

ESTTA Tracking number: **ESTTA668140**

Filing date: **04/22/2015**

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	CHICO'S BRANDS INVESTMENTS, INC.		
Entity	Corporation	Citizenship	FL
Address	11215 METRO PARKWAY FORT MYERS, FL 33966 UNITED STATES		

Attorney information	JENNIFER MORRIS CHICO'S FAS, INC. 11215 METRO PARKWAY FORT MYER, FL 33928 UNITED STATES jennifer.morris@chicos.com Phone:239-346-2167		
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Applicant Information

Application No	86261029	Publication date	04/21/2015
Opposition Filing Date	04/22/2015	Opposition Period Ends	05/21/2015
Applicant	Navarro, Ricardo 1705 Cal. Edison Appt# F-135 Laughlin, NV 89029 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: Clothing, namely, t-shirts, shirts, tops, sweaters, sweatshirts, hooded sweatshirts; coats, jerseys, jackets; bottoms, pants, trousers, jeans, shorts, sweatpants, pajamas; dresses; skirts; blouses; underwear; swimwear; headwear; footwear; belts, ties, gloves, socks
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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. Registration No.	4629220	Application Date	12/07/2012
Registration Date	10/28/2014	Foreign Priority Date	NONE
Word Mark	STUNNING SUPPORT		

Design Mark	STUNNING SUPPORT
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2014/04/18 First Use In Commerce: 2014/04/18 Bras; lingerie; panties; undergarments

Attachments	85797775#TMSN.png(bytes) Opposition4.22.15.pdf(13334 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	/jlm/
Name	JENNIFER MORRIS
Date	04/22/2015

Chico's Brands Investments, Inc.
11215 Metro Parkway
Fort Myers, FL 339266

Attorney for Opposer
Jennifer L. Morris

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

CHICO'S BRANDS INVESTMENTS, INC. Opposer, vs. RICARDO NAVARRO Applicant	Opposition No. _____ NOTICE OF OPPOSITION Application Serial No. 86261029 Mark: STUNNIN International Class 25
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Opposer, Chico's Brands Investments, Inc., located and doing business at 11215 Metro Parkway, Fort Myers, FL, believes that it will be damaged by the registration of the mark shown in Serial No. 86261029 and hereby opposes the same.

As grounds for this Opposition, it is alleged that:

OPPOSER'S MARK

1. Opposer is the owner of the mark "STUNNING SUPPORT" and variations thereof, as shown in Federal Trademark Registration No. 4629220.
2. The above referenced registration, is owned by Opposer, constitute prima facie evidence of Opposer's ownership of the mark "STUNNING SUPPORT."
3. Opposer heavily relies on the STUNNING SUPPORT mark in its business, including without limitation, on its products, and in its advertising, and has built up a significant amount of

goodwill in its STUNNING SUPPORT mark.

4. Opposer has used the STUNNING SUPPORT mark shown in Registration No. 4629220 since at least as early as April 18, 2014, and which application was filed on December 7, 2012 with an intent to use basis, in connection with the goods identified in that registration, namely, “bras; lingerie; panties; undergarments,” as well as related goods and services.

APPLICANT’S APPLICATION

5. On information and belief, April 24, 2014 Applicant Ricardo Navarro filed an application with the United States Patent and Trademark Office for STUNNIN, assigned Serial No. 86261029 (the “Applicant’s Proposed Mark”), in Class 25, for the following goods: “Clothing, namely, t-shirts, shirts, tops, sweaters, sweatshirts, hooded sweatshirts; coats, jerseys, jackets; bottoms, pants, trousers, jeans, shorts, sweatpants, pajamas; dresses; skirts; blouses; underwear; swimwear; headwear; footwear; belts, ties, gloves, socks,” (emphasis added) which goods overlap or are similar and closely related to Opposer’s goods.

6. Applicant’s Proposed Mark is similar in sight, sound and connotation to Opposer’s mark.

7. Applicant’s intent to use application indicates a filing date for Applicant’s Proposed Mark of April 24, 2014, which are subsequent to Opposer’s filing date of December 7, 2012 and subsequent to Opposer’s first use of April 18, 2014. Thus, Opposer is the senior user.

LIKELIHOOD OF CONFUSION

8. Opposer alleges that there is a likelihood of confusion between Opposer’s STUNNING SUPPORT mark and Applicant’s Proposed Mark, given the similar use and primary focus on the word “STUNNING.” Consumers are likely to be confused or misled into believing that Applicant’s “STUNNIN” are goods being offered by Opposer.

9. The likelihood of confusion between Opposer’s STUNNING SUPPORT mark and Applicant’s Proposed Mark is furthered by the similarity of the parties’ goods.

10. Applicant's application for Applicant's Proposed Mark was filed in Class 25 for goods which overlap and are closely related to the goods offered by Opposer under its STUNNING SUPPORT mark. Both parties' goods are related clothing and intimate apparel..

11. Upon information and belief, there is also a similarity between the parties' respective channels of trade, which are retail stores offering clothing and apparel.

12. This likelihood of confusion harms the extensive goodwill and consumer recognition that Opposer has in the STUNNING SUPPORT mark.

13. In view of the similarity of Applicant's Proposed Mark and Opposer's STUNNING SUPPORT mark, Applicant's Proposed Mark so resembles Opposer's mark as to be likely to cause confusion, mistake and/or deception.

WHEREFORE, Opposer prays that application Serial No. 86261029 be refused, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

RESPECTFULLY SUBMITTED this 22nd day of April, 2015.

CHICO'S BRANDS INVESTMENTS, INC.

By /JLM/
JENNIFER L. MORRIS
Attorney for Opposer
CHICO'S FAS INC.
11215 METRO PARKWAY
FORT MYERS, FL
239-346-2167

CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the forgoing NOTICE OF OPPOSITION to be deposited with the United States Postal Service with sufficient postage as first-class mail on April 22, 2015, in an envelope addressed to:

RAJ ABHYANKER, P.C.
1580 W EL CAMINO REAL STE 8
MOUNTAIN VIEW, CALIFORNIA 94040-2462
UNITED STATES

Dated: April 22, 2015

/s/ Jennifer L. Morris

Jennifer L. Morris