

1. Upon information and belief, AAF Nation, LLC is the owner of U.S. Trademark Application Serial No. 86/563,273 (“the ‘273 application”), filed on March 13, 2015, for the alleged mark SEMPER SILKIES for “Clothing, namely, shorts, shirts, T-shirts, jackets, hats and caps, baseball caps and hats, button down shirts, caps, caps with visors, coats, coats for men and women, headgear, namely, hats, caps and visors, hooded pullovers, hooded sweat shirts, long sleeve pullovers, polo shirts, pullovers, short-sleeved or long-sleeved T-shirts, short-sleeved shirts, tank tops, men's and boy's underwear, namely, briefs, and athletic underwear, undershirts, sleepwear and sleep shirts, pajama tops, pajama bottoms, daywear, namely, bikinis, ladies' panties, crop tops, and leggings, halter tops, jerseys” in International Class 025.

2. Upon information and belief, the ‘273 application was filed on an intent-to-use basis.

3. The ‘273 application was published for opposition on August 25, 2015 in the *Official Gazette* of the United States Patent and Trademark Office. The Trademark Trial and Appeal Board extended the opposition period for the ‘273 application by granting Opposer’s timely request for an extension. The opposition period for the ‘273 application currently expires on December 23, 2015. Therefore, Opposer timely files this opposition.

4. “Silkies” is a term that is commonly used to describe clothing items, such as shorts, currently and/or previously utilized by members of the military, such as the Marine Corps.

5. The term “silgies” is used to describe clothing items currently and/or previously utilized by members of the military because the term immediately conveys qualities and

characteristics of the clothing items, including that the clothing items prevent chafing and promote good air flow.

6. During prosecution of the '273 application, Applicant disclaimed any exclusive right to use the term "silgies" apart from the alleged mark SEMPER SILKIES due in part to the term "silgies" being commonly used to describe a style of shorts.

7. The motto of the U.S. Marine Corps is "semper fidelis".

8. "Semper", a component of the U.S. Marine Corps motto, is commonly associated with the U.S. Marine Corps.

9. The alleged mark SEMPER SILKIES immediately conveys to the consumer the knowledge that an associated clothing item, such as shorts, is of a particular style currently and/or previously utilized by members of the Marine Corps.

10. The alleged mark SEMPER SILKIES when used on or in connection with Applicant's goods, including clothing such as shorts, is merely descriptive of these goods. The alleged mark SEMPER SILKIES is merely descriptive because it describes and/or immediately conveys knowledge of an ingredient, quality, characteristic, function, feature, purpose, or use of the specified goods, in this case clothing such as shorts. Registration of the '273 application is thus precluded under Section 2(e)(1) of the Lanham Act (15 U.S.C. § 1052(e)(1)).

11. Since long prior to the March 13, 2015 filing date of the '273 application, Opposer and/or its predecessors in interest have produced, marketed and sold, and are currently producing, marketing and selling, clothing items to a wide variety of consumers.

12. Since long prior to the March 13, 2015 filing date of the '273 application, Opposer and/or its predecessors in interest have provided and are currently providing clothing

items, including physical training gear, to the U.S. Army, Navy, Air Force, Marine Corps and Coast Guard.

13. Since long prior to the March 13, 2015 filing date of the '273 application, Opposer and/or its predecessors in interest have produced, marketed and sold, and are currently producing, marketing and selling, clothing items, including shorts, of particular styles currently and/or previously utilized by members of the Marine Corps.

14. For at least the reasons that Opposer is in the clothing business, has a military customer base, and is producing, marketing and selling clothing items, including shorts, of particular styles currently and/or previously utilized by members of the Marine Corps, Opposer has a real interest in using the descriptive phrase "semper silkies" in its business.

15. If Applicant is granted the registration of the '273 application, Applicant will obtain at least a *prima facie* exclusive right to use of the descriptive phrase "semper silkies" for goods in International Class 025, which would be a source of damage and injury to the Opposer in view of the interest of Opposer in using the descriptive phrase "semper silkies" in connection with the sale of clothing, such as shorts.

WHEREFORE, Opposer believes it will be damaged by registration of Applicant's alleged SEMPER SILKIES mark and prays that the present Notice of Opposition be granted and that registration of the '273 application be denied.

Respectfully submitted,

Date: December 23, 2015

DORITY & MANNING, P.A.

/s/ J. Parks Workman

J. Parks Workman

pworkman@dority-manning.com

Thomas D. Huycke

thuycke@dority-manning.com

DORITY & MANNING, P.A.

Attorneys at Law

75 Beattie Place, Suite 1100

Greenville, SC 29601

Phone: 864-271-1592

Fax: 864-335-0127

Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that on **December 23, 2015**, I served a true and complete copy of the foregoing **NOTICE OF OPPOSITION** on Applicant via First Class Mail, postage prepaid as follows:

Andrew D. Skale, Esq.
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
3580 Carmel Mountain Rd., Suite 300
San Diego, CA 92130-6768

/s/ J. Parks Workman
J. Parks Workman

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

In the matter of Trademark Application **Serial No. 86/563,273**

M.J. Soffe, LLC)	
)	
Opposer,)	Opposition No. _____
)	
)	Serial No. 86/563,273
v.)	
)	Mark: SEMPER SILKIES
AAF Nation, LLC)	
)	
)	
Applicant.)	

CERTIFICATE OF SERVICE VIA U.S. EXPRESS MAIL

I hereby certify that this paper and all attachments and any fee are being transmitted via U.S. Express Mail to the U.S. Patent and Trademark Office on December 23, 2015.

Laura Hensel
(Typed or printed name of person transmitting paper or fee)


(Signature of person transmitting paper or fee)