

ESTTA Tracking number: **ESTTA711951**

Filing date: **12/02/2015**

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	12/02/2015
Address	40 West 57th Street New York, NY 10019 UNITED STATES

Attorney information	STEPHEN L BAKER Baker and Rannells PA 575 Route 28 Raritan, NJ 08869 UNITED STATES officeactions@br-tmlaw.com,s.baker@br-tmlaw.com,K.Hnasko@br-tmlaw.com
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Applicant Information

Application No	86371760	Publication date	08/04/2015
Opposition Filing Date	12/02/2015	Opposition Period Ends	12/02/2015
Applicant	Ricardo Cuauhtemoc Mendoza Pina Aeropuerto 2448, Residential Campestre Guanajuato, 37675 MEXICO		

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, shirts, pants, skirts, scarves, jackets, jumpers, pajamas, foulards, gloves, hoods, overalls, jerseys, mantles, mufflers, ties, tops, suits, dresses, blouses, denims (pants), leggings, jeggings, namely, pants that are partially jeans and partially leggings, sport pants, sweat pants, tee shirts, sweatshirts, A-shirts, baby shirts, trousers, blazers, button downs shorts, long-sleeved shirts, polo shirts, evening dresses, gowns, tuxedos, dinner jackets, socks, belts, bottoms, clothing for athletic use, namely, padded shorts, pants and shirts, footwear; headwear

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)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)

Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	86469642	Application Date	12/02/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
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. Registration No.	4765356	Application Date	01/31/2014
Registration Date	06/30/2015	Foreign Priority Date	NONE
Word Mark	NAUTICA LIFE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2014/07/01 First Use In Commerce: 2014/07/01 Body cream; Body lotion; Cologne; Fragrances		

U.S. Registration No.	3076796	Application Date	04/21/2005
Registration Date	04/04/2006	Foreign Priority Date	NONE
Word Mark	NAUTICA COMPETITION		

Design Mark	NAUTICA COMPETITION		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1996/04/00 First Use In Commerce: 1996/04/00 men's, women's and children's wearing apparel, namely, shoes, sneakers, boots, undershirts, shirts, pants, jackets, coats, bathing suits, bathrobes, pajamas, slippers, shorts, ties, socks, hats, caps, gloves and foul weather gear		

U.S. Registration No.	3076794	Application Date	04/21/2005
Registration Date	04/04/2006	Foreign Priority Date	NONE
Word Mark	NAUTICA COMPETITION		
Design Mark	NAUTICA COMPETITION		
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 1996/10/00 First Use In Commerce: 1996/10/00 luggage, carry-on bags garment bags for travel, duffle bags, shoulder bags, tote bags, clutch bags, wallets and key cases		

U.S. Registration No.	3076597	Application Date	04/12/2005
Registration Date	04/04/2006	Foreign Priority Date	NONE
Word Mark	NAUTICA COMPETITION		

Design Mark	NAUTICA COMPETITION		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1997/05/00 First Use In Commerce: 1997/05/00 cosmetics and toiletries for men and women, namely, colognes, skin cleansers, skin toners, cosmetic skin creams and lotions, shaving cream, after-shave lotion, after-shave cream, toilet soap, talcum powder, bath oil, personal deodorants, shampoo and conditioner		

U.S. Registration No.	3447065	Application Date	08/30/2006
Registration Date	06/10/2008	Foreign Priority Date	NONE

Word Mark	NAUTICA BERMUDA BLUE		
Design Mark	NAUTICA BERMUDA BLUE		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2008/02/15 First Use In Commerce: 2008/02/15 Body spray used as a personal deodorant and as fragrance; Perfumery		

U.S. Registration No.	3888149	Application Date	06/20/2006
Registration Date	12/07/2010	Foreign Priority Date	NONE
Word Mark	NAUTICA ISLAND		

Design Mark	<h1>NAUTICA ISLAND</h1>		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2008/06/00 First Use In Commerce: 2008/06/00 Blazers; Caps; Coats; Hats; Jackets; Pants; Shirts; Shorts; Sweaters; Swimsuits; T-shirts		

U.S. Registration No.	3233030	Application Date	05/17/2006
Registration Date	04/24/2007	Foreign Priority Date	NONE

