

ESTTA Tracking number: **ESTTA699347**

Filing date: **09/30/2015**

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	Imagewear Apparel Corp.
Granted to Date of previous extension	09/30/2015
Address	3411 Silverside Road Wilmington, DE 19810 UNITED STATES

Attorney information	Paul J. Kennedy PEPPER HAMILTON LLP 3000 Two Logan Square Eighteenth and Arch Streets Philadelphia, PA 19103-2799 UNITED STATES kennedyp@pepperlaw.com, thomsos@pepperlaw.com, catalant@pepperlaw.com Phone:215-981-4194
----------------------	--

Applicant Information

Application No	86500901	Publication date	06/02/2015
Opposition Filing Date	09/30/2015	Opposition Period Ends	09/30/2015
Applicant	RDG GLOBAL, LLC Suite 302 New York, NY 10018 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 2015/01/01 First Use In Commerce: 2015/01/01 All goods and services in the class are opposed, namely: Gloves; Hats; Knit bottoms; Knit dresses; Knit jackets; Knit shirts; Knit skirts; Knit tops; Knitted gloves; Knitted underwear; Pants; Scarves; Sweaters; Tops; Woven bottoms; Woven dresses; Woven or knitted underwear; Woven skirts; Woven tops

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1516495	Application Date	05/12/1988
Registration Date	12/13/1988	Foreign Priority Date	NONE

Word Mark	MAJESTIC
Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1976/09/15 First Use In Commerce: 1976/09/15 ATHLETIC UNIFORMS, NAMELY BASEBALL/SOFTBALL, BASKETBALL, FOOTBALL, HOCKEY AND LACROSSE UNIFORMS; JERSEYS, TANK TOPS, GYM SUITS, JACKETS, WARM-UP SUITS, SHIRTS, SWEAT SHIRTS, CAPS, HATS, VESTS, [SKIRTS,] UNDERWEAR, JUMPSUITS, AND RAINWEAR

U.S. Registration No.	3154096	Application Date	11/28/2005
Registration Date	10/10/2006	Foreign Priority Date	NONE

Word Mark	MAJESTIC THREADS
Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2005/07/26 First Use In Commerce: 2005/07/26 Shirts, t-shirts, sweatshirts, tank tops, [jerseys, athletic uniforms,] athletic apparel, namely, jackets, [coats, sweatpants,] t-shirts, [shorts, turtlenecks, hats, caps, and team uniforms,] and jackets

U.S. Registration No.	3158191	Application Date	11/16/2005
Registration Date	10/17/2006	Foreign Priority Date	NONE

Word Mark	MAJESTIC THREADS
Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2005/07/26 First Use In Commerce: 2005/07/26 Shirts, t-shirts, sweatshirts, tank tops, [jerseys, athletic uniforms,] athletic apparel, namely, jackets, [coats, sweatpants,] t-shirts, [shorts, turtlenecks, hats,

	caps, and team uniforms,] and jackets		
U.S. Registration No.	3826508	Application Date	03/07/2006
Registration Date	07/27/2010	Foreign Priority Date	NONE
Word Mark	MAJESTIC SELECT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2008/05/31 First Use In Commerce: 2008/05/31 Shirts, T-shirts, sweatshirts, fleece jackets		

U.S. Registration No.	3829702	Application Date	04/20/2006
Registration Date	08/03/2010	Foreign Priority Date	NONE
Word Mark	MAJESTIC SELECT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2008/05/31 First Use In Commerce: 2008/05/31 Shirts, T-shirts, sweatshirts, fleece jackets		

U.S. Registration No.	4354261	Application Date	11/04/2009
Registration Date	06/18/2013	Foreign Priority Date	NONE
Word Mark	IF IT HAPPENS IN BASEBALL IT HAPPENS INMAJESTIC		

