

ESTTA Tracking number: **ESTTA758704**

Filing date: **07/18/2016**

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	WE Brand S.a.r.l.
Granted to Date of previous extension	07/20/2016
Address	17, Rue Beaumont Luxembourg, L-1219 LUXEMBOURG
Attorney information	William J. Seiter Seiter Legal Studio 2500 Broadway, Bldg F, Suite F-125 Santa Monica, CA 90404 UNITED STATES williamjseiter@seiterlegalstudio.com

Applicant Information

Application No	86520037	Publication date	03/22/2016
Opposition Filing Date	07/18/2016	Opposition Period Ends	07/20/2016
Applicant	ME TO WE SOCIAL ENTERPRISES INC. 233 CARLTON STREET TORONTO, ONTARIO, M5A2L2 CANADA		

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: Cosmetic products, namely, lip glosses, lotions for cosmetic purposes, cosmetic creams, non-medicated balms for use on skin and lips, non-medicated bath preparations, and soap for hands, body and face
Class 014. First Use: 2011/11/00 First Use In Commerce: 2011/11/00 All goods and services in the class are opposed, namely: Jewelry, namely, earrings, necklaces, bracelets, rings, and chains
Class 018. First Use: 2011/11/00 First Use In Commerce: 2011/11/00 All goods and services in the class are opposed, namely: Bags and wallets; particularly tote bags, luggage, briefcases, gym bags, umbrellas, backpacks, beach bags, diaper bags, duffel bags, fanny packs, handbags, lunch bags, backpacks, key cases, satchels, reusable shopping bags, purses, vanity bags for toiletries sold empty, pocket wallets, and business card holders in the nature of wallets and card cases; pet accessories, namely, bandanas for pets, collars for animals, covers for animals, clothing for pets, and leashes for pets
Class 025. First Use: 2008/05/00 First Use In Commerce: 2008/05/00 All goods and services in the class are opposed, namely: Clothing, namely, yoga pants, long-sleeve shirts, tank tops, t-shirts, golf shirts, polos, scarves, beanies, toques, sweaters, sweatshirts, sweat-

pants, pants, pajamas, belts, ties, hats, jackets, parkas, coats, socks, shoes, boots, sandals and athletic pants; baby and infant clothing, namely, baby and infant pants, baby and infant shorts, baby and infant one piece garment, baby and infant bibs not of paper

Class 035. First Use: 2010/09/00 First Use In Commerce: 2010/09/00
 All goods and services in the class are opposed, namely: Online retail and retail store services featuring consumer goods, particularly personal care goods, pet accessories, baby accessories, healthy snacks, jewelry, clothing, bags and wallets, drinking bottles, tea products, key chains, computer accessories, cellular phone accessories; business services, namely, developing fundraising campaigns for others; charitable services, namely, organizing and conducting volunteer programs and community service projects

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.	4714553	Application Date	07/14/2010
Registration Date	04/07/2015	Foreign Priority Date	06/02/2010
Word Mark	WE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0 Spectacles including sunglasses; spectacle frames; cases and containers for spectacles</p> <p>Class 014. First use: First Use: 0 First Use In Commerce: 0 Precious metals and their alloys and goods in precious metals or coated therewith, namely, tie clips; jewelry, costume jewelry, precious stones; horological and chronometric instruments, including watches</p> <p>Class 018. First use: First Use: 0 First Use In Commerce: 0 Leather and imitation leather, goods made of these materials and not included in other classes, namely, leather handbags, wallets, purses, briefcases; umbrellas and parasols; trunks and travelling bags; bags not included in other classes, namely, all-purpose carrying bags including duffle bags, gym bags, school bags, sports bags, athletic bags, back packs, canvas, textile, cotton, silk and wool shopping bags, beach bags, suitcases and travelling bags</p> <p>Class 025. First use: First Use: 0 First Use In Commerce: 0 Clothing, namely, trousers, shorts, Bermuda shorts, skirts, dresses, sweaters, pullovers, cardigans and vests, jackets, overcoats, jackets and waist coats, blouses and shirts, undershirts, t-shirts, shawls, scarves, mittens, socks, stockings, tights and pantyhose, swimming costumes; footwear, namely, sandals, boots, shoes, slippers, sports shoes; headgear, namely, bonnets, hats and caps</p>		