Word Mark	NAUTICA		
Design Mark	<h1>NAUTICA</h1>		
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 1989/07/01 First Use In Commerce: 1989/07/01 Watches		

U.S. Registration No.	3165354	Application Date	04/26/2006
Registration Date	10/31/2006	Foreign Priority Date	NONE
Word Mark	NAUTICAKIDS		

Design Mark	<h1>NAUTICAKIDS</h1>		
Description of Mark	NONE		
Goods/Services	Class 027. First use: First Use: 2005/08/00 First Use In Commerce: 2005/08/00 Wallpaper; Wallpaper in the nature of roomsize decorative adhesive wall coverings		

U.S. Registration No.	3165352	Application Date	04/25/2006
Registration Date	10/31/2006	Foreign Priority Date	NONE

Word Mark	NAUTICAKIDS		
Design Mark	<h1>NAUTICAKIDS</h1>		
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2005/08/00 First Use In Commerce: 2005/08/00 Crib mobiles; Mobiles for children; Toymobiles		

U.S. Registration No.	3165351	Application Date	04/25/2006
Registration Date	10/31/2006	Foreign Priority Date	NONE
Word Mark	NAUTICAKIDS		

Design Mark	NAUTICAKIDS
Description of Mark	NONE
Goods/Services	Class 024. First use: First Use: 2005/08/00 First Use In Commerce: 2005/08/00 Bed linen; Bed pads; Bed sheets; Bed skirts; Bed spreads; Children's blankets; Children's towels; Crib bumpers; Curtains; Fabric window coverings and treatments, namely curtains, draperies, sheers, swags and valances; Pillowcases; Quilts

U.S. Registration No.	3232846	Application Date	02/28/2006
Registration Date	04/24/2007	Foreign Priority Date	NONE

Word Mark	NAUTICA
Design Mark	NAUTICA
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 1987/04/22 First Use In Commerce: 1987/04/22 Retail store services in the field of wearing apparel, fashion accessories, home fashions, eyewear, luggage and personal care products

U.S. Registration No.	3168753	Application Date	02/07/2006
Registration Date	11/07/2006	Foreign Priority Date	NONE
Word Mark	NAUTICAKIDS		

Design Mark	<h1>NAUTICAKIDS</h1>		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2004/05/00 First Use In Commerce: 2004/05/00 Coats; Dresses; Footwear; Gloves; Headwear; Jackets; Jeans; Pajamas; Pants; Raincoats; Robes; Scarves; Shirts; Shorts; Skirts; Sweaters; Swimsuits; T-shirts; Trousers; Underwear; Vests		

U.S. Registration No.	3114379	Application Date	12/01/2005
Registration Date	07/11/2006	Foreign Priority Date	NONE

Word Mark	NAUTICA
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Design Mark	<h1>NAUTICA</h1>		
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Description of Mark	NONE		
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Goods/Services	Class 036. First use: First Use: 1991/01/01 First Use In Commerce: 1991/01/01 Financial sponsorship of sporting events, tournaments, competitions and contests Class 041. First use: First Use: 1991/01/01 First Use In Commerce: 1991/01/01 Organizing and operating sporting events, tournaments, competitions and contests		
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U.S. Registration No.	3170094	Application Date	07/12/2005
Registration Date	11/07/2006	Foreign Priority Date	NONE

Word Mark	NAUTICA VOYAGE
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Design Mark	<h1>NAUTICA VOYAGE</h1>		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2006/04/00 First Use In Commerce: 2006/04/00 PERFUMERY, AFTER SHAVE LOTIONS		

U.S. Registration No.	3170055	Application Date	06/09/2005
Registration Date	11/07/2006	Foreign Priority Date	NONE
Word Mark	NAUTICA BLUE		
Design Mark	<h1>NAUTICA BLUE</h1>		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2006/02/00 First Use In Commerce: 2006/02/00 PERFUMERY, AFTER SHAVE LOTIONS		