Design Mark	<p style="text-align: center;">IF IT HAPPENS IN BASEBALL IT HAPPENS IN MAJESTIC</p>
Description of Mark	NONE
Goods/Services	<p>Class 025. First use: First Use: 2010/03/00 First Use In Commerce: 2010/03/00 Athletic uniforms; Hooded sweat shirts;Jackets; Jerseys; Pants; Pullovers; Shirts; Shorts; Sweat jackets; Sweat pants;Sweat shirts; T-shirts; Vests Class 035. First use: First Use: 2008/04/00 First Use In Commerce: 2008/04/00 Retail store and on-line retail store services featuring apparel</p>

U.S. Registration No.	4584669	Application Date	07/26/2010
Registration Date	08/12/2014	Foreign Priority Date	NONE

Word Mark	MAJESTIC
-----------	----------

Design Mark	
-------------	---

Description of Mark	The mark consists of a design consisting of a triangle and two diagonal bars over the word "MAJESTIC" in stylized font.
Goods/Services	Class 025. First use: First Use: 2010/12/15 First Use In Commerce: 2010/12/15 Athletic uniforms; Jackets; Pants; Shirts; Shorts; Sweat shirts

U.S. Registration No.	4724074	Application Date	10/20/2011
Registration Date	04/21/2015	Foreign Priority Date	NONE

Word Mark	MAJESTIC BANGOR PENNSYLVANIA
Design Mark	
Description of Mark	The mark consists of a design consisting of a triangle and two diagonal bars over the words "MAJESTIC BANGOR PENNSYLVANIA" in stylized font.
Goods/Services	Class 025. First use: First Use: 2012/09/28 First Use In Commerce: 2012/09/28 Athletic uniforms; Jackets; Jerseys; Pants; Shirts; Shorts; Sweat shirts

U.S. Application No.	85557203	Application Date	03/01/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	TEAM MAJESTIC		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2014/00/00 First Use In Commerce: 2014/00/00 Athletic uniforms; Jackets; Jerseys; Pants; Shirts; Shorts; Sweat shirts		

U.S. Application No.	85838291	Application Date	02/01/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MAJESTIC FAN FASHION		

Design Mark	 <p>The logo features a stylized mountain peak above the word "Majestic" in a bold, sans-serif font. Below "Majestic" is a curved line, and underneath that is the phrase "fan fashion" in a cursive script.</p>
Description of Mark	The mark consists of the word "MAJESTIC" on top of the words "FAN FASHION" with a stylized mountain above "MAJESTIC" and a curved line between "MAJESTIC" and "FAN FASHION".
Goods/Services	Class 025. First use: First Use: 0 First Use In Commerce: 0 Athletic uniforms; Baseball caps; Coats; Hats; Jackets; Jerseys; Pants; Shirts; Shorts; Sweatpants; Sweatshirts; Turtlenecks

U.S. Application No.	85745840	Application Date	10/04/2012
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	MAJESTIC
-----------	----------

Design Mark	 <p>The design shows a large, bold, stylized mountain peak above the word "Majestic" in a bold, sans-serif font.</p>
-------------	--

Description of Mark	The mark consists of Stylized mountain design with the word "MAJESTIC" underneath.
Goods/Services	Class 025. First use: First Use: 0 First Use In Commerce: 0

	Athletic uniforms; Baseball caps; Jackets; Jerseys; Pants; Shirts; Shorts; Sweat pants; Sweat shirts
--	--

U.S. Application No.	86238655	Application Date	04/01/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ALWAYS BASEBALL. ALWAYS MAJESTIC.		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 0 First Use In Commerce: 0 Athletic uniforms; Baseball caps; Jackets; Jerseys; Pants; Shirts; Shorts; Sweat shirts		