	<p>Class 035. First use: First Use: 0 First Use In Commerce: 0</p> <p>Retail store services and computerized online retail store services featuring eyewear including sunglasses, optical frames, cases and containers for spectacles, precious metals and their alloys and products made from the aforesaid material or coated therewith, jewelry, costume jewelry, precious stones, clocks and chronometrical instruments, including watches, leather and imitation leather and products made from the aforesaid materials, umbrellas and parasols, trunks and suitcases, bags, clothing, footwear, headgear; franchise services, namely, offering business management assistance in the establishment and operation of franchised retail shops featuring eyewear including sunglasses, optical frames, cases and containers for spectacles, precious metals and their alloys and products made from the aforesaid material or coated therewith, jewelry, costume jewelry, precious stones, clocks and chronometrical instruments, including watches, leather and imitation leather and products made from the aforesaid materials, umbrellas and parasols, trunks and suitcases, bags, clothing, footwear, headgear; the aforesaid services also offered via electronic channels, including the Internet</p>
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U.S. Registration No.	4710199	Application Date	07/14/2010
Registration Date	03/31/2015	Foreign Priority Date	06/01/2010

Word Mark	WE
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Description of Mark	The mark consists of the term "WE" in stylized letters.
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Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0</p> <p>Spectacles including sunglasses; spectacle frames; cases and containers for spectacles</p> <p>Class 014. First use: First Use: 0 First Use In Commerce: 0</p> <p>Precious metals and their alloys and goods in precious metals or coated therewith, namely, tie clips; jewelry, costume jewelry, precious stones; horological and chronometric instruments, including watches</p> <p>Class 018. First use: First Use: 0 First Use In Commerce: 0</p> <p>Leather and imitation leather, goods made of these materials and not included in other classes, namely, leather handbags, wallets, purses, briefcases; umbrellas and parasols; trunks and traveling bags; bags not included in other classes, namely, all-purpose carrying bags including duffle bags, gym bags, school bags, sports bags, athletic bags, back packs, canvas, textile, cotton, silk and wool shopping bags, beach bags, suitcases and traveling bags</p> <p>Class 025. First use: First Use: 0 First Use In Commerce: 0</p> <p>Clothing, namely, trousers, shorts, Bermuda shorts, skirts, dresses, sweaters,</p>
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	<p>pullovers, cardigans and vests, jackets, overcoats, jackets and waist coats, blouses and shirts, undershirts, t-shirts, shawls, scarves, mittens, socks, stockings, tights and pantyhose, swimming costumes; footwear, namely, sandals, boots, shoes, slippers, sports shoes; headgear, namely, bonnets, hats and caps</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0</p> <p>Retail store services and computerized online retail store services featuring eyewear including sunglasses, optical frames, cases and containers for spectacles, precious metals and their alloys and products made from the aforesaid material or coated therewith, jewelry, costume jewelry, precious stones, clocks and chronometrical instruments, including watches, leather and imitation leather and products made from the aforesaid materials, umbrellas and parasols, trunks and suitcases, bags, clothing, footwear, headgear; franchise services, namely, offering business management assistance in the establishment and operation of franchised retail shops featuring eyewear including sunglasses, optical frames, cases and containers for spectacles, precious metals and their alloys and products made from the aforesaid material or coated therewith, jewelry, costume jewelry, precious stones, clocks and chronometrical instruments, including watches, leather and imitation leather and products made from the aforesaid materials, umbrellas and parasols, trunks and suitcases, bags, clothing, footwear, headgear; the aforesaid services also offered via electronic channels, including the Internet</p>
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Attachments	<p>85084765#TMSN.png(bytes) 85084803#TMSN.png(bytes) Notice of Opposition US TM App 86520037.pdf(188495 bytes)</p>
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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	/wjs/
Name	William J. Seiter
Date	07/18/2016

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

In the Matter of Application Serial No. 86520037
Mark: ME TO WE
Published: March 22, 2016

WE Brand S.a.r.l.,)
a Luxembourg corporation)
)
Opposer,)
)
v.) Opposition No. _____
)
Me to We Social Enterprises Inc.,)
a Canadian corporation)
)
Applicant.)

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NOTICE OF OPPOSITION

Opposer WE Brand S.a.r.l., a corporation organized under the laws of Luxembourg, located and doing business at 17, Rue Beaumont, Luxembourg L-1219, believes that it would be damaged by the issuance of a registration for the trademark ME TO WE as applied for by Applicant Me to We Social Enterprises Inc, a Canadian corporation, and therefore opposes the application as to all of the applied for goods and services in Classes 3, 14, 18, 25 and 35. As grounds for its opposition, Opposer, by its attorneys Seiter Legal Studio, alleges as follows:

