

ESTTA Tracking number: **ESTTA728075**

Filing date: **02/19/2016**

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	03/06/2016
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	86462014	Publication date	09/08/2015
Opposition Filing Date	02/19/2016	Opposition Period Ends	03/06/2016
Applicant	Google Inc. 1600 Amphitheatre Parkway Mountain View, CA 94043 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, shirts, t-shirts, jackets, sweaters, sweatshirts, vests, shorts, pants, dresses, skirts, bodysuits, cloth bibs, jerseys, pullovers, socks, wearable blankets in the nature of blankets with sleeves; footwear; headgear, namely, hats, caps, beanies, visors
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### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### 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	
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Description of Mark	NONE
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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 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 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>
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U.S. Registration No.	4710199	Application Date	07/14/2010
Registration Date	03/31/2015	Foreign Priority Date	06/01/2010

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 86462014).pdf(162825 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	/wjs/
Name	William J. Seiter
Date	02/19/2016

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

In the Matter of Application Serial No. 86462014  
Mark: WESAUCE  
Published: September 8, 2015

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WE Brand S.a.r.l., )  
a Luxembourg corporation )  
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Opposer, )  
 )  
v. ) Opposition No. \_\_\_\_\_  
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Google Inc., )  
a Delaware corporation )  
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Applicant. )  
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Box TTAB  
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**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 WESAUCE as applied for by Applicant Google Inc., a Delaware corporation, and therefore opposes the application as to all of the applied for goods in International Class 25. 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”) 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 U.S. Trademark Registration Nos. 4714553 and 4710199 resulted, respectively, from U.S. Trademark Application Serial No. 85084765 for the mark WE with a filing date of July 14, 2010, and a priority date of June 2, 2010, and U.S. Trademark Application Serial No. 85084803 for the mark WE [stylized], with a filing date of July 14, 2010, and a priority date of June 1, 2010.

3. 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.

4. On November 21, 2014, Applicant filed Application Serial No. 86462014 for the mark WESAUCE (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 “Clothing, namely, shirts, t-shirts, jackets, sweaters, sweatshirts, vests, shorts, pants, dresses, skirts, bodysuits, cloth bibs, jerseys, pullovers, socks, wearable blankets in the nature of blankets with sleeves; footwear; headgear, namely, hats, caps, beanies, visors,” in International Class 25, and for other goods and services in International Classes 16, 21, 41 and 45.

5. Upon information and belief, Applicant made no use of the mark in Application Serial No. 86462014 in United States commerce on or in connection with

any of its applied for goods in Class 25 on or before July 14, 2010, the filing date of Opposer's Marks under U.S. Trademark Application Serial No. 85084765 and U.S. Trademark Application Serial No. 85084803.

6. Upon information and belief, Applicant made no use of the mark in Application Serial No. 86462014 in United States commerce on or in connection with any of its applied for goods in Class 25 on or before November 21, 2014, the filing date of Applicant's Mark.

7. Upon information and belief, Applicant has to date made no use of the mark in Application Serial No. 86462014 in United States commerce on or in connection with any of its applied for goods in Class 25.

8. The mark which Applicant seeks to register is similar in appearance, meaning and commercial impression to Opposer's Marks, and Applicant's Mark could be used in connection with goods in Class 25 identical or closely related to Opposer's goods and services. Based on the confusing similarity of the two marks and identity or relatedness of the parties' respective goods and services, the public is likely to associate the applied for Class 25 goods 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 Class 25 goods are sponsored, endorsed or licensed by Opposer or its licensees, or that there exists some relationship between Applicant and Opposer and/or its licensees.

9. For the above reasons, any use of Applicant's Mark by Applicant for its applied for Class 25 goods is likely to cause confusion, cause mistake or deceive the public, and cause the public to believe that the goods offered under the mark by



**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Notice of Opposition has been forwarded via First Class Mail, postage prepaid, to the Applicant at his address of record:

EMILY BURNS  
GOOGLE INC  
1600 AMPHITHEATRE PKWY  
MOUNTAIN VIEW, CALIFORNIA 94043-1351

on this 19th day of February, 2016.

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/s/  
William J. Seiter