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01-15-2003
U.S. Patent & TM Office/TM Mail Rpt. Dt. #40

Attorney Docket No.: 81140-77

EXPRESS MAIL NO.: EV 195910656 US
DATE OF DEPOSIT: 1/15/02

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By: Kristen N. Kern
Kristen N. Kern

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

Applicant: Takasago International Corporation
U.S.A.
11 Volvo Drive
Rockleigh, NJ 07647

Trademark: REBA ✓

Serial No.: 74/726,416

International Class: 3

Filed: September 8, 1995

Published: December 17, 2002

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REBA MCENTIRE, A U.S. CITIZEN, AS
TRUSTEE OF
THE SMITH TRUST,

Opposer,

v.

TAKASAGO INTERNATIONAL
CORPORATION U.S.A.

Applicant.

OPPOSITION No. _____

NOTICE OF OPPOSITION

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Reba McEntire, a U.S. citizen, as trustee of The Smith Trust, having a place of business at 40 Music Square West, Nashville, Tennessee 37203 (hereinafter called "Opposer"), believes that she will be damaged by registration of the trademark REBA for the goods identified in Application Serial No. 75/726,416 filed by Takasago International Corporation U.S.A., a New York corporation, having a business address of 11 Volvo Drive, Rockleigh, NJ 07647 (hereinafter called "Applicant").

As grounds of Opposition, Opposer alleges as follows.

I. Likelihood of Confusion

1. The application at issue was filed on September 8, 1995, under § 1(b) of the Lanham Act, alleging an intent to use and seeking registration on the Principal Register for the mark REBA as a trademark in International Class 3 for "perfume" (hereinafter referred to as "Applicant's Goods").

2. Opposer is a well-known entertainer and multi-platinum recording artist who stars in the television show bearing her name and who sells musical and video recordings, apparel, and a variety of merchandise under the REBA trademark (hereinafter referred to as "Opposer's Goods and Services"). Since as early as 1974, Opposer has used and continues to use the name Reba McEntire as a performance name; and since as early as 1978, Opposer has also used and is using the trademarks REBA and REBA MCENTIRE in connection with the sale of Opposer's Goods and Services.

3. Opposer owns a number of federal registrations for the marks REBA and REBA MCENTIRE, including the following:

a) Registration number 2,166,737 for the mark REBA for "belt buckle made of precious metal; watches; necklace charms."

b) Registration number 1,981,268 for the mark REBA for "sunglasses; magnets; pre-recorded videotapes, featuring music, concert, and entertainment."

c) Registration number 2,163,066 for the mark REBA for “t-shirts; sweatshirts; shorts; sweatpants; nightshirts; sweaters; satin jackets; denim jackets; baseball caps; bathrobes; leather jackets; rain ponchos; socks.”

d) Registration number 2,090,414 for the mark REBA for “address book; tour book; decals; bumperstickers; fountain pens; posters; photographs; song books.”

e) Registration number 1,979,887 for the mark REBA for “automatic fold-up umbrella; tote bags; fanny pack.”

f) Registration number 1,966,072 for the mark REBA for “women's apparel; namely, pants, dresses, skirts, blouses, and scarves.”

g) Registration number 2,020,433 for the mark REBA for “ceramic mugs; acrylic beverage tumblers; sports bottles sold empty.”

h) Registration number 1,981,269 for the mark REBA for “beach towel; afghan.”

i) Registration number 2,571,687 for the mark REBA MCENTIRE for “clothing, namely, T-shirts, sweat shirts, shorts, sweat pants, night shirts, sweaters, satin jackets, denim jackets, bathrobes, leather jackets, rain ponchos, socks; baseball caps; socks; footwear; headwear.”

j) Registration number 2,082,158 for the mark REBA MCENTIRE for “series of musical sound recordings.” (All of the above-described marks are hereinafter referred to as the “REBA Marks.”)

4. Opposer's priority is indisputable. Opposer has used her REBA Marks since as early as 1978, while Applicant has not alleged any use of its mark. Since the first use of Opposer's REBA Marks, Opposer has continuously marketed, and is presently marketing, Opposer's Goods and Services in the United States and throughout the world under the REBA Marks. Opposer's REBA Marks are displayed on or in connection with Opposer's Goods and Services and in advertisements and promotional materials of various types disseminated in the

United States and throughout the world in conjunction with the advertising, offering for sale, and selling of Opposer's Goods and Services.

