposer's and Applicant's intended use of Applicant's Mark in connection with such goods and services is without the consent or permission of Opposer.

16. Since Opposer owns Opposer's Marks by virtue of prior use, confusion, mistake or deception as to the source of origin of the goods will arise and will injure and damage the Opposer and its goodwill.

17. As a result of Opposer's long use, extensive advertising and promotion, and successful sales, Opposer's Marks have become distinctive and famous, long prior to any date which may be claimed by Applicant.

18. The registration of Applicant's Mark to Applicant will cause the relevant purchasing public to erroneously assume and thus be confused, misled, or deceived, that Applicant's Goods are made by, licensed by, controlled by, sponsored by, or in some way connected, related or associated with Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), all to Opposer's irreparable damage.

19. The association which would arise from the similarity between Applicant's Mark and Opposer's famous Marks will harm the reputation of Opposer and Opposer's famous Marks thereby resulting in dilution by tarnishment in violation of Section 43(c) of the Lanham Act, 15 U.S.C. §1125(c). There is an overwhelming likelihood that this association will impugn Opposer's Goods and Services and injure its business reputation.

20. The association which would arise from the similarity between Applicant's Mark and Opposer's famous Marks will impair the distinctiveness of Opposer's famous Marks and thereby result in dilution by blurring in violation of Section 43(c) of the Lanham Act, 15 U.S.C. §1125(c). There is an overwhelming likelihood that this association will impugn Opposer's Goods and Services and injure its business reputation.

21. Applicant's Mark falsely suggests a connection with Opposer, and/or will bring Opposer into contempt or disrepute, in violation of §2(a) of the Lanham Act, 15 U.S.C. §1052(a), all to Opposer's irreparable damage.

22. Applicant's use of Applicant's Mark points uniquely and unmistakably to Opposer.

23. Consumers that encounter Applicant's Mark will recognize Applicant's Mark as pointing uniquely and unmistakably to Opposer.

24. Issuance of registration for Applicant's Mark to Applicant would create a false and misleading connection to Opposer all to the irreparable damage of consumers and Opposer.

25. Issuance of registration for Applicant's Mark to Applicant would create a cloud on Opposer's rights to use Opposer's Marks for Opposer's Goods and Services.

WHEREFORE, Opposer prays that the application for registration of Applicant's Mark, Serial No. 79153781 be denied and that this Opposition be sustained.

Dated: February 17, 2015

Respectfully submitted for
Opposer Nautica Apparel, Inc.

By: / Neil B. Friedman /
Neil B. Friedman
BAKER and RANNELLS, PA
575 Route 28, Suite 102
Raritan, New Jersey 08869
(908) 722-5640

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Opposer's Notice of Opposition was forwarded by first class postage prepaid mail by depositing the same with the U.S. Postal Service on this 17th day of February, 2015 to Applicant at the following address:

Maglificio Liliana di; Lorenzoni Andrea & C. s.n.c.
Via Madonnina,
18/24 I-25018 Montichiari (BS)
ITALY

/Neil B. Friedman/
Neil B. Friedman