

ESTTA Tracking number: **ESTTA763082**

Filing date: **08/08/2016**

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                                  | H & M Hennes & Mauritz AB         |
| Granted to Date of previous extension | 08/31/2016                        |
| Address                               | SE-106 38<br>STOCKHOLM,<br>SWEDEN |

|                      |  |
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| Attorney information | DARREN W. SAUNDERS<br>MANATT, PHELPS & PHILLIPS LLP<br>7 TIMES SQUARE<br>NEW YORK, NY 10036<br>UNITED STATES<br>trademarksny@manatt.com, dsaunders@manatt.com, jbernard@manatt.com<br>Phone:212-790-4600 |
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**Applicant Information**

|                        |   |                        |            |
|------------------------|---|------------------------|------------|
| Application No         | 86835052  | Publication date       | 05/03/2016 |
| Opposition Filing Date | 08/08/2016  | Opposition Period Ends | 08/31/2016 |
| Applicant              | West, Anthony<br>905 W.Sonora,St<br>Stockton, CA 95203<br>UNITED STATES |                        |            |

**Goods/Services Affected by Opposition**

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| Class 025. First Use: 0 First Use In Commerce: 0<br>All goods and services in the class are opposed, namely: Clothing, namely, tops, bottoms, pants,shirts, hats |
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**Grounds for Opposition**

|                                      |                            |
|--------------------------------------|----------------------------|
| Priority and likelihood of confusion | Trademark Act Section 2(d) |
|--------------------------------------|----------------------------|

**Mark Cited by Opposer as Basis for Opposition**

|                       |            |                       |            |
|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 3531296    | Application Date      | 12/28/2007 |
| Registration Date     | 11/11/2008 | Foreign Priority Date | NONE       |
| Word Mark             | H&M        |                       |            |

|                     |   |
|---------------------|---|
| Design Mark         |   |
| Description of Mark | NONE  |
| Goods/Services      | <p>Class 003. First use: First Use: 0 First Use In Commerce: 0<br/>[ soaps; perfumery, essential oils, ] cosmetics [ , hair lotions ]</p> <p>Class 014. First use: First Use: 0 First Use In Commerce: 0<br/>imitation jewelry and jewelry of precious metal and stones; [ cuff links; tie pins; watches, ] wrist watches</p> <p>Class 018. First use: First Use: 0 First Use In Commerce: 0<br/>Belts; handbags; toiletry bags sold empty; all-purpose sports bags, athletic bags, beach bags, book bags, carry-on bags, clutch bags, [ duffel bags, ] traveling bags; [ trunks; ] backpacks; wallets; umbrellas</p> <p>Class 025. First use: First Use: 0 First Use In Commerce: 0<br/>Headwear; footwear; and clothing, namely, T-shirts, shirts, cardigans, blouses,body suits, coats, jackets, pants, skirts, dresses, belts, hats, scarf, gloves,kimonos, [ muffs, ] suits, tunics, waistcoats, denim wear, namely, jeans, skirts, shirts, hats, [ shorts, ] dresses, trousers, jackets and coats; suede and leather clothing, namely, gloves, [ trousers, ] skirts, jackets, coats, [ hats, ] belts, [ shirts, dresses; ] linen clothing, namely, [ dresses, ] trousers, [ jackets, ] shirts, blouses; knit wear, namely, jersey and heavy knitwear; jumpsuits,shorts, sweat-shirts, underwear, lingerie, bras, bustiers, [ hot pants, camisoles, ] suspenders, chemises, pantyhose, leggings, tights, socks, stockings, long johns, singlets, swimwear, bikinis, [ sarongs, ponchos, ] pullovers, [ bandanas, ] polo shirts, fake fur jackets and coats, sweaters, hoods, anoraks, wind resistant jackets, tank tops, slippers, neckwear, mittens, rainwear, parkas, overalls,jogging suits [ ; skiwear, masquerade costumes ]</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0<br/>[ Advertising; business management; business administration; office functions; ] retail store services featuring [ soaps, ] perfumery, cosmetics, hair care products, jewelry, [ clocks and watches, ] leather goods, bags and luggage, clothing, footwear and headwear</p> |

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| Attachments | 79049560#TMSN.png( bytes )<br>HM Hennes and Mauritz vs Anthony West Opposition.pdf(93919 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 Overnight Courier on this date.

|           |                      |
|-----------|----------------------|
| Signature | /Darren W. Saunders/ |
|-----------|----------------------|

|      |                    |
|------|--------------------|
| Name | DARREN W. SAUNDERS |
| Date | 08/08/2016         |

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

In re Application No. 86/835052

|                          |   |                 |
|--------------------------|---|-----------------|
| -----X                   |   |                 |
| H&M HENNES & MAURITZ AB, | : |                 |
|                          | : |                 |
| Opposer,                 | : |                 |
|                          | : |                 |
| -against-                | : | Opposition No.: |
|                          | : |                 |
| ANTHONY WEST,            | : |                 |
|                          | : |                 |
| Applicant.               | : |                 |
| -----X                   |   |                 |

**NOTICE OF OPPOSITION**

Opposer H&M Hennes & Mauritz AB (“H&M”) believes that it will be damaged by the registration of the trademark HM#1F and design, and hereby opposes same under Section 13 of the Trademark Act of 1946 (“Lanham Act”), 15 U.S.C. § 1063. As grounds for its opposition, Opposer, by its attorneys, Manatt, Phelps & Phillips, LLP, alleges as follows:

1. Opposer is an international retailer of women's, men's and children's fashion attire, accessories, and other products.
2. Opposer has used the brand name and trademark H&M for clothing, among other goods, in the United States since 2000. Opposer currently operates over 400 retail stores in the United States in which it sells H&M clothing and other goods.
3. Opposer owns various U.S. Trademark registrations for H&M, including U.S. Trademark Registration No. 3,531,296 for, among other goods, shirts and T-shirts, on the Principal Register. These registrations are in full force and effect.

4. Opposer's H&M mark is famous and symbolizes extraordinary goodwill.

5. Applicant's mark is likely, when applied to the goods listed in the application, to cause confusion, mistake or deception, and cause the public to believe that the goods offered under Applicant's mark emanate from or are otherwise sponsored by or endorsed by Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

6. There is no issue as to priority of use, as, upon information and belief, Applicant has not as yet commenced *bona fide* use of its mark on goods sold in interstate commerce.

7. By reason of the foregoing, Opposer will be damaged by issuance of a registration for the mark in the application.

WHEREFORE, Opposer prays that its opposition be sustained and that registration be denied.

Dated: New York, New York  
August 8, 2016

Respectfully submitted,

**MANATT, PHELPS & PHILLIPS, LLP**

By: s/Darren W. Saunders

Darren W. Saunders  
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*Attorneys for Opposer  
H&M Hennes & Mauritz AB*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Notice of Opposition was served by Federal Express upon the Applicant, Anthony West, 905 W. Sonora St., Stockton, CA 95203 on this date, August 8, 2016.

*s/Darren W. Saunders*

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Darren W. Saunders