

ESTTA Tracking number: **ESTTA726628**

Filing date: **02/11/2016**

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	WE Brand S.a.r.l.
Granted to Date of previous extension	02/14/2016
Address	17, Rue Beaumont Luxembourg, L-1219 LUXEMBOURG

Attorney information	William J. Seiter Seiter Legal Studio 2500 Broadway, Bldg F, Suite F-125 Santa Monica, CA 90404 UNITED STATES williamjseiter@seiterlegalstudio.com
----------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------

Applicant Information

Application No	86631398	Publication date	08/18/2015
Opposition Filing Date	02/11/2016	Opposition Period Ends	02/14/2016
Applicant	WeWork Companies Inc. 222 Broadway New York, NY 10038 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Providing co-working facilities equipped with office equipment; incubation services, namely, providing work space containing business equipment and other amenities to emerging, start-up and existing companies; providing co-working, temporary and shared work spaces, offices, business event spaces, business meeting facilities and office equipment; business operation of commercial real estate, offices and office space, namely, shared office venues with conference facilities

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.	4714553	Application Date	07/14/2010
Registration Date	04/07/2015	Foreign Priority Date	06/02/2010

Word Mark	WE
Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0 Spectacles including sunglasses; spectacle frames; cases and containers for spectacles</p> <p>Class 014. First use: First Use: 0 First Use In Commerce: 0 Precious metals and their alloys and goods in precious metals or coated there-with, namely, tie clips; jewelry, costume jewelry, precious stones; horological and chronometric instruments, including watches</p> <p>Class 018. First use: First Use: 0 First Use In Commerce: 0 Leather and imitation leather, goods made of these materials and not included in other classes, namely, leather handbags, wallets, purses, briefcases; umbrellas and parasols; trunks and travelling bags; bags not included in other classes, namely, all-purpose carrying bags including duffle bags, gym bags, school bags, sports bags, athletic bags, back packs, canvas, textile, cotton, silk and wool shopping bags, beach bags, suitcases and travelling bags</p> <p>Class 025. First use: First Use: 0 First Use In Commerce: 0 Clothing, namely, trousers, shorts, Bermuda shorts, skirts, dresses, sweaters, pullovers, cardigans and vests, jackets, overcoats, jackets and waist coats, blouses and shirts, undershirts, t-shirts, shawls, scarves, mittens, socks, stockings, tights and pantyhose, swimming costumes; footwear, namely, sandals, boots, shoes, slippers, sports shoes; headgear, namely, bonnets, hats and caps</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0 Retail store services and computerized online retail store services featuring eye-wear including sunglasses, optical frames, cases and containers for spectacles, precious metals and their alloys and products made from the aforesaid material or coated therewith, jewelry, costume jewelry, precious stones, clocks and chro-nometrical instruments, including watches, leather and imitation leather and products made from the aforesaid materials, umbrellas and parasols, trunks and suitcases, bags, clothing, footwear, headgear; franchise services, namely, offer-ing business management assistance in the establishment and operation of franchised retail shops featuring eyewear includingsunglasses, optical frames, cases and containers for spectacles, precious metals and their alloys and products made from the aforesaid material or coated therewith, jewelry, costume jewelry, preciousstones, clocks and chronometrical instruments, including watches, leather and imitation leather and products made from the aforesaid materials, umbrellas and parasols, trunks and suitcases, bags, clothing, foot-wear, headgear; the aforesaid services also offered via electronic channels, in-cluding the Internet</p>

U.S. Registration No.	4710199	Application Date	07/14/2010
Registration Date	03/31/2015	Foreign Priority	06/01/2010

