

ESTTA Tracking number: **ESTTA737724**

Filing date: **04/04/2016**

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	Tween Brands Investment, LLC
Granted to Date of previous extension	04/06/2016
Address	8323 Walton Parkway New Albany, OH 43054 UNITED STATES
Attorney information	Maya L. Tarr Proskauer Rose LLP Eleven Times Square New York, NY 10036-8299 UNITED STATES trademark@proskauer.com, mtarr@proskauer.com Phone:212-969-3000

**Applicant Information**

Application No	86730949	Publication date	12/08/2015
Opposition Filing Date	04/04/2016	Opposition Period Ends	04/06/2016
Applicant	LTD2 Brand Holdings LLC 1370 Broadway, Suite 1107 New York, NY 10018 UNITED STATES		

**Goods/Services Affected by Opposition**

<p>Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Clothing for men and women, namely, boxer shorts, briefs, underwear, panties, lingerie, nightgowns, nightwear, pajamas, blouses, collared shirts, button down shirts, dress shirts, polo shirts, shirts, knit shirts, knit tops, camisoles, t-shirts, tank tops, vests, sweaters, shorts, skirts, dresses, skorts, bottoms, pants, cargo pants, slacks, jeans, leggings, lounge wear, fleece bottoms, fleece pullovers, fleece shorts, fleece tops, hooded sweat shirts, athletic shirts, athletic shorts, athletic pants, athletic jackets, athletic uniforms, golf shirts, golf shorts, jerseys, sweat pants, sweatshirts, sweat shorts, hooded sweatshirts, swim wear, beachwear, board shorts, suits, blazers, neckwear, scarves, jackets, coats, raincoats, hosiery, socks, tights, gloves, belts; headwear, namely, hats, caps, visors; footwear, namely, shoes, sandals, slippers, sneakers; Infant's and children's clothing, namely, underwear, infant and toddler one-piece clothing, t-shirts, tank tops, tops, shirts, bodysuits, creepers, rompers, jumpers, skirts, dresses, shorts, pants, jeans, bottoms, short sets, sunsuits, sweat pants, sweatshirts, hooded sweatshirts, swim wear, sleepwear, pajamas, nightgowns, sleepers, robes, socks, tights, layette sets, cloth bibs, jackets, raincoats, mittens, gloves; infant's and children's headwear, namely, hats, caps, headbands; infant's and children's footwear, namely, booties, shoes, sneakers, sandals, slippers</p>
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## 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 No.	86948164	Application Date	03/22/2016
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	IT'S A GIRL'S WORLD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2004/08/02 First Use In Commerce: 2004/08/02 Retail store services all featuring clothing, cosmetics, electronics, sunglasses, bags, jewelry, paper goods, stationery and writing instruments, home products, toys and accessories		

Attachments	86948164#TMSN.png( bytes ) LIMITED TOO IT_S A GIRL_S WORLD Class 25 Notice of Opposition.pdf(14994 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	/Maya L. Tarr/
Name	Maya L. Tarr
Date	04/04/2016

UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD

In The Matter Of Application Serial No. 86/730,949  
Filed: August 20, 2015  
For Mark: LIMITED TOO IT'S A GIRL'S WORLD  
Published In The *Official Gazette*, December 8, 2015

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Tween Brands Investment, LLC	)	Opposition No. _____
	)	
	)	
Opposer,	)	
	)	
v.	)	<b>NOTICE OF OPPOSITION</b>
	)	
LTD2 Brand Holdings LLC	)	
	)	
Applicant.	)	

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Tween Brands Investment, LLC (“Opposer”), an Ohio limited liability company with its principal place of business at 8323 Walton Parkway, New Albany, OH 43054 believes that it will be damaged by the registration of the mark LIMITED TOO IT’S A GIRL’S WORLD (“Applicant’s Mark”), as shown in Application Serial No. 86/730,949 (the “Application”), for “Clothing for men and women, namely, boxer shorts, briefs, underwear, panties, lingerie, nightgowns, nightwear, pajamas, blouses, collared shirts, button down shirts, dress shirts, polo shirts, shirts, knit shirts, knit tops, camisoles, t-shirts, tank tops, vests, sweaters, shorts, skirts, dresses, skorts, bottoms, pants, cargo pants, slacks, jeans, leggings, lounge wear, fleece bottoms, fleece pullovers, fleece shorts, fleece tops, hooded sweat shirts, athletic shirts, athletic shorts, athletic pants, athletic jackets, athletic uniforms, golf shirts, golf shorts, jerseys, sweat pants, sweatshirts, sweat shorts, hooded sweatshirts, swim wear, beachwear, board shorts, suits, blazers, neckwear, scarves, jackets, coats, raincoats, hosiery, socks, tights, gloves, belts; headwear,