U.S. Registration No.	2987139	Application Date	03/14/2002
Registration Date	08/23/2005	Foreign Priority Date	NONE
Word Mark	NAUTICA BLUE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2000/10/00 First Use In Commerce: 2000/10/00 MEN'S, WOMEN' AND CHILDREN'S WEARING APPAREL, NAMELY, UNDER-SHIRTS, T-SHIRTS, SHIRTS, BLOUSES, PANTS, SHORTS BATHING SUITS AND SWIMWEAR		

U.S. Registration No.	2993023	Application Date	03/13/2002
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Registration Date	09/06/2005	Foreign Priority Date	NONE
Word Mark	NAUTICA BLUE		
Design Mark			
Description of Mark	The mark is presented in standard characters, without claim to any particular font, style, size or color		
Goods/Services	Class 025. First use: First Use: 2000/09/00 First Use In Commerce: 2000/09/00 Men's, women's and children's wearing apparel, namely, hosiery, shoes, sneaker, boots, moccasins, undershirts, boxer shirts, shirts, blouses, trousers, pants, jackets, coats, suits bathing suits, bathrobes, slippers, shorts, ties, neckwear, scarves, socks, hats and caps, gloves and mufflers, belts and suspenders and foul weather gear		

U.S. Registration No.	2865300	Application Date	08/28/2003
Registration Date	07/20/2004	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 1998/08/00 First Use In Commerce: 1998/08/00 DUVETS, DUVET COVERS, PILLOW CASES AND PILLOW PROTECTORS		

U.S. Registration No.	2865299	Application Date	08/28/2003
Registration Date	07/20/2004	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 020. First use: First Use: 1998/08/00 First Use In Commerce: 1998/08/00 Pillows		

U.S. Registration No.	2865229	Application Date	07/29/2003
Registration Date	07/20/2004	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2003/03/00 First Use In Commerce: 2003/03/00 SPORTING GOODS, NAMELY, SPORT BALLS		

U.S. Registration No.	3114862	Application Date	08/27/2003
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Registration Date	07/11/2006	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 2004/06/01 First Use In Commerce: 2004/06/01 DRAPERY FABRICS; AND TEXTILE FABRICS FOR USE IN THE FIELD OF HOME FURNISHINGS		

U.S. Registration No.	3272760	Application Date	07/17/2003
Registration Date	07/31/2007	Foreign Priority Date	NONE
Word Mark	NAUTICA GOLF		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2006/01/25 First Use In Commerce: 2006/01/25 Men's, namely, shirts, tops, sweaters, jackets, pants, bottoms, hats and caps; [shorts, rainwear, trousers, outer shirts namely, polo, and sports shirts, collars]		

U.S. Registration No.	3841455	Application Date	03/11/2010
Registration Date	08/31/2010	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1987/04/22 First Use In Commerce: 1987/04/22 Retail store and on-line retail store services featuring wearing apparel, fashion accessories, home fashions, eyewear, luggage, watches and personal care products		

U.S. Registration No.	3865865	Application Date	02/02/2010
Registration Date	10/19/2010	Foreign Priority Date	NONE
Word Mark	PURE NAUTICA		

Design Mark	<h1>PURE NAUTICA</h1>		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2010/07/15 First Use In Commerce: 2010/07/15 Fragrances and perfumery		

U.S. Registration No.	3837562	Application Date	01/21/2010
Registration Date	08/24/2010	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark	<h1>NAUTICA</h1>		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1985/05/03 First Use In Commerce: 1985/05/03 Bathing suits; Belts for clothing; Belts made from imitation leather; Blouses; Dress shirts; Dresses; Foul weather gear; Gloves; Hats; Jackets; Jeans; Men's suits; Outer jackets; Over coats; Pajamas;Pants; Rain coats; Robes; Scarves; Shirts; Shorts; Skirts; Socks; Sport coats; Sweaters; Swim trunks; Swimwear; T-shirts; Ties; Underwear; Vests		

U.S. Registration No.	3577781	Application Date	04/09/2008
Registration Date	02/17/2009	Foreign Priority Date	NONE
Word Mark	NAUTICA OCEANS		

Design Mark	<h1>NAUTICA OCEANS</h1>		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2008/12/08 First Use In Commerce: 2008/12/08 Fragrances for personal use		

