

ESTTA Tracking number: **ESTTA736779**

Filing date: **03/30/2016**

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	The H.D. Lee Company, Inc.
Granted to Date of previous extension	04/13/2016
Address	3411 Silverside Road 200 Hanby Building Wilmington, DE 19810 UNITED STATES

Attorney information	Paul J. Kennedy PEPPER HAMILTON LLP 3000 Two Logan Square Eighteenth and Arch Streets Philadelphia, PA 19103-2799 UNITED STATES kennedyp@pepperlaw.com, catalant@pepperlaw.com Phone:215-981-4194
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Applicant Information

Application No	86702060	Publication date	12/15/2015
Opposition Filing Date	03/30/2016	Opposition Period Ends	04/13/2016
Applicant	Shenzhen Double Lee Trade Co., Ltd Rm 905, Bldg 42, Second Block, Xiangnan Shenzhen, Guangdong, CHINA		

Goods/Services Affected by Opposition

Class 025. First Use: 2015/03/01 First Use In Commerce: 2015/03/01 All goods and services in the class are opposed, namely: Baby layettes for clothing; Blouses; Camisoles; Caps; Coats; Dresses; Hats; Knit shirts; Overcoats; Panties; Pyjamas; Shirts; Skirts; Sports shirts; Sweaters; Swimsuits; T-shirts; Trousers; Underwear; Vests

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.	430728	Application Date	11/07/1945
Registration Date	06/24/1947	Foreign Priority Date	NONE
Word Mark	LEE		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1945/11/02 First Use In Commerce: 1945/11/02 WAISTBAND OVERALLS		

U.S. Registration No.	631361	Application Date	10/28/1954
Registration Date	07/24/1956	Foreign Priority Date	NONE
Word Mark	LEE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U039 (International Class 010, 025, 026). First use: First Use: 1948/08/00 First Use In Commerce: 1948/08/00 WORK AND UTILITY TROUSERS [AND WAISTBAND OVERALLS]		

U.S. Registration No.	967611	Application Date	08/08/1972
Registration Date	09/04/1973	Foreign Priority Date	NONE
Word Mark	LEE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1916/00/00 First Use In Commerce: 1916/00/00 MEN'S, WOMEN'S AND CHILDREN'S OUTER CLOTHING-NAMELY, PANTS AND SLACKS, SHORTS, SHIRTS AND BLOUSES, COATS, JACKETS, GLOVES, CAPS, JEANS, BIB OVERALLS, ONEPIECE WORK SUITS, WORK OR UTILITY UNIFORMS, SMOCKS AND SERVICE OR SHOP COATS		

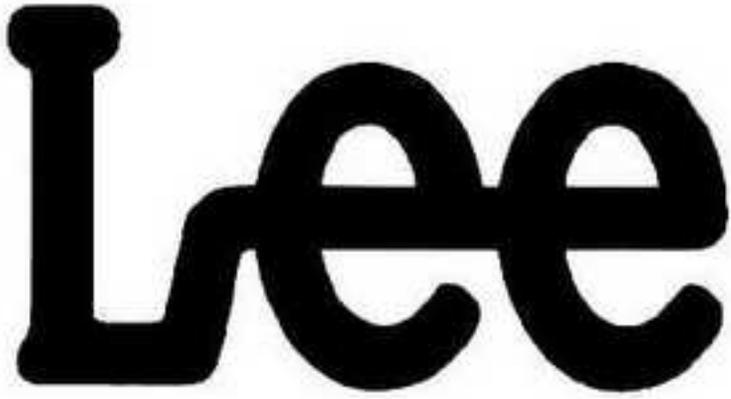
U.S. Registration	991466	Application Date	06/07/1973
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No.			
Registration Date	08/20/1974	Foreign Priority Date	NONE
Word Mark	LEE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1945/11/02 First Use In Commerce: 1945/11/02 WAISTBAND OVERALLS, JEANS, JACKETS AND OUTER SHIRTS		

