

ESTTA Tracking number: **ESTTA48082**

Filing date: **10/11/2005**

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	Sara Lee Corporation
Granted to Date of previous extension	10/12/2005
Address	1000 East Hanes Mill Road Winston-Salem, NC 27105 UNITED STATES

Correspondence information	Bruce O. Bradford Assistant Counsel-Intellectual Property Sara Lee Corporation 1000 East Hanes Mill Road Winston-Salem, NC 27105 UNITED STATES bbradford@saralee.com, lesa.tillery@saralee.com, anne.fleeson@saralee.com Phone:336.519.7072
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Applicant Information

Application No	76581167	Publication date	06/14/2005
Opposition Filing Date	10/11/2005	Opposition Period Ends	10/12/2005
Applicant	MooBella, LLC		

555 Constitution Drive
Taunton, MA 02780
UNITED STATES

Goods/Services Affected by Opposition

Class 025.

All goods and services in the class are opposed, namely: Clothing, namely, shirts, t-shirts, sweaters, jackets, hats, visors

Attachments moobe001.PDF (3 pages)

Signature /bruce bradford/

Name Bruce O. Bradford

Date 10/11/2005

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

In the Matter of Application Serial No. 76/581,167

Published on June 14, 2005

Mark: Miscellaneous Design

Sara Lee Corporation,

Opposer,

v.

Moobella, LLC,

Applicant.

Opposition No.

**NOTICE OF
OPPOSITION**

Opposer, Sara Lee Corporation, a Maryland corporation having a principal place of business at 1000 East Hanes Mill Road, Winston-Salem, North Carolina 27105 ("Opposer"), believes it will be damaged by registration of Application Serial No. 76/581,167 for the design mark depicted below, published in the Official Gazette, dated June 14, 2005 for "clothing, namely shirts, T-shirts, sweaters, jackets, hats, visors" in International Class 25 and hereby opposes same.



As grounds for the opposition, it is alleged that:

1. Opposer is now and for many years has been engaged in the manufacture, distribution, and sale in interstate commerce of a wide variety of apparel.

2. Prior to applicant's filing date and date of first use, Opposer has used the bull design mark depicted below in interstate commerce throughout the United States in connection with the sale of shirts:



3. Opposer is also the owner of a federal registration for the bull design mark depicted below for shirts (Reg. No. 2,176,411):



This registration is valid and subsisting, and has become incontestable pursuant to 15 U.S.C. § 1065. Opposer is the owner of the registration and the mark shown thereby and all of the business and goodwill represented thereby.

4. Ever since the adoption and use of its bull design marks, Opposer has widely and extensively advertised and sold goods bearing said trademark. As a consequence of same, the consuming public and trade have come to recognize and do recognize the bull design marks as being used by Opposer or by a single source, and to associate and identify these marks with Opposer or with a single source, and Opposer derives substantial goodwill and value from the aforesaid identification by the consuming public and trade.

5. By the application herein opposed, applicant seeks to register a cow design mark for "clothing, namely shirts, T-shirts, sweaters, jackets, hats, visors" in International Class 25. Applicant's goods are identical to Opposer's products that bear the Opposer's bull design marks and to the goods identified in Opposer's Reg. No. 2,176,411.

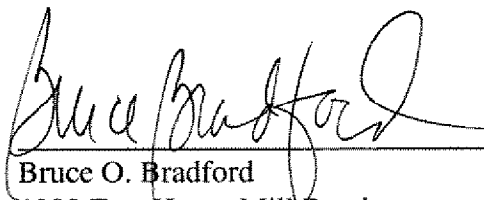
6. Applicant's cow design mark is confusingly similar to Opposer's bull design marks.

7. Applicant's mark opposed herein is likely, when applied to applicant's goods, to cause confusion and mistake and to deceive, with consequent injury to opposer, the consuming public and the trade.

8. Opposer will be damaged by the registration sought by applicant because such registration will support and assist applicant in the confusing and misleading use of applicant's mark sought to be registered, and will give color and exclusive right to applicant in violation and derogation of prior and superior rights of opposer.

Respectfully submitted,

SARA LEE CORPORATION



Bruce O. Bradford
1000 East Hanes Mill Road
Winston-Salem, NC 27105
Telephone: 336.519. 7072
Attorney for Opposer

Dated: October 11, 2005