namely, hats, caps, visors; footwear, namely, shoes, sandals, slippers, sneakers; Infant's and children's clothing, namely, underwear, infant and toddler one-piece clothing, t-shirts, tank tops, tops, shirts, body suits, creepers, rompers, jumpers, skirts, dresses, shorts, pants, jeans, bottoms, short sets, sunsuits, sweat pants, sweatshirts, hooded sweatshirts, swim wear, sleepwear, pajamas, nightgowns, sleepers, robes, socks, tights, layette sets, cloth bibs, jackets, raincoats, mittens, gloves; infant's and children's headwear, namely, hats, caps, headbands; infant's and children's footwear, namely, booties, shoes, sneakers, sandals, slippers” in International Class 25 (“Applicant’s Goods”) filed by LTD2 Brand Holdings LLC (“Applicant”), and having been granted an extension of time to oppose up to and including April 6, 2016, hereby opposes the same.

As grounds for the opposition it is alleged as follows:

1. Opposer is a leading retailer of clothing, jewelry, accessories and other goods in the United States for girls aged 7 to 14 (“tweens”).
2. Since long prior to Applicant’s alleged constructive first use date of August 20, 2015, indeed for more than ten years, Opposer has used the mark IT’S A GIRL’S WORLD (“Opposer’s Mark”) in U.S. commerce in connection with its retail store services, including without limitation, retail store services for clothing, jewelry, and accessories.
3. Opposer owns a federal application for Opposer’s Mark, Application Serial No. 86/948,164 covering “Retail store services all featuring clothing, cosmetics, electronics, sunglasses, bags, jewelry, paper goods, stationery and writing instruments, home products, toys and accessories” in Class 35 claiming a date of first use and a date of first use in commerce at least as early as August 2, 2004.

4. As a result of the sales and promotion of its services offered in connection with Opposer's Mark, Opposer has built highly valuable goodwill in Opposer's Mark, and said goodwill has become closely and uniquely identified and associated with Opposer.

5. On August 20, 2015, Applicant filed an application to register Applicant's Mark for Applicant's Goods based on an intent to use.

6. Upon information and belief, Applicant did not use Applicant's Mark for Applicant's Goods in United States commerce prior to its alleged constructive first use date of August 20, 2015.

7. Applicant's Goods are closely related to the retail store services offered in connection with Opposer's Mark and the goods Opposer sells.

8. Applicant's Mark contains the terms IT'S A GIRL'S WORLD, which is identical to Opposer's Mark.

9. Applicant's Mark so resembles Opposer's Mark as to be likely, when applied to Applicant's Goods, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's Goods have their origin with Opposer and/or that such goods are approved, endorsed or sponsored by Opposer or associated in some way with Opposer. Opposer would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's Mark.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's Mark and respectfully requests that its opposition be sustained and that the application for said registration be denied.

Please recognize as attorneys for Opposer in this proceeding Alexander Kaplan, Adam Siegartel, and Maya L. Tarr (members of the bar of the state of New York) and the firm of Proskauer Rose LLP, Eleven Times Square, New York, New York 10036-8299.

Please address all communications to Maya L. Tarr, Esq. at the address listed below.

Dated: New York, New York

April 4, 2016

Respectfully submitted,

PROSKAUER ROSE LLP  
*Attorneys for Opposer*

/Maya L. Tarr/  
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**CERTIFICATE OF SERVICE**

I hereby certify that on April 4, 2016, I caused a true and complete copy of the foregoing Notice of Opposition to be sent via First Class Mail, postage prepaid, to Applicant's Correspondent and Attorney of Record, Joseph S. Sutton at 1370 Broadway RM 1107, New York, NY 10018-7775.

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/Maya L. Tarr/  
Maya L. Tarr