5. Opposer's Goods and Services are sold under the REBA Marks in the United States and throughout the world. As of 2001, Opposer had distributed over 50 million records under the REBA Marks, making her the most successful female artist in the country music genre. As a result of substantial advertising, promotion, sale, and distribution thereof, the Opposer's Goods and Services have acquired substantial fame, and Opposer has developed exceedingly valuable goodwill with respect to the REBA Marks. Opposer is currently the star of the television show *Reba*, which debuted in 2001. Opposer also starred in the Broadway production of *Annie Get Your Gun* in 2001, garnering praise in publications including *The New York Times*. Opposer has appeared in several motion pictures, including *Tremors* and *One Night at McCool's*. Opposer has written two books, *My Story* and *Country from a Country Quilt*, which together have sold over one million copies. *My Story* also appeared on the *New York Times Bestseller List* for several weeks.

6. The mark proposed for registration by Applicant, REBA, is identical to or fully incorporated into Opposer's REBA Marks, and is to be applied to goods which are closely related to those offered by Opposer such that Applicant's mark is likely to be confused with Opposer's REBA Marks. Because Applicant's mark is identical to or fully incorporated into Opposer's REBA Marks, it is likely to cause confusion and lead to misunderstanding as to the origin of Applicant's Goods and Services bearing the REBA mark.

7. If Applicant were granted registration of the application herein opposed, the similarity between Applicant's REBA mark and Opposer's REBA Marks would cause confusion in the marketplace resulting in damage and injury to Opposer. Consumers familiar with Opposer's REBA Marks may purchase Applicant's REBA product mistakenly believing it to be sold or endorsed by Opposer, or otherwise affiliated with Opposer. Furthermore, any faults or objections found with Applicant's Goods would reflect poorly upon and injure the reputation that Opposer has established for its Goods and Services under the REBA Marks.

8. It is Opposer's belief that Applicant, with the deliberate and willful intent of (a) causing public confusion and mistake, and (b) causing a false and incorrect suggestion and association of Applicant and Applicant's Goods with Opposer and Opposer's Goods and Services, chose the mark REBA for the express purpose of unfairly simulating, copying, and resembling Opposer's REBA Marks.

II. Dilution

9. As alleged above, Opposer has used her REBA Marks in commerce since at least as early as 1978 in connection with Opposer's Goods and Services. Opposer's REBA Marks have since become famous trademarks with strong and distinctive character qualifying for protection under Section 13 (15 U.S.C. § 1063 as amended) and Section 43(c) (15 U.S.C. § 1125(c)) of the Lanham Act.

10. Applicant's application was filed September 8, 1995, and is therefore subject to the provisions of Section 13 as amended and Section 43(c) of the Lanham Act.

11. Applicant's use and registration of the mark that is the subject of the application will lessen the capacity of Opposer's famous and distinctive REBA Marks to distinguish Opposer's Goods and Services from those of others, all to the damage of Opposer.

* * *

Wherefore, Opposer prays that this Opposition be sustained and that registration for the mark REBA covered by Application Serial No. 74/726,416 in International Class 3 be denied.

Opposer hereby appoints the firm Steinhart & Falconer LLP, 333 Market Street, Suite 3200, San Francisco, California 91405, to prosecute this Opposition, and to transact all business in the U.S. Patent and Trademark Office in connection therewith. All future communications in this Opposition should be directed to Opposer's attorneys identified above, to the attention of Katherine A. Keating or Kimberly G. Russell, telephone number (415) 777-3999.

Opposer hereby files this Notice of Opposition in triplicate. Please charge the statutory filing fee of \$300.00 and any additional fees to the Deposit Account of Steinhart &


Falconer LLP, No. 19-4215 (Our File No.: 81140-77). Please date-stamp and return the enclosed return receipt postcard indicating receipt and filing of this Notice of Opposition.

Respectfully submitted,

Attorneys for Opposer
REBA MCENTIRE, A U.S. CITIZEN, AS
TRUSTEE OF THE SMITH TRUST

Dated: January 15, 2003

By:


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