1. Opposer is the owner of U.S. Trademark Registration No. 4714553, registered April 7, 2015, having a filing date of July 14, 2010 and a priority date of June 2, 2010, for the mark WE, and U.S. Trademark Registration No. 4710199, registered March 31, 2015, having a filing date of July 14, 2010 and a priority date of June 1, 2010, for the mark WE [stylized] (hereinafter, “Opposer’s Marks”), each for: “Spectacles including sunglasses; spectacle frames; cases and containers for spectacles,” in International Class 9;

“Precious metals and their alloys and goods in precious metals or coated therewith, namely, tie clips; jewelry, costume jewelry, precious stones; horological and chronometric instruments, including watches,” in International Class 14; “Leather and imitation leather, goods made of these materials and not included in other classes, namely, leather handbags, wallets, purses, briefcases; umbrellas and parasols; trunks and traveling bags; bags not included in other classes, namely, all-purpose carrying bags including duffle bags, gym bags, school bags, sports bags, athletic bags, back packs, canvas, textile, cotton, silk and wool shopping bags, beach bags, suitcases and traveling bags,” in International Class 18; “Clothing, namely, trousers, shorts, Bermuda shorts, skirts, dresses, sweaters, pullovers, cardigans and vests, jackets, overcoats, jackets and waist coats, blouses and shirts, undershirts, t-shirts, shawls, scarves, mittens, socks, stockings, tights and pantyhose, swimming costumes; footwear, namely, sandals, boots, shoes, slippers, sports shoes; headgear, namely, bonnets, hats and caps,” in International Class 25, and “Retail store services and computerized online retail store services featuring eyewear including sunglasses, optical frames, cases and containers for spectacles, precious metals and their alloys and products made from the aforesaid material or coated therewith, jewelry, costume jewelry, precious stones, clocks and chronometrical instruments, including watches, leather and imitation leather and products made from the aforesaid materials, umbrellas and parasols, trunks and suitcases, bags, clothing, footwear, headgear; franchise services, namely, offering business management assistance in the establishment and operation of franchised retail shops featuring eyewear including sunglasses, optical frames, cases and containers for spectacles, precious metals and their alloys and products made from the aforesaid material or coated therewith, jewelry, costume jewelry, precious stones, clocks and

chronometrical instruments, including watches, leather and imitation leather and products made from the aforesaid materials, umbrellas and parasols, trunks and suitcases, bags, clothing, footwear, headgear; the aforesaid services also offered via electronic channels, including the Internet,” in International Class 35.

2. Opposer’s Marks have been promoted extensively and are well known to the consuming public. Opposer has invested substantial time, effort and money in promoting Opposer’s Marks. As a result, Opposer’s Marks have become distinctive of Opposer’s goods and services, and have come to represent substantial goodwill for Opposer, widely recognized by the consuming public as a designation of source of the goods and services of Opposer.

3. On January 30, 2015, Applicant filed Application Serial No. 86520037 for the mark ME TO WE (hereinafter, “Applicant’s Mark”), in International Classes 3, 6, 8, 9, 14, 16, 18, 20, 21, 24, 25, 28, 29, 30, 31, 36, 39, 41 and 43.

4. The applied for goods and services in Application Serial No. 86520037 in the five International Classes herein opposed are:

“Cosmetic products, namely, lip glosses, lotions for cosmetic purposes, cosmetic creams, non-medicated balms for use on skin and lips, non-medicated bath preparations, and soap for hands, body and face,” in International Class 3;

“Jewelry, namely, earrings, necklaces, bracelets, rings, and chains,” in International Class 14;

“Bags and wallets; particularly tote bags, luggage, briefcases, gym bags, umbrellas, backpacks, beach bags, diaper bags, duffel bags, fanny packs, handbags, lunch bags, backpacks, key cases, satchels, reusable shopping bags,

purses, vanity bags for toiletries sold empty, pocket wallets, and business card holders in the nature of wallets and card cases; pet accessories, namely, bandanas for pets, collars for animals, covers for animals, clothing for pets, and leashes for pets,” in International Class 18;

“Clothing, namely, yoga pants, long-sleeve shirts, tank tops, t-shirts, golf shirts, polos, scarves, beanies, toques, sweaters, sweatshirts, sweatpants, pants, pajamas, belts, ties, hats, jackets, parkas, coats, socks, shoes, boots, sandals and athletic pants; baby and infant clothing, namely, baby and infant pants, baby and infant shorts, baby and infant one piece garment, baby and infant bibs not of paper,” in International Class 25; and

“Online retail and retail store services featuring consumer goods, particularly personal care goods, pet accessories, baby accessories, healthy snacks, jewelry, clothing, bags and wallets, drinking bottles, tea products, key chains, computer accessories, cellular phone accessories; business services, namely, developing fundraising campaigns for others; charitable services, namely, organizing and conducting volunteer programs and community service projects,” in International Class 35.