U.S. Registration No.	3536443	Application Date	03/06/2008
Registration Date	11/25/2008	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark	<h1>NAUTICA</h1>		
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 1997/04/00 First Use In Commerce: 1997/07/00 Comforters; Bed and table linen; Bed blankets; Bed linen; Bed linen and table linen; Bed pads; Bed sheets; Bed skirts; Bed spreads; Curtains; Shower curtains; Bath towels; Beach towels; Hand towels; Towels; Washcloths; Washing mitts; Bath linen		

U.S. Registration No.	3591811	Application Date	01/11/2007
Registration Date	03/17/2009	Foreign Priority Date	NONE
Word Mark	NAUTICA OPTIONS		

Design Mark	<h1>NAUTICA OPTIONS</h1>		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2008/01/25 First Use In Commerce: 2008/01/25 Dress shirts; Jackets; Men's suits; Neckwear; Overcoats; Pants		

U.S. Registration No.	3587740	Application Date	03/01/2007
Registration Date	03/10/2009	Foreign Priority Date	NONE
Word Mark	LIVE N JEANS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2007/04/01 First Use In Commerce: 2007/04/01 Hats; Jeans; T-shirts		

U.S. Registration No.	3857163	Application Date	01/18/2007
Registration Date	10/05/2010	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark	<h1>NAUTICA</h1>		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2009/01/30 First Use In Commerce: 2009/01/30		

	Flotation vests; Life jackets; Life preservers; Swim goggles; Swim masks		
U.S. Registration No.	3850361	Application Date	01/18/2007
Registration Date	09/21/2010	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 028. First use: First Use: 2009/01/30 First Use In Commerce: 2009/01/30 Floating recreational lounge chairs; Floats for recreational use, namely, arm floats, foam floats, swim floats; Inflatable float mattresses or pads for recreational use; Inflatable inner tubes for aquatic recreational use; Inflatable mattresses for recreational use; Inflatable ride-on toys; Kick board flotation devices for recreational use; Paddle boards; Swim boards for recreational use; Swim fins; Swim floats for recreational use; Swimming aids, namely, pool rings, arms floats for recreational use; Trampolines</p> <p>Class 030. First use: First Use: 2009/01/30 First Use In Commerce: 2009/01/30 Floating islands</p>		
U.S. Registration No.	3850360	Application Date	01/18/2007
Registration Date	09/21/2010	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>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</p>		
U.S. Registration No.	2474154	Application Date	03/19/1999

No.			
Registration Date	07/31/2001	Foreign Priority Date	NONE
Word Mark	NAUTICA JEANS		
Design Mark	NAUTICA JEANS		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1999/01/00 First Use In Commerce: 1999/05/00 MEN, WOMEN AND CHILDREN'S WEARING APPAREL, NAMELY, HOSIERY, SHOES, SNEAKERS, BOOTS, MOCCASINS, UNDERSHIRTS, BOXER SHORTS, SHIRTS, BLOUSES, TROUSERS, PANTS, JACKETS, COATS, SUITS, BATHING SUITS, BATHROBES, SLIPPERS, SHORTS, TIES, NECKWEAR, SCARVES, SOCKS, HATS AND CAPS, GLOVES AND MUFFLERS, AND FOUL WEATHER GEAR, BELTSAND SUSPENDERS		

U.S. Registration No.	2523102	Application Date	03/19/1999
Registration Date	12/25/2001	Foreign Priority Date	NONE
Word Mark	NAUTICA JEANS COMPANY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1999/01/00 First Use In Commerce: 1999/05/00 MEN, WOMEN AND CHILDREN'S WEARING APPAREL, NAMELY, HOSIERY, SHOES, [SNEAKERS, BOOTS, MOCCASINS,] UNDERSHIRTS, BOXER SHORTS, SHIRTS, BLOUSES, TROUSERS, PANTS, JACKET, COATS, [SUITS,] BATHING SUITS, BATHROBES, [SLIPPERS,] SHORTS, [TIES, NECKWEAR,] SCARVES, SOCKS, HATS ANDCAPS, GLOVES AND [MUFFLERS,] AND FOULWEATHER GEAR, [BELTS AND SUSPENDERS]		