U.S. Application No.	86233849	Application Date	03/27/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MAJESTIC		
Design Mark			
Description of Mark	The mark consists of a stylized mountain design with the word "MAJESTIC" underneath, all on a stylized depiction of a baseball field, consisting of two tri-		

	angles with arced lines and a pentagon representing a baseball home plate.
Goods/Services	Class 025. First use: First Use: 0 First Use In Commerce: 0 Athletic uniforms; Baseball caps; Jackets; Jerseys; Pants; Shirts; Shorts; Sweat shirts

Attachments	78761528#TMSN.png(bytes) 78755312#TMSN.png(bytes) 78831013#TMSN.png(bytes) 78865983#TMSN.png(bytes) 77864919#TMSN.png(bytes) 85092960#TMSN.png(bytes) 85452175#TMSN.png(bytes) 85557203#TMSN.png(bytes) 85838291#TMSN.png(bytes) 85745840#TMSN.png(bytes) 86238655#TMSN.png(bytes) 86233849#TMSN.png(bytes) 09-30-2015 Notice of Opposition (WILD MAJESTY).pdf(324070 bytes)
-------------	---

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	/Paul J. Kennedy/
Name	Paul J. Kennedy
Date	09/30/2015

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

IMAGEWEAR APPAREL CORP.

Opposer

v.

RDG GLOBAL, LLC

Applicant

:
:
: **Opposition No.**
:
: **Mark: WILD MAJESTY**
:
: **Application Serial No.: 86/500901**
:
: **Published in *Official Gazette*: June 2, 2015**
:
: **Filed: January 12, 2015**
:
:
:

NOTICE OF OPPOSITION

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir or Madam:

Imagewear Apparel Corp., a Delaware corporation, with offices at 3411 Silverside Road, Wilmington, Delaware 19810 (“Opposer”), believes it will be damaged by the issuance of a trademark registration to RDG Global, LLC, a New York limited liability company, with a mailing address stated as Suite 302, 530 7th Avenue, New York, New York 10018 (“Applicant”), for the mark WILD MAJESTY (Serial No. 86/500901) in International Class 25, and hereby opposes the application.

As grounds for the opposition, Opposer alleges that:

1. Applicant is seeking to obtain, under the provisions of the Trademark Act of 1946, as amended, registration on the Principal Register of the mark WILD MAJESTY for “gloves; hats; knit bottoms; knit dresses; knit jackets; knit shirts; knit skirts; knit tops; knitted gloves; knitted underwear; pants; scarves; sweaters; tops; woven bottoms; woven dresses; woven or knitted underwear; woven skirts; woven tops” in International Class 25 (“Applicant’s Mark”).

2. Applicant is not now, and never was, entitled to registration on the Principal Register of Applicant’s Mark either on January 12, 2015, the date of Applicant's filing of the application, or on June 2, 2015, the date of publication in the *Official Gazette*.

3. Opposer is the owner of several federal trademark registrations and pending applications, as follows:

a. MAJESTIC[®] (Registration No. 1516495) (1988), for “athletic uniforms, namely baseball/softball, basketball, football, hockey and lacrosse uniforms; jerseys, tank tops, gym suits, jackets, warm-up suits, shirts, sweat shirts, caps, hats, vests, underwear, jumpsuits and rainwear” in International Class 25;

b. MAJESTIC THREADS and Design[®] (Registration No. 3154096) (2006), for “shirts, t-shirts, sweatshirts, tank tops, athletic apparel, namely jackets, t-shirts and jackets” in International Class 25;

c. MAJESTIC THREADS[®] (Registration No. 3158191) (2006), for “shirts, t-shirts, sweatshirts, tank tops, athletic apparel, namely jackets, t-shirts and jackets” in International Class 25;

d. MAJESTIC SELECT[®] (Registration No. 3826508) (2010), for “shirts, t-shirts, sweatshirts, fleece jackets” in International Class 25;

e. MAJESTIC SELECT and Design[®] (Registration No. 3829702) (2010), for “shirts, t-shirts, sweatshirts, fleece jackets” in International Class 25;