5. For the following goods, Applicant bases Application Serial No. 86520037 solely on alleged intent to use in United States commerce under Section 1(b) of the Trademark Act, 15 U.S.C. §1051(b):

“Cosmetic products, namely, lip glosses, lotions for cosmetic purposes, cosmetic creams, non-medicated balms for use on skin and lips, non-medicated bath preparations, and soap for hands, body and face,” in International Class 3.

6. For the following goods, Applicant bases Application Serial No. 86520037 solely on alleged use in United States commerce since May 2008 under Section 1(a) of the Trademark Act, 15 U.S.C. §1051(a):

“Clothing, namely, yoga pants, long-sleeve shirts, tank tops, t-shirts, golf shirts, polos, scarves, beanies, toques, sweaters, sweatshirts, sweatpants, pants, pajamas, belts, ties, hats, jackets, parkas, coats, socks, shoes, boots, sandals and athletic pants; baby and infant clothing, namely, baby and infant pants, baby and infant shorts, baby and infant one piece garment, baby and infant bibs not of paper,” in International Class 25.

7. For the following services, Applicant bases Application Serial No. 86520037 solely on alleged use in United States commerce since September 2010 under Section 1(a) of the Trademark Act, 15 U.S.C. §1051(a):

“Online retail and retail store services featuring consumer goods, particularly personal care goods, pet accessories, baby accessories, healthy snacks, jewelry, clothing, bags and wallets, drinking bottles, tea products, key chains, computer accessories, cellular phone accessories; business services, namely, developing fundraising campaigns for others; charitable services, namely, organizing and conducting volunteer programs and community service projects,” in International Class 35.

8. For the following goods, Applicant bases Application Serial No. 86520037 solely on alleged use in United States commerce since November 2011 under Section 1(a) of the Trademark Act, 15 U.S.C. §1051(a):

“Jewelry, namely, earrings, necklaces, bracelets, rings, and chains,” in International Class 14; and

“Bags and wallets; particularly tote bags, luggage, briefcases, gym bags, umbrellas, backpacks, beach bags, diaper bags, duffel bags, fanny packs, handbags, lunch bags, backpacks, key cases, satchels, reusable shopping bags, purses, vanity bags for toiletries sold empty, pocket wallets, and business card holders in the nature of wallets and card cases; pet accessories, namely, bandanas for pets, collars for animals, covers for animals, clothing for pets, and leashes for pets,” in International Class 18.

9. Upon information and belief, Applicant made no use of the mark in Application Serial No. 86520037 in United States commerce on or in connection with any of the opposed goods or services on or before June 1, 2010, the priority date of Opposer’s U.S. Trademark Registration No. 4710199.

10. Upon information and belief, Applicant made no use of the mark in Application Serial No. 86520037 in United States commerce on or in connection with any of the opposed goods or services on or before June 2, 2010, the priority date of Opposer’s U.S. Trademark Registration No. 4714553.

11. Upon information and belief, Applicant made no use of the mark in Application Serial No. 86520037 in United States commerce on or in connection with any of the opposed goods or services on or before July 14, 2010, the filing date of Opposer’s U.S. Trademark Application Serial Nos. 85084765 and 85084803, the applications from which Opposer’s U.S. Trademark Registrations Nos. 4714553 and 4710199 resulted.

12. The mark which Applicant seeks to register is similar in sound, appearance, meaning and commercial impression to Opposer's Marks, and Applicant's Mark could be used in connection with goods and services identical or closely related to Opposer's goods and services. Based on the confusing similarity of the two marks and identity or relatedness of the parties' respective goods and services, the public is likely to associate the goods and services of Applicant under Applicant's Mark with Opposer and/or its licensees or with Opposer's and/or its licensees' goods and services under Opposer's Mark, or to believe that Applicant's goods and services are sponsored, endorsed or licensed by Opposer or its licensees, or that there exists some relationship between Applicant and Opposer and/or its licensees.

13. For the above reasons, any use of Applicant's Mark by Applicant for the goods or services in the five opposed classes is likely to cause confusion, cause mistake or deceive the public, and cause the public to believe that the goods and services offered under the mark by Applicant emanate from or are otherwise sponsored or endorsed by Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

REQUEST FOR RELIEF

Opposer will be damaged by the registration of the mark in Application Serial No. 86520037, and respectfully requests that this opposition be sustained and that the registration sought by Application Serial No. 86520037 be denied as to all of the applied for goods and services in International Classes 3, 14, 18, 25 and 35.

The Opposition fee in the amount of \$1,500.00 for five classes is filed electronically herewith.