U.S. Registration No.	991469	Application Date	06/26/1973
Registration Date	08/20/1974	Foreign Priority Date	NONE
Word Mark	LEE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U039 (International Class 010, 025, 026). First use: First Use: 1973/06/11 First Use In Commerce: 1973/06/11 SLACKS, JEANS, JACKETS, [SPORT COATS,] SWEATERS AND OUTER SHIRTS		

U.S. Registration No.	1202076	Application Date	01/24/1975
Registration Date	07/20/1982	Foreign Priority Date	NONE
Word Mark	LEE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1950/01/00 First Use In Commerce: 1950/01/00		

	Belts		
U.S. Registration No.	2010868	Application Date	11/29/1994
Registration Date	10/22/1996	Foreign Priority Date	NONE
Word Mark	LEE SPORT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1995/03/13 First Use In Commerce: 1995/03/13 jackets; fleecewear, namely sweatpants,shorts and shirts		
U.S. Registration No.	3486160	Application Date	06/23/2004
Registration Date	08/12/2008	Foreign Priority Date	NONE
Word Mark	LEE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2000/11/09 First Use In Commerce: 2000/11/09 on-line retail store services in the field of apparel; providing consumer product information via the Internet		
U.S. Registration No.	3610454	Application Date	05/02/2006
Registration Date	04/21/2009	Foreign Priority Date	NONE
Word Mark	LEE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2006/05/23 First Use In Commerce: 2006/05/23 Shirts, pants, jeans, jackets, skirts, shorts, t-shirts, knit tops

U.S. Registration No.	4538287	Application Date	03/02/2012
Registration Date	05/27/2014	Foreign Priority Date	NONE

Word Mark	LEE
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Design Mark	
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Description of Mark	The mark consists of stylized script of the company name, "Lee".
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Goods/Services	Class 025. First use: First Use: 2012/08/29 First Use In Commerce: 2012/08/29 Bottoms
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Attachments	71491205#TMSN.png(bytes) 71675639#TMSN.png(bytes) 72459603#TMSN.png(bytes) 72461382#TMSN.png(bytes) 78439821#TMSN.png(bytes) 78874466#TMSN.png(bytes) 85558819#TMSN.png(bytes) 03-30-2016 Notice of Opposition (DOUBLE LEE, Ser. No. 86702060).pdf(273620 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	/Paul J. Kennedy/
Name	Paul J. Kennedy
Date	03/30/2016

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

THE H.D. LEE COMPANY, INC.	:	
	:	
	:	Opposition No.
	:	
Opposer	:	Mark: DOUBLE LEE
	:	
v.	:	Application Serial No.: 86/702060
	:	
SHENZHEN DOUBLE LEE TRADE CO., LTD	:	Published in <i>Official Gazette</i>: December 15, 2015
	:	
	:	Filed: July 23, 2015
	:	
Applicant	:	

NOTICE OF OPPOSITION

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir or Madam:

The H.D. Lee Company, Inc., a Delaware corporation, with offices at 3411 Silverside Road, 200 Hanby Building, Wilmington, Delaware 19810 (“Opposer”), believes it will be damaged by the issuance of a trademark registration to Shenzhen Double Lee Trade Co., Ltd, a China limited company, with a mailing address at Room 905, Building 42, Second Block, Xiangnan, Minzhi Street, Longhua New District, Shenzhen, Guangdong, China (“Applicant”), for the mark DOUBLE LEE (Serial No. 86/702060) in International Class 25, and hereby opposes the application.

As grounds for the opposition, Opposer alleges that:

1. Applicant is seeking to obtain, under the provisions of the Trademark Act of 1946, as amended, registration on the Principal Register of the mark DOUBLE LEE (Serial No. 86/702060), for “baby layettes for clothing; blouses; camisoles; caps; coats; dresses; hats; knit shirts; overcoats; panties; pyjamas; shirts; skirts; sports shirts; sweaters; swimsuits; T-shirts; trousers; underwear; vests” in International Class 25 (“Applicant’s Mark”).