U.S. Registration No.	1873011	Application Date	11/12/1991
Registration Date	01/10/1995	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark	NAUTICA		
Description of Mark	NONE		
Goods/Services	Class 006. First use: First Use: 1991/01/00 First Use In Commerce: 1991/04/00 key rings, key fobs, key holders and money clips Class 014. First use: First Use: 1991/01/00 First Use In Commerce: 1991/04/00		

	tie clips and collar pins Class 018. First use: First Use: 1991/01/00 First Use In Commerce: 1991/04/00 wallets, hipfold wallets, trifold wallets, key cases, tie cases for travel, shoulder bags, tote bags; clutch bags, carry-on bags Class 026. First use: First Use: 1988/01/00 First Use In Commerce: 1988/09/00 buttons for clothing[; hair accessories; namely, barrettes and hairbands]
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U.S. Registration No.	1882757	Application Date	02/04/1993
Registration Date	03/07/1995	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1993/06/00 First Use In Commerce: 1993/06/00 toiletries for men, namely shaving cream and toilet soap		

U.S. Registration No.	1862585	Application Date	11/23/1993
Registration Date	11/15/1994	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1992/02/00 First Use In Commerce: 1992/02/00 footwear		

U.S. Registration No.	2304411	Application Date	09/18/1995
Registration Date	12/28/1999	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 011. First use: First Use: 1998/10/00 First Use In Commerce: 1999/01/28 lamps		

U.S. Registration No.	2247914	Application Date	09/18/1995
Registration Date	05/25/1999	Foreign Priority Date	NONE
Word Mark	NAUTICA		

Design Mark	NAUTICA		
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 1997/04/00 First Use In Commerce: 1997/06/00 [table liners, table mats not of paper; place mats not of paper;] table napkins not of paper [; pot holders; oven mitts;] table cloths not of paper; kitchen towels; upholstery fabrics; and textile wall hangings		

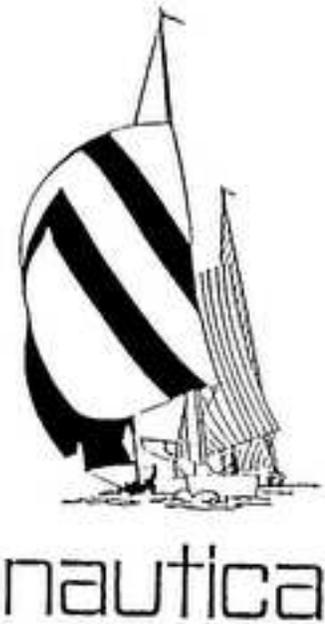
U.S. Registration No.	2242969	Application Date	09/18/1995
Registration Date	05/04/1999	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark	NAUTICA		
Description of Mark	NONE		
Goods/Services	Class 027. First use: First Use: 1998/09/00 First Use In Commerce: 1998/09/00 rugs, wall paper, and vinyl wall covering		

U.S. Registration No.	2306324	Application Date	09/18/1995
Registration Date	01/04/2000	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark	NAUTICA		
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 1998/10/00 First Use In Commerce: 1999/02/01 glass and plastic beverageware; dinnerware; [coasters (not of paper or linen); paper plates; paper cups;] candlesticks not of precious metal		

U.S. Registration No.	2246317	Application Date	09/18/1995
Registration Date	05/18/1999	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 020. First use: First Use: 1997/12/00 First Use In Commerce: 1998/01/00 outdoor furniture; living room furniture; bedroom furniture; furniture, namely wall units; furniture tables; bookcases;and picture frames		

U.S. Registration No.	1597369	Application Date	09/20/1989
Registration Date	05/22/1990	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 1989/07/01 First Use In Commerce: 1989/07/01 HOROLOGICAL AND CHRONOMETRIC INSTRUMENTS; NAMELY, CLOCKS AND WATCHES AND JEWELRY (IMITATION JEWELRY AND JEWELRY OF PRECIOUS METALS AND STONES), CUFF LINKS, ANDTIEPINS		

