

ESTTA Tracking number: **ESTTA331393**

Filing date: **02/10/2010**

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	Hudson Clothing, LLC
Granted to Date of previous extension	02/10/2010
Address	6409 Gayhart Street Commerce, CA 90040 UNITED STATES
Attorney information	John J. Dabney McDermott Will & Emery LLP 600 13th Street, NW Washington, DC 20005 UNITED STATES jdabney@mwe.com, rweeks@mwe.com, Washington_IP_Docket@mwe.com Phone:2027568000

Applicant Information

Application No	77623744	Publication date	10/13/2009
Opposition Filing Date	02/10/2010	Opposition Period Ends	02/10/2010
Applicant	Hudson, Jennifer 5900 Wilshire Boulevard, Suite 2250 Los Angeles, CA 90036 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Wearable garments and clothing, namely, shirts, dresses, jeans, hats and shoes

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3273129	Application Date	04/19/2002
Registration Date	08/07/2007	Foreign Priority Date	NONE
Word Mark	HUDSON		

Design Mark	HUDSON
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2002/07/00 First Use In Commerce: 2002/07/00 Women's jeans

U.S. Registration No.	3385499	Application Date	05/01/2006
Registration Date	02/19/2008	Foreign Priority Date	NONE
Word Mark	HUDSON		
Design Mark	HUDSON		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2002/05/00 First Use In Commerce: 2002/07/00 Clothing not made of leather, namely, jeans, pants, shirts, jackets, and skirts		

Attachments	76397437#TMSN.gif (1 page)(bytes) 78873343#TMSN.jpeg (1 page)(bytes) 2.10.10 - Notice of Opposition to JENNIFER HUDSON ITU.pdf (3 pages) (77703 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 First Class Mail on this date.

Signature	/JJD/
Name	John J. Dabney

Date	02/10/2010
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5. Opposer has expended substantial resources to advertise and promote its products under Opposer's HUDSON marks and has developed substantial goodwill in its HUDSON marks and had done so long before Applicant's filing of its intent to use application.

6. Applicant filed an intent to use application to register the mark "JENNIFER HUDSON" in International Class 25 for wearable garments and clothing, namely, shirts, dresses, jeans, hats, and shoes.

7. That application was published for opposition on October 13, 2009 in the Official Gazette (Trademarks) of the United States Patent and Trademark Office.

8. Opposer was granted an extension of time until February 10, 2010 to file a notice of opposition to Applicant's application.

9. Applicant's mark "JENNIFER HUDSON" for wearable garments and clothing, namely, shirts, dresses, jeans, hats, and shoes, is confusingly similar to Opposer's HUDSON marks, and is likely to cause confusion, deception or mistake. 15 U.S.C. § 1052(d).

10 Applicant's registration of the mark "JENNIFER HUDSON" interferes with Opposer's HUDSON marks and damages Opposer, its business, and its goodwill.

WHEREFORE, Opposer requests that Applicant's application be denied.

The requisite filing fee prescribed by 37 C.F.R. § 2.6(a)(17), in the amount of \$300.00, should be charged to Deposit Account No. 500417. If there are any additional fees due in connection with this Notice of Opposition, they should also be charged to Deposit Account No. 500417, and any excess fees should be credited to same. All correspondence relating to this matter should be directed to the undersigned attorneys for Opposer.

Respectfully submitted,

HUDSON CLOTHING, LLC

Dated: February 10, 2010

By: /s/ John J. Dabney

John J. Dabney

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