2. Applicant is not now, and never was, entitled to registration on the Principal Register of Applicant’s Mark either on July 23, 2015, the date of Applicant’s filing of the application, or on December 15, 2015, the date of publication in the *Official Gazette*.

3. Opposer is the owner of several federal trademark registrations including, as follows:

a. LEE (Stylized)[®] (Registration No. 430728) (1947) for “waistband overalls” in International Class 25;

b. LEE and Design[®] (Registration No. 631361) (1956) for “work and utility trousers” in International Class 25;

c. LEE[®] (Registration No. 967611) (1973) for “men’s, women’s and children’s outer clothing, namely, pants and slacks, shorts, shirts and blouses, coats, jackets, gloves, caps, jeans, bib overalls, onepiece work suits, work or utility uniforms, smocks and service or shop coats” in International Class 25;

d. LEE (Stylized)[®] (Registration No. 991466) (1974) for “waistband overalls, jeans, jackets and outer shirts” in International Class 25;

- e. LEE (Stylized)[®] (Registration No. 991469) (1974) for “slacks, jeans, jackets, sweaters and outer shirts” in International Class 25;
- f. LEE[®] (Registration No. 1202076) for “belts” in International Class 25;
- g. LEE SPORT[®] (Registration No. 2010868) (1996) for “jackets, fleecewear, namely sweatpants, shorts and shirts” in International Class 25;
- h. LEE[®] (Registration No. 3486160) (2008) for “on-line retail store services in the field of apparel; providing consumer product information via the Internet” in International Class 35;
- i. LEE (Stylized)[®] (Registration No. 3610454) for “shirts, pants, jeans, jackets, skirts, shorts, t-shirts, knit tops” in International Class 25; and
- j. LEE (Stylized)[®] (Registration No. 4538287) (2014) for “bottoms” in International Class 25,
(collectively, “Opposer’s Marks”).

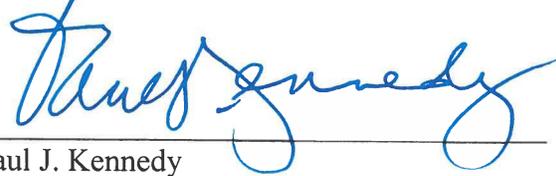
4. Opposer has, since long prior to the filing date of Applicant’s application, sold in commerce its goods under Opposer’s Marks. Through usage by Opposer, the Opposer’s Marks have become well-known to consumers and potential customers as trademarks of Opposer and as an origin and source indicator of the goods sold and provided by Opposer.

5. Because a primary feature, focus and emphasis of Applicant’s Mark is use of the word “LEE”, which is the exact mark of Opposer’s Marks (“LEE”), and the fact that Applicant’s proposed mark will ultimately be potentially viewed by the same consumers as those

of the Opposer, Applicant's Mark is likely to cause confusion, mistake, or deception amongst the general and consuming public as to whether Applicant's goods are being offered by, or in affiliation with, Opposer, hence causing damage to Opposer.

Accordingly, Opposer requests that registration of the mark DOUBLE LEE (Serial No. 86/702060) be denied to Applicant and this opposition be sustained.

Respectfully submitted,



DATE: March 30, 2016

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*Attorneys for Opposer,
The H.D. Lee Company, Inc.*

CERTIFICATE OF SERVICE

I, Paul J. Kennedy, hereby certify that on March 30, 2016, a true and correct copy of the foregoing Notice of Opposition was served via electronic mail and First Class Mail, postage prepaid, upon the following:

REN CAO
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Room 4611A, Floor 46, SEG Plaza Building
Shenzhen, Guangdong
CHINA
Email: trademark@cn-ip.cn; trynow@cn-ip.cn

Correspondent for Applicant



Paul J. Kennedy