

ESTTA Tracking number: **ESTTA747072**

Filing date: **05/18/2016**

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	Organic Body Brands, Inc.
Granted to Date of previous extension	05/18/2016
Address	P.O. Box 24025 Edina, MN 55424 UNITED STATES

Attorney information	Richard L. Byrne The Webb Law Firm 420 Ft. Duquesne Blvd., Suite 1200 Pittsburgh, PA 15222 UNITED STATES rbyrne@webblaw.com, cdickson@webblaw.com, npassaretti@webblaw.com, trademarks@webblaw.com Phone:(412) 471-8815
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Applicant Information

Application No	86735597	Publication date	01/19/2016
Opposition Filing Date	05/18/2016	Opposition Period Ends	05/18/2016
Applicant	Gib's Distribution LLC 110 N. College Avenue, Suite #4 Fort Collins, CO 80524 UNITED STATES		

Goods/Services Affected by Opposition

Class 003. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Personal grooming products for men, namely, cosmetic hair and skin care preparations

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.	4678975	Application Date	06/25/2014
Registration Date	01/27/2015	Foreign Priority Date	NONE
Word Mark	HERBAN COWBOY		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 2001/12/13 First Use In Commerce: 2001/12/13 Health and beauty aids, namely, shavingcream, shave soap, soap, perfume, skin moisturizers, body lotion, hair shampoo,and personal deodorant

Attachments	86320049#TMSN.png(bytes) Notice of Opposition.pdf(58086 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	/Cecilia R. Dickson/
Name	Cecilia R. Dickson
Date	05/18/2016

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

ORGANIC BODY BRANDS, INC.,)	Opposition No. _____
)	
Opposer,)	Application Serial No. 86/735,597
)	
v.)	Mark: URBAN OUTLAW
)	
GIB'S DISTRIBUTION LLC, d/b/a GIB'S)	Published: January 19, 2016
GROOMING,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Organic Body Brands, Inc. (“Opposer”), by and through its undersigned counsel, hereby alleges that it will be damaged by the registration of URBAN OUTLAW in International Class 03 as shown in Application Serial No. 86/735,597 (“the Application”), and hereby opposes the Application under the provisions of 15 U.S.C. §§ 1052 and 1063.

As grounds for opposing the Application, Opposer avers as follows:

1. Opposer is a corporation existing under the laws of Minnesota and having a principal place of business at P.O. Box 24025, Edina, MN 55424.
2. Opposer is engaged in the business of development and sale of vegan certified and natural health and beauty aids for men, including, shaving cream, shave soap, soap, perfume, skin moisturizers, body lotion, hair shampoo, and personal deodorant.
3. Opposer is the owner of U.S. Registration No. 4,678,975 for HERBAN COWBOY in International Class 03 for “health and beauty aids, namely, shaving cream, shave soap, soap, perfume, skin moisturizers, body lotion, hair shampoo, and personal deodorant”. A copy of Opposer’s registration for HERBAN COWBOY is attached as Exhibit A.

4. Opposer's first use in commerce in the United States of HERBAN COWBOY is at least as early as December 13, 2001.

5. Opposer has achieved worldwide recognition of its mark in the health and beauty aids industry.

6. Because of Opposer's extensive use of HERBAN COWBOY, Opposer has gained substantial goodwill in connection with health and beauty aids for men, and such goodwill is an extremely valuable asset of Opposer.

7. Purchasers of such goods have come to associate HERBAN COWBOY with Opposer.

8. The continued strength of the HERBAN COWBOY mark is important to the continued success of Opposer's business.

9. Upon information and belief, Gib's Distribution LLC, d/b/a Gib's Grooming ("Applicant"), is a Colorado limited liability company with a place of business at 110 N. College Avenue, Suite #4 Fort Collins, CO 80524.

10. Applicant filed an intent-to-use application on August 24, 2015 seeking registration of URBAN OUTLAW for "personal grooming products for men, namely, cosmetic hair and skin care preparations" in International Class 03.

11. Upon information and belief, Applicant has not yet used URBAN OUTLAW in commerce.

12. Applicant's mark was published for opposition on January 19, 2016.

13. Applicant's mark is confusingly similar in sound and appearance to Opposer's mark.

14. Applicant's mark has the same meaning and commercial impression as Opposer's mark when Applicant's mark is used on or in connection with goods in International Class 03.

15. Applicant's goods are related to Opposer's goods.

16. Applicant's use of URBAN OUTLAW on or in connection with its goods in International Class 03 is likely to cause confusion or to cause mistake, or will deceive the public into believing that said goods emanate from Opposer and/or are licensed by Opposer and/or are approved by Opposer.

17. If Applicant is permitted to register URBAN OUTLAW for goods in International Class 03, the goodwill associated with Opposer's mark will be adversely affected.

18. 15 U.S.C. § 1052(d) bars Applicant's mark from registration.

19. Accordingly, Opposer will be damaged if Applicant is permitted to register URBAN OUTLAW in International Class 03.

WHEREFORE, Opposer respectfully prays that the registration sought by Applicant be refused and that this opposition be sustained.

Respectfully submitted,

THE WEBB LAW FIRM

Dated: May 18, 2016

/Cecilia R. Dickson/

Richard L. Byrne (Reg. No. 28498)

Cecilia R. Dickson (PA ID No. 89348)

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Attorneys for Opposer

CERTIFICATE OF SERVICE

I certify that a true and correct copy of **NOTICE OF OPPOSITION** was served this 18th day of May, 2016, upon the following via First Class Mail:

Cheryl L. Anderson
CR Miles P C
405 Mason Ct Ste 119
Fort Collins, CO 80524-4464

THE WEBB LAW FIRM

/Cecilia R. Dickson/

Cecilia R. Dickson

EXHIBIT A

United States of America

United States Patent and Trademark Office

HERBAN COWBOY

Reg. No. 4,678,975

Registered Jan. 27, 2015

Int. Cl.: 3

TRADEMARK

PRINCIPAL REGISTER

ORGANIC BODY BRANDS, INC. (MINNESOTA CORPORATION)
P.O. BOX 24025
EDINA, MN 55424

FOR: HEALTH AND BEAUTY AIDS, NAMELY, SHAVING CREAM, SHAVE SOAP, SOAP, PERFUME, SKIN MOISTURIZERS, BODY LOTION, HAIR SHAMPOO, AND PERSONAL DEODORANT, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 12-13-2001; IN COMMERCE 12-13-2001.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,406,357.

SER. NO. 86-320,049, FILED 6-25-2014.

DAVID COLLIER, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office