

ESTTA Tracking number: **ESTTA734326**

Filing date: **03/17/2016**

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	JKL IP Company, LLC		
Entity	Partnership	Citizenship	United States
Composed Of:	Michigan		
Address	1020 S. Old Woodward Birmingham, MI 48009 UNITED STATES		

Correspondence information	Emily R. Warren Joelson Rosenberg, PLC 30665 Northwestern Hwy Suite 200 Farmington Hills, MI 48334 UNITED STATES ewarren@jrlawplc.com Phone:2488552233
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Applicant Information

Application No	86717479	Publication date	02/16/2016
Opposition Filing Date	03/17/2016	Opposition Period Ends	03/17/2016
Applicants	Barker, Shannon 23135 Sleeping Oak Drive Yorba Linda, CA 92887 UNITED STATES Ehrle, Michaela 23135 Sleeping Oak Drive Yorba Linda, CA 92887 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 2015/06/18 First Use In Commerce: 2015/06/18
All goods and services in the class are opposed, namely: Hats

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. Registration No.	4112536	Application Date	07/07/2010
Registration Date	03/13/2012	Foreign Priority Date	NONE

Word Mark	MOTHER TUCKER
Design Mark	MOTHER TUCKER
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2009/10/31 First Use In Commerce: 2009/10/31 CLOTHING, NAMELY, SHIRTS, TANK TOPS, AND PANTS; ALL OF THE AFOREMENTIONED BEING COMPRESSION GARMENTS

Attachments	85079401#TMSN.png(bytes) JKL IP_Mother Trucker Opposition_3.17.16.pdf(132112 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	/Emily R. Warren/
Name	Emily R. Warren
Date	03/17/2016

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

_____)	
JKL IP COMPANY, LLC)	
)	Opposition No. _____
Opposer,)	
)	Application Serial No.
v.)	86717479
)	
SHANNON BARKER AND)	Published in the Trademark
MICHAELA EHRLE,)	Official Gazette on
)	February 16, 2016
Applicant.)	
_____)	

NOTICE OF OPPOSITION

Opposer, JKL IP Company, LLC, a limited liability company organized under the laws of the State of Michigan, having a business address at 1020 S. Old Woodward Ave, Birmingham, MI 48009 (“Opposer”), believes that it will be damaged by registration of the mark show in U.S. Trademark Application Serial No. 86717479 (the “Opposed Application”), and hereby opposes the same, pursuant to 15 USC 1063 and 37 CFR 2.104.

As grounds for the opposition, it is alleged, upon information and belief that:

1. Opposer is and has been engaged in the sale and marketing of goods under the “Mother Tucker” trademark (“Opposer’s Mark”), among others, since a time prior to the date of filing of Applicants’ above application for registration.
2. Opposer is the owner of the valid United States Trademark Reg. No. 4112536 for the mark:

MOTHER TUCKER

“Mother Tucker” standard character mark, used in connection with the following goods:

CLOTHING, NAMELY, SHIRTS, TANK TOPS, AND PANTS; ALL OF THE AFOREMENTIONED BEING COMPRESSION GARMENTS, in International Class 025.

3. The United States Trademark and Patent Office issued Registration No. 4112536 regarding Opposer's mark on March 13, 2012.

4. By the application herein opposed, Applicant seeks to register the mark:

MOTHER TRUCKER & CO.

("Applicant's Mark") for the following goods:

HATS, in International Class 025.

5. Applicant's Mark was published in the *Official Gazette* on February 16, 2016.

6. Upon information and belief, Opposer has priority rights in its "MOTHER TRUCKER" trademark in the United States.

7. Applicant filed its Application for Applicant's Mark on August 6, 2015, alleging a first date of use of June 18, 2015.

8. Opposer's Mark was registered in the United States on March 13, 2012, which is prior to Applicant's alleged first use date and filing date.

9. Applicant had constructive knowledge of Opposer's Mark before filing its Application.

10. Upon information and belief, in the application for Applicant's Mark, Applicant declared that it believed it was entitled to use the "MOTHER TRUCKER" mark in commerce, while such a statement was knowingly false and misleading.

11. Opposer's Mark is inherently distinctive and represents the valuable goodwill associated with Opposer's goods and services.

12. Opposer's Mark has become well known throughout the respective industries of use.

13. Applicant's Mark is confusingly similar to Opposer's Mark and is likely, when applied to the goods of the Applicant, to cause confusion, or to cause mistake or to deceive under 15 USC 1052(d).

14. Consumers encountering Applicant's Mark and associated goods are likely to believe that such goods originate from or are authorized or sponsored by Opposer.

15. The goods sold in connection with Applicant's Mark are similar and travel in the same channels of trade as those used in connection with Opposer's Mark.

16. As a result of the extensive use of the "MOTHER TUCKER" mark by the Opposer and the market success and consumer recognition, the "MOTHER TUCKER" mark is famous.

17. Upon information and belief, if Applicant were granted the registration applied for, it would diminish the value and dilute the distinctiveness of Opposer's Mark.

18. Allowance of Applicant's application and registration of Applicant's Mark would restrict and impair Opposer's right to develop and expand its use of Opposer's Mark, and would otherwise cause injury and damage to Opposer's Mark, as well as its goodwill and reputation.

WHEREFORE, Opposer prays that Application Serial No. 86717479 for Applicant's Mark be refused registration with respect to the goods specified in the application, and that this Opposition be sustained in favor of Opposer.

Opposer appoints Joelson Rosenberg, PLC, 30665 Northwestern Hwy, Suite 200, Farmington Hills, Michigan, 48334, to act as attorneys for Opposer herein, with full power to transact all relevant business with the U.S. Patent and Trademark Office and in the United States Court and to receive all official communications in connection with this opposition.

Opposer submits with the electronic filing herewith payment of the \$300.00 filing fee.

Respectfully submitted,
JKL IP COMPANY, LLC

/Emily R. Warren/
Emily R. Warren
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Attorneys for Opposer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing Notice of Opposition was served on Applicant at its address of record, via First Class Mail, postage prepaid, as follows:

**Shannon Barker and Michaela Ehrle
23135 Sleeping Oak Drive
Yorba Linda, CA 92887**

Dated: March 17, 2016

/Emily R. Warren/
Emily R. Warren