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

Proceeding	91183929
Party	Plaintiff Off Limits Clothing Company LLC
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Submission	Brief on Merits for Plaintiff
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I own the trademark XXIV VII under registration# 2606030 and unfortunately it did get cancelled on accident but then was registered again under 77777194.

I have been using the trademark XXIV VII in commerce since 11/10/2001. Now Leonard Rubin Associates has applied to register the mark 24/7 in connection with clothing, underwear, hosiery, sweatshirts, sweatpants, gloves, hats, and scarves. Categories of clothing products that are identical to those offered under the XXIV VII mark by opposer.

Leonard Rubin Associates states that 24/7 is diluted in the marketplace. However we don't see that, no other company has the trademark rights to use the name XXIV VII except us.

In addition to that trademarks go by pronunciation and our intend is to advertise on the radio and this would definitely cause confusion in the marketplace.

Applicant use of 24/7 in connection with clothing will undoubtedly cause confusion, mistake or deception in the marketplace. Applicant must therefore be refused registered under Section 2(d) of the Lanham Act, 15 U.S.C. 1052(d)

We pray that you do not allow Leonard Rubin Associates the trademark on 24/7. Thank you!!

Respectfully yours,  
Eileen O'Donnell  
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