

ESTTA Tracking number: **ESTTA337305**

Filing date: **03/15/2010**

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	Wrangler Apparel Corp.
Granted to Date of previous extension	03/14/2010
Address	3411 Silverside Road Wilmington, DE 19810 UNITED STATES

Attorney information	Paul J. Kennedy PEPPER HAMILTON LLP 3000 Two Logan Square Eighteenth and Arch Streets Philadelphia, PA 19103-2799 UNITED STATES kennedyp@pepperlaw.com, mulligar@pepperlaw.com, catalant@pepperlaw.com Phone:215-981-4194
----------------------	---

**Applicant Information**

Application No	77732069	Publication date	09/15/2009
Opposition Filing Date	03/15/2010	Opposition Period Ends	03/14/2010
Applicant	Hudson Clothing, LLC 6409 Gayhart Street Commerce, CA 90040 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 025. First Use: 2003/05/00 First Use In Commerce: 2003/05/00 All goods and services in the class are opposed, namely: Jeans, pants, shorts, and skirts
---

**Applicant Information**

Application No	77732083	Publication date	09/22/2009
Opposition Filing Date	03/15/2010	Opposition Period Ends	
Applicant	Hudson Clothing, LLC 6409 Gayhart Street Commerce, CA 90040 UNITED STATES		

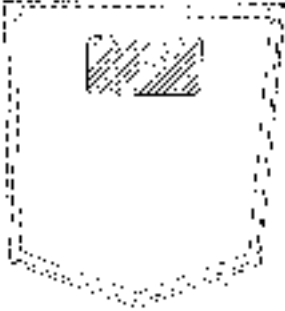
**Goods/Services Affected by Opposition**

Class 025. First Use: 2003/05/00 First Use In Commerce: 2003/05/00 All goods and services in the class are opposed, namely: Jeans, pants, shorts, and skirts
---

## Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

## Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2361033	Application Date	05/29/1997
Registration Date	06/27/2000	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	The mark consists of a rectangular leather or imitation leather patch stitched to the right back pocket of the garment. The dotted lines in the drawing serve to indicate the positioning of the mark in relation to the pocket and do not form part of the mark.		
Goods/Services	Class 025. First use: First Use: 1947/00/00 First Use In Commerce: 1947/00/00 jeans, skirts and shorts		

Attachments	75299555#TMSN.gif ( 1 page )( bytes ) 03-15-10 NOTICE OF OPPOSITION (Hudson).PDF ( 4 pages )(75691 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	/Paul J. Kennedy/
Name	Paul J. Kennedy
Date	03/15/2010

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

---

WRANGLER APPAREL CORP.	:	
	:	
	:	Opposition No.
	:	
Opposer	:	Marks: MISCELLANEOUS DESIGN
	:	
v.	:	Application Serial No. 77/732069
	:	Published in <i>Official Gazette</i> : September 15, 2009
	:	Filed: May 7, 2009
	:	
HUDSON CLOTHING, LLC	:	Application Serial No. 77/732083
	:	Published in <i>Official Gazette</i> : September 22, 2009
	:	Filed: May 7, 2009
	:	
Applicant	:	

---

**NOTICE OF OPPOSITION**

United States Patent and Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Dear Sir or Madam:

Wrangler Apparel Corp., a Delaware corporation with offices at 3411 Silverside Road, Wilmington, Delaware 19810 (“Opposer”), believes it will be damaged by the issuance of trademark registrations to Hudson Clothing, LLC (“Applicant”), a California limited liability company with offices at 6409 Gayhart Street, Commerce, California 90040 for miscellaneous designs (Serial Nos. 77/732069 and 77/732083) in International Class 25, and hereby opposes the applications.

As grounds for the opposition, Opposer alleges that:

1. Applicant is seeking to obtain, under the provisions of the Trademark Act of 1946, as amended, registrations on the Principal Register of miscellaneous design marks for “jeans, pants, shorts, and skirts” in International Class 25 (“Applicant’s Marks”).

2. Applicant’s Marks are described, in part, as a pocket flap design, which pocket flap contains a “rectangular shaped label located at the center of the pocket flap near the top edge.”

3. Applicant is not now, and never was, entitled to registrations on the Principal Register of Applicant’s Marks either on May 7, 2009, the date of Applicant's filing of the applications, on September 15, 2009, the date of publication in the *Official Gazette* of Serial No. 77/732069 or on September 22, 2009, the date of publication in the *Official Gazette* of Serial No. 77/732083.

4. Opposer is the owner of a registered trademark for a Miscellaneous Design (Registration No. 2361033) (2000), for “jeans, skirts and shorts” in International Class 25 and has used its mark since as early as 1947 (“Opposer’s Mark”).

5. Opposer has, since long prior to the filing date of Applicant’s applications, sold in commerce its goods under Opposer’s Mark. Through usage by Opposer, the Opposer’s Mark has become well-known to consumers and potential customers as a trademark of Opposer and as an origin and source indicator of the goods sold and provided by Opposer.

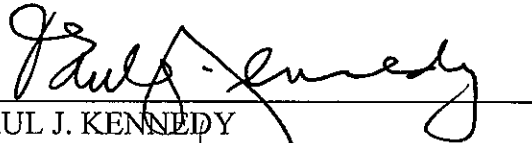
6. Because of the great similarity and placement between Opposer’s Mark and Applicant’s Marks, and the fact that Applicant’s proposed marks will ultimately be used on the same or similar products as those of the Opposer, and within the same classification, Applicant’s Marks are likely to cause confusion, mistake, or deception amongst the general and

consuming public as to whether Applicant's goods are being offered by, or in affiliation with, Opposer, hence causing damage to Opposer.

7. Applicant's registrations and use of Applicant's Marks will also dilute the distinctive quality of Opposer's Mark, which became famous before the filing date of Applicant's applications, thereby lessening the ability of Opposer's famous mark to distinguish Opposer's goods and services and causing damage to Opposer.

Accordingly, Opposer requests that registration of the miscellaneous design marks (Serial Nos. 77/732069 and 77/732083) be denied to Applicant and this opposition be sustained.

PEPPER HAMILTON LLP



PAUL J. KENNEDY  
J. ANTHONY LOVENSPIEMER  
Pepper Hamilton LLP  
3000 Two Logan Square  
Eighteenth and Arch Streets  
Philadelphia, PA 19103-2799  
(215) 981-4000

DATE: March 15, 2010

*Attorneys for Opposer  
Wrangler Apparel Corp.*

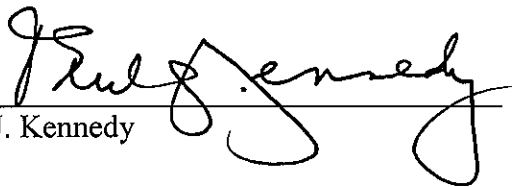
**CERTIFICATE OF SERVICE**

I, Paul J. Kennedy, hereby certify that on March 15, 2010, a true and correct copy of the foregoing Notice of Opposition was served via U.S. First Class Mail, postage prepaid, upon the following:

Lynne M.J. Boisineau, Esquire  
McDermott Will & Emery LLP  
18191 Von Karman Avenue, Suite 500  
Irvine, CA 92612

Jessica J. Thomas, Esquire  
McDermott Will & Emery LLP  
2409 Century Park East, 38<sup>th</sup> Floor  
Los Angeles, CA 90067

*Attorneys for Applicant*

  
Paul J. Kennedy