

ESTTA Tracking number: **ESTTA442034**

Filing date: **11/18/2011**

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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Erin P. Murphy		
Entity	Individual	Citizenship	UNITED STATES
Address	419 Main Street, #225 Huntington Beach, CA 92648 UNITED STATES		

Attorney information	Evan Anderson, Esq. Patel & Alunit, P.C. 16830 VENTURA BLVD STE 360 Encino, CA 91436 UNITED STATES evan@patelalunit.com Phone:(818) 380-1900		
----------------------	---	--	--

Registration Subject to Cancellation

Registration No	3320965	Registration date	10/23/2007
Registrant	charles w. sloan and james ross jeter Partnership, The 27510 v. street oceanpark, WA 98640 UNITED STATES		

Goods/Services Subject to Cancellation

Class 025. First Use: 2006/01/20 First Use In Commerce: 2006/03/26 All goods and services in the class are cancelled, namely: Beach coverups; Beach footwear; Board shorts; Boxer shorts; Footwear; Hats; Head wear; Panties, shorts and briefs; Pants; Rash guards; Sandals; Short-sleeved or long-sleeved t-shirts; Shorts; Surf wear; Swim wear; T-shirts; Wet suits for water-skiing and sub-aqua
--

Grounds for Cancellation

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	2890189	Application Date	09/27/2002
Registration Date	09/28/2004	Foreign Priority Date	NONE
Word Mark	COASTAL		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2003/11/01 First Use In Commerce: 2004/01/01 SHIRTS[, HATS, BELTS, SOCKS, SWEATERS, T-SHIRTS, JACKETS, SHORTS, JEANS, AND PANTS]

U.S. Registration No.	3111897	Application Date	07/17/2005
Registration Date	07/04/2006	Foreign Priority Date	NONE

Word Mark	COASTAL
Design Mark	

Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2003/11/01 First Use In Commerce: 2004/01/01 TROUSERS, PANTS, JEANS, SHORTS, SKIRTS, OVERCOATS, RAINCOATS, JACKETS, WIND RESISTANT JACKETS, BLAZERS, HATS, UNDERWEAR, SWEATERS, JERSEYS, VESTS, CARDIGANS, SHIRTS, T-SHIRTS, BLOUSES, DRESSES, SUITS, TRACKSUITS, SWEATSHIRTS, PULLOVERS, OVERALLS; FOOTWEAR, NAMELY, SHOES, BOOTS, SLIPPERS; AND BELTS

U.S. Registration No.	3776684	Application Date	01/23/2008
Registration Date	04/20/2010	Foreign Priority Date	NONE

Word Mark	COASTAL
Design Mark	

Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2003/11/01 First Use In Commerce: 2004/01/01 Camp shirts

Attachments	78672073#TMSN.jpeg (1 page)(bytes) 77378416#TMSN.jpeg (1 page)(bytes) TTAB - COASTAL LOCAL - PETITION FOR CANCELLATION.pdf (4 pages) (1209104 bytes)
-------------	--

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	/evananderson/
Name	Evan Anderson, Esq.
Date	11/18/2011

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

ERIN PATRICK MURPHY,)	
)	
)	
Petitioner,)	
)	
v.)	Cancellation No.
)	Reg. No. 3,320,965
)	Mark: COASTAL LOCAL
)	
)	
COASTAL LOCAL,)	
)	
)	
Registrant.)	
)	
)	

PETITION FOR CANCELLATION

Petitioner, Erin Patrick Murphy, a citizen of the United States, whose principal business address is located at 419 Main Street, #225, Huntington Beach, CA 92648, hereby petitions to cancel the registration of the mark COASTAL LOCAL by Coastal Local, a Washington Partnership, comprised of partners Charles W. Sloan and James Ross Jeter both of whom are United States citizens, with its principal place of business located at 27510 V. Street, Oceanpark, WA 98640, that is the subject of U.S. Registration No. 3,320,965, and requests that the registration be cancelled.