		Date	
Word Mark	WE		
Design Mark			
Description of Mark	The mark consists of the term "WE" in stylized letters.		
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0 Spectacles including sunglasses; spectacle frames; cases and containers for spectacles</p> <p>Class 014. First use: First Use: 0 First Use In Commerce: 0 Precious metals and their alloys and goods in precious metals or coated therewith, namely, tie clips; jewelry, costume jewelry, precious stones; horological and chronometric instruments, including watches</p> <p>Class 018. First use: First Use: 0 First Use In Commerce: 0 Leather and imitation leather, goods made of these materials and not included in other classes, namely, leather handbags, wallets, purses, briefcases; umbrellas and parasols; trunks and traveling bags; bags not included in other classes, namely, all-purpose carrying bags including duffle bags, gym bags, school bags, sports bags, athletic bags, back packs, canvas, textile, cotton, silk and wool shopping bags, beach bags, suitcases and traveling bags</p> <p>Class 025. First use: First Use: 0 First Use In Commerce: 0 Clothing, namely, trousers, shorts, Bermuda shorts, skirts, dresses, sweaters, pullovers, cardigans and vests, jackets, overcoats, jackets and waist coats, blouses and shirts, undershirts, t-shirts, shawls, scarves, mittens, socks, stockings, tights and pantyhose, swimming costumes; footwear, namely, sandals, boots, shoes, slippers, sports shoes; headgear, namely, bonnets, hats and caps</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0 Retail store services and computerized online retail store services featuring eyewear including sunglasses, optical frames, cases and containers for spectacles, precious metals and their alloys and products made from the aforesaid material or coated therewith, jewelry, costume jewelry, precious stones, clocks and chronometrical instruments, including watches, leather and imitation leather and products made from the aforesaid materials, umbrellas and parasols, trunks and suitcases, bags, clothing, footwear, headgear; franchise services, namely, offering business management assistance in the establishment and operation of franchised retail shops featuring eyewear including sunglasses, optical frames, cases and containers for spectacles, precious metals and their alloys and products made from the aforesaid material or coated therewith, jewelry, costume jewelry, precious stones, clocks and chronometrical instruments, including watches, leather and imitation leather and products made from the aforesaid materials, umbrellas and parasols, trunks and suitcases, bags, clothing, footwear, headgear; the aforesaid services also offered via electronic channels, including the Internet</p>		

Attachments	85084765#TMSN.png(bytes) 85084803#TMSN.png(bytes) Notice of Opposition (US TM App 86631398).pdf(161661 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	/wjs/
Name	William J. Seiter
Date	02/11/2016

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

In the Matter of Application Serial No. 86631398
Mark: WE
Published: August 18, 2015

WE Brand S.a.r.l.,)
a Luxembourg corporation)
)
Opposer,)
)
v.) Opposition No. _____
)
WeWork Companies Inc.,)
a Delaware corporation)
)
Applicant.)

Box TTAB
FEE

NOTICE OF OPPOSITION

Opposer WE Brand S.a.r.l., a corporation organized under the laws of Luxembourg, located and doing business at 17, Rue Beaumont, Luxembourg L-1219, believes that it would be damaged by the issuance of a registration for the trademark WE as applied for by Applicant WeWork Companies Inc., a Delaware corporation, and therefore opposes the application as to all of the applied for services. As grounds for its opposition, Opposer, by its attorneys Seiter Legal Studio, alleges as follows:

1. Opposer is the owner of U.S. Trademark Registration No. 4714553, registered April 7, 2015, for the mark WE, and U.S. Trademark Registration No. 4710199, registered March 31, 2015, for the mark WE [stylized] (hereinafter, "Opposer's Marks") each for: "Spectacles including sunglasses; spectacle frames; cases and containers for spectacles," in International Class 9; "Precious metals and their alloys and goods in precious metals or coated therewith, namely, tie clips; jewelry, costume jewelry, precious stones; horological and chronometric instruments, including watches," in International Class 14;

