

ESTTA Tracking number: **ESTTA732576**

Filing date: **03/10/2016**

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	Fruit of the Loom, Inc.
Granted to Date of previous extension	03/16/2016
Address	1 Fruit of the Loom Drive Bowling Green, KY 42103 UNITED STATES

Attorney information	Carrie Shufflebarger Thompson Hine LLP 312 Walnut Street Fourteenth Floor Cincinnati, OH 45202 UNITED STATES carrie.shufflebarger@thompsonhine.com, docket@thompsonhine.com, sharon.bella@thompsonhine.com, lou.ebling@thompsonhine.com Phone:513.352.6678
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Applicant Information

Application No	86149788	Publication date	11/17/2015
Opposition Filing Date	03/10/2016	Opposition Period Ends	03/16/2016
Applicant	Fresh Connection Brand, LLC 7548 S. Emerald Ave. Chicago, IL 60620 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 2011/03/15 First Use In Commerce: 2012/01/23 All goods and services in the class are opposed, namely: Baseball caps and hats; Button down shirts; Collared shirts; Hats; Hooded sweatshirts; Hooded sweatshirts; Long-sleeved shirts; Shirts; Shirts and short-sleeved shirts; Short-sleeved or long-sleevedt-shirts; Short-sleeved shirts; Shorts;Sweatshirts; T-shirts; Tank tops; Tank-tops

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		

Word Mark	A FRESH COLLECTION
Goods/Services	Women's and girls' intimate apparel

Attachments	1 FRESH CONNECTION Notice of Opposition.pdf(11260 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	/cas/
Name	Carrie Shufflebarger
Date	03/10/2016

2. Since at least as early as 2005, Opposer has used the trademark A FRESH COLLECTION in the United States for women's and girls' intimate apparel. Consequently, Fruit has developed substantial common law rights in the trademark.

3. Opposer has expended substantial amounts of money, time, and effort over the past decade in advertising, promoting, and popularizing its A FRESH COLLECTION mark and in preserving the good will associated therewith.

4. Opposer's A FRESH COLLECTION mark has become distinctive of and associated in the minds of the trade and purchasing public with Opposer as a well-known provider of its goods.

5. The public has come to know Opposer's A FRESH COLLECTION mark and recognize that any goods so marked originate with Opposer. By virtue of these efforts and by virtue of the excellence of its goods, Opposer has gained a valuable reputation for its A FRESH COLLECTION mark.

6. Fresh Connection Brand, LLC, an Illinois limited liability company, filed Application Serial No. 86/149,788 under Section 1(a) of the Lanham Act on December 13, 2013 ("Application"), claiming a first use date of March 15, 2011, seeking registration of the trademark FRESH CONNECTION ("Applicant's Mark") for the following goods in International Class 25:

Baseball caps and hats; Button down shirts; Collared shirts; Hats; Hooded sweat shirts; Hooded sweatshirts; Long-sleeved shirts; Shirts; Shirts and short-sleeved shirts; Short-sleeved or long-sleeved t-shirts; Short-sleeved shirts; Shorts; Sweatshirts; T-shirts; Tank tops; Tank-tops

7. Applicant's Mark was published for opposition in the Official Gazette of the United States Patent and Trademark Office on November 17, 2015.

8. Priority is not an issue: Opposer's use of its A FRESH COLLECTION mark described above is well prior to the filing date of the Application or Applicant's alleged first use date.

9. The goods identified in the Application are closely related to Opposer's goods sold under its A FRESH COLLECTION mark, and are likely to be sold to the same class of purchasers as Opposer's goods sold under its A FRESH COLLECTION mark.

10. Applicant's Mark so resembles the marks previously used by Opposer in commerce as to be likely, when used in connection with Applicant's goods, to cause confusion, deception or mistake as to the affiliation, connection or association of Applicant with Opposer, and/or the origin, sponsorship, or approval of Applicant's goods or commercial activities by Opposer under 15 U.S.C. § 1052(d). The aforesaid likelihood of confusion will damage Opposer within the meaning of 15 U.S.C. § 1063.

11. Opposer would be damaged by registration of Applicant's Mark, because registration would grant Applicant statutory rights under the Trademark Act of 1946, and would tend to restrict, interfere with, and damage Opposer in the unhampered conduct of its business and protection of its legitimate interests.

WHEREFORE, Opposer prays this Opposition be sustained, and registration of the Application cited above be refused.

Please charge the appropriate filing fee to the credit card account of Opposer's counsel, as provided through the ESTTA filing system.

Please direct all correspondence to Carrie A. Shufflebarger, Esq., at Thompson Hine, LLP, 312 Walnut Street, Fourteenth Floor, Cincinnati, Ohio 45202, and all calls to the same at (513) 352-6678.

Date: March 10, 2016

Respectfully submitted,

/s/ Carrie A. Shufflebarger
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CERTIFICATE OF FILING

I certify that this NOTICE OF OPPOSITION is being submitted electronically to the Trademark Trial and Appeal Board at the United States Patent and Trademark Office on this 10th day of March, 2016.

/s/ Carrie A. Shufflebarger
Carrie A. Shufflebarger

CERTIFICATE OF SERVICE

I certify that a copy of this Notice of Opposition is being served via United States mail, postage prepaid, on the following, on this 10th day of March, 2016:

Esther Barron
Northwestern University School of Law Entrepreneur
375 E. Chicago Ave.
Chicago, IL 60611-3059

/s/ Carrie A. Shufflebarger
Carrie A. Shufflebarger