As grounds in support of its opposition, Petitioner asserts as follows:

COUNT 1

Likelihood of Confusion

1. Petitioner is the owner of U.S. Trademark Registration No. 2,890,189 for the trademark COASTAL used in connection with shirts. Petitioner's effective registration date was September 28, 2004.
2. Petitioner is the owner of U.S. Trademark Registration No. 3,111,897 for the trademark COASTAL used in connection with TROUSERS, PANTS, JEANS, SHORTS, SKIRTS, OVERCOATS, RAINCOATS, JACKETS, WIND RESISTANT JACKETS, BLAZERS, HATS, UNDERWEAR, SWEATERS, JERSEYS, VESTS, CARDIGANS, SHIRTS, T-SHIRTS, BLOUSES, DRESSES, SUITS, TRACKSUITS, SWEATSHIRTS, PULLOVERS, OVERALLS; FOOTWEAR, NAMELY, SHOES, BOOTS, SLIPPERS; AND BELTS. Petitioner's effective registration date was July 4, 2006.
3. Petitioner is the owner of U.S. Trademark Registration No. 3,776,684 for the trademark COASTAL used in connection with camp shirts. Petitioner's effective registration date was February 2, 2010.
4. Registrant filed a trademark application for the trademark COASTAL LOCAL used in connection with Beach coverups; Beach footwear; Board shorts; Boxer shorts; Footwear; Hats; Head wear; Panties, shorts and briefs; Pants; Rash guards; Sandals; Short-sleeved or long-sleeved t-shirts; Shorts; Surf wear; Swim wear; T-shirts; Wet suits for water-skiing and sub-aqua. Registrant was assigned serial no. 78/790,805. Registrant's effective filing date was January 12, 2006. Registrant's application registered on October 23, 2007.
5. Registrant's mark, COASTAL LOCAL, so resembles Petitioner's COASTAL trademarks, when considered together, as to be likely, when applied to the goods set forth in Registrant's application, to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act.
6. Registrant's Mark contains the identical phonetic term COASTAL, which is the primary and dominant feature of Petitioner's COASTAL trademarks.
7. Registrant's goods are identical or closely related to the goods of Petitioner, and flow in the same or related channels of trade.
8. There is no dispute as to priority. Petitioner's effective registration date is September 28, 2004, July 4, 2006, February 2, 2010, respectively, and its first use of the COASTAL mark in interstate commerce occurred on January 1, 2004. Registrant's effective filing date is January 12, 2006 and its date of first use in interstate commerce is March 26, 2006. Thus, Petitioner's Marks have clear priority over the Registrant's Mark.
9. Through extensive use, advertising, marketing and promotion of Petitioner's marks, Petitioner has built up, at great expense and effort, a valuable reputation and goodwill symbolized by its strong and distinctive mar

COUNT 2

False Suggestion of Connection

10. Registrant's trademark is a phonetically identical combination of the dominant features of Petitioner's COASTAL trademarks. Registrant's COASTAL LOCAL trademark falsely suggests a connection with Petitioner in violation of Section 2(a) of the Trademark Act, because Registrant's mark points uniquely to Petitioner and purchasers will assume that goods sold under Registrant's trademark are connected with Petitioner.
11. Petitioner will be damaged by the use and registration of Registrant's trademark as it will deprive Petitioner of the ability to protect its reputation, persona and goodwill.
12. Petitioner will be damaged by the registration of Registrant's trademark as it will narrow the scope of trademark protection accorded to Petitioner's registered COASTAL trademarks, such that others may use the words COASTAL and other phonetically similar designations in connection with apparel products without regard to whether phonetical spelling creates a similar commercial impression.

WHEREFORE, Petitioner prays that the cancellation be sustained and that the registration to Registrant be cancelled.

Dated: November 18, 2011

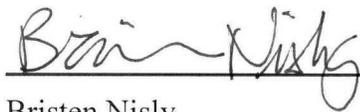
Respectfully submitted,

By: /evananderson/
Evan Anderson
John Alumit
Patel & Alumit, P.C.
16830 Ventura Blvd., Suite 360
Encino, CA 91436
(818) 380-1900
Attorneys for Petitioner,
Erin Murphy

PROOF OF SERVICE

I hereby certify that a true and complete copy of the foregoing **PETITION FOR CANCELLATION** has been served on Charles W. Sloan, president and general partner of Registrant, on November 18, 2011 via First Class U.S. Mail, postage prepaid to:

Charles W. Sloan
President and General Partner
Coastal Local
27510 V. Street
Oceanpark, WA 98640



Bristen Nisly