U.S. Registration	1613918	Application Date	09/21/1988
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No.			
Registration Date	09/18/1990	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1985/05/03 First Use In Commerce: 1985/05/03 MEN, WOMEN AND CHILDREN'S WEARING APPAREL, NAMELY, HOSIERY, SHOES, UNDERSHIRTS, UNDERSHORTS, SHIRTS, BLOUSES, TROUSERS, PANTS, JACKETS, COATS, SUITS, BATHING SUITS, BATH-ROBES, SLIPPERS, AND SHORTS		

U.S. Registration No.	1580007	Application Date	08/09/1988
Registration Date	01/30/1990	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1987/01/05 First Use In Commerce: 1987/01/05 NOTEBOOKS, DESK TOP ORGANIZERS, [CALENDARS, AND PHONEBOOK COVERS] MADE OF LEATHER OR IMITATION LEATHER Class 018. First use: First Use: 1987/01/05 First Use In Commerce: 1987/01/05 UMBRELLAS, LUGGAGE, TRUNKS, DUFFLE BAGS, GARMENT BAGS FOR		

	TRAVELING, TRAVEL KITS AND LEATHER BOXES IN THE NATURE OF JEWELRY BOXES Class 025. First use: First Use: 1987/01/05 First Use In Commerce: 1987/01/05 BELTS AND SUSPENDERS
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U.S. Registration No.	1557528	Application Date	08/09/1988
Registration Date	09/26/1989	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1987/01/05 First Use In Commerce: 1987/01/05 PERFUMES [AND ESSENTIAL OILS FOR PERSONAL USE]		

U.S. Registration No.	1557527	Application Date	08/09/1988
Registration Date	09/26/1989	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1987/01/05 First Use In Commerce: 1987/01/05 PERFUMES AND ESSENTIAL OILS FOR PERSONAL USE		

U.S. Registration No.	1619489	Application Date	08/09/1988
Registration Date	10/30/1990	Foreign Priority Date	NONE
Word Mark	NAUTICA		

Design Mark	
Description of Mark	THE MARK COMPRISES A HIGHLY STYLIZED DESIGN OF A SAILING SHIP AND THE TERM "NAUTICA".
Goods/Services	Class 009. First use: First Use: 1987/01/05 First Use In Commerce: 1987/01/05 SPECTACLES, NAMELY EYEGLASSES AND SUNGLASSES, AND ACCESSORIES, NAMELY CASES ANDSTRAPS

Attachments	86469642#TMSN.png(bytes) 86180790#TMSN.png(bytes) 78614003#TMSN.png(bytes) 78613836#TMSN.png(bytes) 78606800#TMSN.png(bytes) 78963691#TMSN.png(bytes) 78912365#TMSN.png(bytes) 78885472#TMSN.png(bytes) 78869724#TMSN.png(bytes) 78868759#TMSN.png(bytes) 78868734#TMSN.png(bytes) 78825489#TMSN.png(bytes) 78809150#TMSN.png(bytes) 78764381#TMSN.png(bytes) 78668277#TMSN.png(bytes) 78647283#TMSN.png(bytes) 78114601#TMSN.png(bytes) 77956846#TMSN.png(bytes) 77925569#TMSN.png(bytes) 77916492#TMSN.png(bytes) 77444022#TMSN.png(bytes) 77414495#TMSN.png(bytes) 77081234#TMSN.png(bytes) 77119681#TMSN.png(bytes) 77085787#TMSN.png(bytes) 77085766#TMSN.png(bytes) 77085720#TMSN.png(bytes) 75664161#TMSN.png(bytes) 74220315#TMSN.png(bytes) 74730054#TMSN.png(bytes) 74730053#TMSN.png(bytes) 74730052#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	/Stephen L. Baker/
Name	STEPHEN L BAKER
Date	12/02/2015

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

NAUTICA APPAREL, INC.,

Opp. No. _____

Opposer,

Mark: NAUTREK

v.

Serial No.: 86371760

Ricardo Cuauhtemoc Mendoza Pina

Filed: August 20, 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. 86371760 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, Ricardo Cuauhtemoc Mendoza Pina (“Applicant”) is a citizen of Mexico with an address of Aeropuerto 2448, Residential Campestre, Guanajuato, MEXICO 37675.