f. IF IT HAPPENS IN BASEBALL IT HAPPENS IN MAJESTIC[®] (Registration No. 4354261) (2013), for “athletic uniforms; hooded sweat shirts; jackets; jerseys; pants; pullovers; shirts; shorts; sweat jackets; sweat pants; sweat shirts; t-shirts; vests” in International Class 25;

g. MAJESTIC and Design[®] (Registration No. 4584669) (2014), for “athletic uniforms; jackets; pants; shirts; shorts; sweat shirts” in International Class 25;

h. MAJESTIC BANGOR PENNSYLVANIA and Design[®] (Registration No. 4724074) (2015), for “athletic uniforms; jackets; jerseys; pants; shirts; shorts; sweat shirts” in International Class 25;

i. TEAM MAJESTIC[™] (Serial No. 85/557203) (allowed), for “athletic uniforms; jackets; jerseys; pants; shirts; shorts; sweat shirts” in International Class 25;

j. MAJESTIC FAN FASHION and Design[™] (Serial No. 85/838291) (allowed), for “athletic uniforms; baseball caps; coats; hats; jackets; jerseys; pants; shirts; shorts; sweatpants; sweatshirts; turtlenecks” in International Class 25;

k. MAJESTIC and Design[™] (Serial No. 85/745840) (allowed), for “athletic uniforms; baseball caps; jackets; jerseys; pants; shirts; shorts; sweat pants; sweat shirts” in International Class 25;

1. ALWAYS BASEBALL. ALWAYS MAJESTIC.™ (Serial No. 86/238655) (allowed), for “athletic uniforms; baseball caps; jackets; jerseys; pants; shirts; shorts; sweat shirts” in International Class 25; and

m. MAJESTIC and Design™ (Serial No. 86/233849) (allowed), for “athletic uniforms; baseball caps; jackets; jerseys; pants; shirts; shorts; sweat shirts” in International Class 25, (collectively, “Opposer’s Marks”).

4. Opposer has, since long prior to the filing date of Applicant’s application, sold in commerce its goods under Opposer’s Marks. Through usage by Opposer, the Opposer’s Marks have become well-known to consumers and potential customers as trademarks of Opposer and as an origin and source indicator of the goods sold and provided by Opposer.

5. Because Applicant’s Mark contains a confusingly similar mark to the registered and pending marks of Opposer that contain the mark “MAJESTIC”, and the fact that Applicant’s proposed mark will ultimately be used on the same or similar products as those of the Opposer, and within the same classification, Applicant’s Mark is likely to cause confusion, mistake, or deception amongst the general and consuming public as to whether Applicant’s goods are being offered by, or in affiliation with, Opposer, hence causing damage to Opposer.

Accordingly, Opposer requests that registration of the mark WILD MAJESTY
(Serial No. 86/500901) be denied to Applicant and this opposition be sustained.

Respectfully submitted,



DATE: September 30, 2015

Paul J. Kennedy
Sean P. McConnell
Samuel J. Thompson
PEPPER HAMILTON LLP
3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, PA 19103-2799
(215) 981-4000

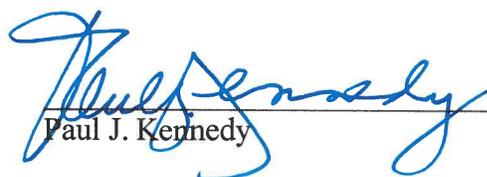
*Attorneys for Opposer,
Imagewear Apparel Corp.*

CERTIFICATE OF SERVICE

I, Paul J. Kennedy, hereby certify that on September 30, 2015, a true and correct copy of the foregoing Notice of Opposition was served via electronic mail (jsmorrison@optonline.net) and by U.S. First Class Mail, postage prepaid, upon the following:

Jeffrey Morrison, Esquire
2306 Warrens Way
Wanaque, NJ 07465-1683
Email: jsmorrison@optonline.net

Attorney for Applicant


Paul J. Kennedy