“Leather and imitation leather, goods made of these materials and not included in other classes, namely, leather handbags, wallets, purses, briefcases; umbrellas and parasols; trunks and traveling bags; bags not included in other classes, namely, all-purpose carrying bags including duffle bags, gym bags, school bags, sports bags, athletic bags, back packs, canvas, textile, cotton, silk and wool shopping bags, beach bags, suitcases and traveling bags,” in International Class 18; “Clothing, namely, trousers, shorts, Bermuda shorts, skirts, dresses, sweaters, pullovers, cardigans and vests, jackets, overcoats, jackets and waist coats, blouses and shirts, undershirts, t-shirts, shawls, scarves, mittens, socks, stockings, tights and pantyhose, swimming costumes; footwear, namely, sandals, boots, shoes, slippers, sports shoes; headgear, namely, bonnets, hats and caps,” in International Class 25, and “Retail store services and computerized online retail store services featuring eyewear including sunglasses, optical frames, cases and containers for spectacles, precious metals and their alloys and products made from the aforesaid material or coated therewith, jewelry, costume jewelry, precious stones, clocks and chronometrical instruments, including watches, leather and imitation leather and products made from the aforesaid materials, umbrellas and parasols, trunks and suitcases, bags, clothing, footwear, headgear; franchise services, namely, offering business management assistance in the establishment and operation of franchised retail shops featuring eyewear including sunglasses, optical frames, cases and containers for spectacles, precious metals and their alloys and products made from the aforesaid material or coated therewith, jewelry, costume jewelry, precious stones, clocks and chronometrical instruments, including watches, leather and imitation leather and products made from the aforesaid materials, umbrellas and parasols, trunks and suitcases, bags,

clothing, footwear, headgear; the aforesaid services also offered via electronic channels, including the Internet,” in International Class 35.

2. Opposer’s Marks have been promoted extensively and are well known to the consuming public. Opposer has invested substantial time, effort and money in promoting Opposer’s Mark. As a result, Opposer’s Marks have become distinctive of Opposer’s goods and services, and have come to represent substantial goodwill for Opposer, widely recognized by the consuming public as a designation of source of the goods and services of Opposer.

3. On May 15, 2015, Applicant filed Application Serial No. 86631398 for the mark WE (hereinafter, “Applicant’s Mark”), based solely on intent to use in United States commerce under Section 1(b) of the Trademark Act, 15 U.S.C. §1051(b), for “Providing co-working facilities equipped with office equipment; incubation services, namely, providing work space containing business equipment and other amenities to emerging, start-up and existing companies; providing co-working, temporary and shared work spaces, offices, business event spaces, business meeting facilities and office equipment; business operation of commercial real estate, offices and office space, namely, shared office venues with conference facilities,” in International Class 35, and for other goods and services in Classes 9, 36 and 42..

4. Upon information and belief, Applicant made no use of the mark in Application Serial No. 86631398 in United States commerce on or before July 14, 2010.

5. Upon information and belief, Applicant made no use of the mark in Application Serial No. 86631398 in United States commerce on or before November 1, 2014, the filing date of Applicant’s Mark.

6. Upon information and belief, Applicant has to date made no use of the mark in Application Serial No. 86631398 in United States commerce for any of the applied for services in Class 35.

7. The mark which Applicant seeks to register is identical to Opposer's Marks, and Applicant's Mark could be used in connection with services related to Opposer's goods and services. Based on the sameness of the parties' respective marks and the relatedness of the parties' respective goods and services, the public is likely to associate the services of Applicant under Applicant's Mark with Opposer and/or its licensees or with Opposer's and/or its licensees' goods and services under Opposer's Mark, or to believe that Applicant's services are sponsored, endorsed or licensed by Opposer or its licensees, or that there exists some relationship between Applicant and Opposer and/or its licensees.

8. For the above reasons, any use of Applicant's Mark by Applicant for its applied for Class 35 services is likely to cause confusion, cause mistake or deceive the public, and cause the public to believe that the services offered under the mark by Applicant emanate from or are otherwise sponsored or endorsed by Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

REQUEST FOR RELIEF

9. Opposer will be irreparably harmed and financially damaged by Application Serial No. 86631398. Therefore, Application Serial No. 86631398 should be ordered denied as to all services in International Class 35 listed therein.

WHEREFORE, Opposer believes that it will be damaged by the registration of the mark in Application Serial No. 86631398, and respectfully requests that this