4. On August 20, 2014, Applicant filed an Application, namely Serial No. 86371760 for the mark NAUTREK (“Applicant’s Mark”), as a trademark for:

IC 025. US 022 039. G & S: Clothing, namely, shirts, pants, skirts, scarves, jackets, jumpers, pajamas, foulards, gloves, hoods, overalls, jerseys, mantles, mufflers, ties, tops, suits, dresses, blouses, denims (pants), leggings, jeggings, namely, pants that are partially jeans and partially

leggings, sport pants, sweat pants, tee shirts, sweat shirts, A-shirts, baby shirts, trousers, blazers, button downs shorts, long-sleeved shirts, polo shirts, evening dresses, gowns, tuxedos, dinner jackets, socks, belts, bottoms, clothing for athletic use, namely, padded shorts, pants and shirts, footwear; headwear

(“Applicant’s Goods”) which was published for opposition in the Official Gazette on August 4, 2015. The time to oppose having been extended.

5. Opposer is the owner of numerous trademarks in a variety and constantly expanding number of classes for the NAUTICA mark and marks that contain the word NAUTICA (“Opposer's Marks”) as trademarks, trade names, and as service marks.

6. Opposer has long used Opposer’s Marks on and in connection with goods both identical to and closely related to those of Applicant including, but not limited to a wide range of apparel including Coats; Dresses; Footwear; Gloves; Headwear; Jackets; Jeans; Pajamas; Pants; Raincoats; Robes; Scarves; Shirts; Shorts; Skirts; Sweaters; Swimsuits; T-shirts; Trousers; Underwear; Vests as well as a wide variety of consumer goods and services.

7. In addition to the foregoing goods and services, Opposer is the owner of the following trademark applications and registrations on the Principal Register of the United States Patent and Trademark Office:

	Serial Number	Reg. Number	Word Mark
1	86469642		NAUTICA
2	86180790		NAUTICA LIFE
3	78614003	3076796	NAUTICA COMPETITION
4	78613836	3076794	NAUTICA COMPETITION
5	78606800	3076597	NAUTICA COMPETITION
6	78963691	3447065	NAUTICA BERMUDA BLUE
7	78912365	3888149	NAUTICA ISLAND
8	78885472	3233030	NAUTICA
9	78869724	3165354	NAUTICAKIDS
10	78868759	3165352	NAUTICAKIDS
11	78868734	3165351	NAUTICAKIDS

12	78825489	3232846	NAUTICA
13	78809150	3168753	NAUTICAKIDS
14	78764381	3114379	NAUTICA
15	78668277	3170094	NAUTICA VOYAGE
16	78647283	3170055	NAUTICA BLUE
17	78114981	2987139	NAUTICA BLUE
18	78114601	2993023	NAUTICA BLUE
19	78293506	2865300	NAUTICA
20	78293501	2865299	NAUTICA
21	78280401	2865229	NAUTICA
22	78292765	3114862	NAUTICA
23	78275303	3272760	NAUTICA GOLF
24	77956846	3841455	NAUTICA
25	77925569	3865865	PURE NAUTICA
26	77916492	3837562	NAUTICA
27	77444022	3577781	NAUTICA OCEANS
28	77414495	3536443	NAUTICA
29	77081234	3591811	NAUTICA OPTIONS
30	77119681	3587740	LIVE N JEANS
31	77085787	3857163	NAUTICA
32	77085766	3850361	NAUTICA
33	77085720	3850360	NAUTICA
34	75664161	2474154	NAUTICA JEANS
35	75663915	2523102	NAUTICA JEANS COMPANY
36	74220315	1873011	NAUTICA
37	74355511	1882757	NAUTICA
38	74462464	1862585	NAUTICA
39	74730271	2304411	NAUTICA
40	74730054	2247914	NAUTICA
41	74730053	2242969	NAUTICA
42	74730052	2306324	NAUTICA
43	74730051	2246317	NAUTICA
44	73826633	1597369	NAUTICA
45	73753227	1613918	NAUTICA
46	73745061	1580007	NAUTICA
47	73745058	1557528	NAUTICA
48	73745057	1557527	NAUTICA
49	73745055	1619489	NAUTICA
50	73737613	1553539	NAUTICA

Hereinafter, the goods and services recited in Paragraph Nos. 6 and 7 and the goods and services recited in the above-listed trademark applications and registrations are referred to collectively as “Opposer’s Goods and Services”.

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

9. Opposer is now and has been for many years trading as and known by Opposer’s Marks, identifying Opposer as the source of Opposer’s Goods and Services.

10. Applicant’s Goods are in part identical, in part closely related and in part similar to Opposer’s Goods and Services and/or are within Opposer’s ever expanding natural progression of goods and services and channels of trade.

11. 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.

12. 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 goods and services under Opposer’s Marks.

13. 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 goods and services under Opposer’s Marks in interstate commerce.

14. 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.

15. 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.

16. Opposer's Marks and Applicant's Mark are substantially identical and confusingly similar when applied to the goods and services of the parties.

17. The goods and services of Applicant and Opposer are in part identical, in part closely related and in part similar to Opposer's or within Opposer's ever expanding natural progression of goods and services and channels of trade and Applicant's intended use of Applicant's Mark in connection with such goods and services is without the consent or permission of Opposer.

18. 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.

19. As a result of Opposer's long use, extensive advertising and promotion, and successful sales for at least 30 years, Opposer's Marks have become distinctive and famous, long prior to any date which may be claimed by Applicant.

20. 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.

21. 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.

22. 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.

23. 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.

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

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

26. 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.

27. 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.

28. On August 20, 2014, in Applicant's application, Applicant, having no bona-fide intent to use Applicant's Mark, knowingly made a false and fraudulent statement in Applicant's application wherein he falsely claimed, "The applicant has a

bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services” for Applicant’s Goods.

29. Applicant knowingly did not have a bona fide intent to use Applicant’s Mark as Applicant has not taken steps to commence use of its Mark on Applicant’s Goods.

30. The false and fraudulent declaration referred to above with respect to Applicant’s Mark was made by Applicant with actual knowledge of its falsity, and was not made on information and belief and was made by a person who knew or should have known the same was false and fraudulent.

31. Applicant knowingly made a false, material misrepresentation of fact in connection with Applicant’s application when he made the false and fraudulent declaration referred to above.

32. The false and fraudulent declaration referred to above with respect to Applicant’s Mark was made with the intent to deceive the USPTO and that the USPTO rely upon the same.

33. The USPTO did rely on the false and fraudulent declaration when it acknowledged the filing of the applications and allowed Applicant’s application to publish.

34. As a result, Applicant willfully and knowingly perpetrated a fraud on the USPTO.

35. Applicant is not entitled to a Registration on the Principal Register of Applicant’s Mark as Applicant has never had any legitimate interest in Applicant’s Mark, Applicant never had a bona-fide intent to use Applicant’s Mark, and because Applicant knowingly committed fraud when he filed Applicant’s application.

36. Had it been aware of the false and fraudulent declaration referred to above and of Applicant's knowing fraudulent acts, the USPTO would not have accepted the filing of the applications, nor allowed Applicant's application to publish.

37. Applicant's application is void ab initio as Applicant had no good faith bona fide intent to use Applicant's Mark for Applicant's Goods.

38. Applicant's actions in filing an intent to use trademark application is insufficient to establish a bona fide intent to use Applicant's Mark as applied for.

39. Applicant has taken no steps to begin commercial use of Applicant's Mark either prior to or subsequent to the filing of the Applicant's application.

40. On August 20, 2014, when Applicant filed Applicant's application, Applicant had no objective bona-fide intent to use Applicant's Mark.

WHEREFORE, Opposer prays that the application for registration of Applicant's Mark, Serial No. 86371760 be denied and that this Opposition be sustained.

Dated: December 2, 2015

Respectfully submitted for
Opposer Nautica Apparel, Inc.

By: / Stephen L. Baler /
Stephen L. Baker
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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 2nd day of December, 2015 to Applicant's counsel at the following address:

BERNARD MALINA
MALINA & ASSOCIATES PLLC
60 EAST 42ND ST STE 1420
NEW YORK, NEW YORK 10165

/Stephen L. Baker/
Stephen L. Baker