

ESTTA Tracking number: **ESTTA436161**

Filing date: **10/17/2011**

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	Pacific Sunwear of California
Granted to Date of previous extension	10/15/2011
Address	3450 E. Miraloma Ave ANAHEIM, CA 92806 UNITED STATES
Party who filed Extension of time to oppose	Pacific Sunwear of California Corp.
Relationship to party who filed Extension of time to oppose	On September 8, 2011, Opposer filed a First 30 Day Request for Extension of Time to Oppose. Opposer notes that it was incorrectly identified in the Request for Extension of Time as #Pacific Sunwear of California Corp.# through a typographical error which is a #misidentification by mistake# under TBMP Â§206.03 and 37 CFR Â§2.102(b). No such entity exists and Opposer's correct name is #Pacific Sunwear of California.#

Attorney information	Carol Anne Been SNR Denton US LLP P.O. Box #061080 Wacker Drive Station, Willis Tower Chicago, IL 60606-1080 UNITED STATES trademarks@snrdenton.com, carolanne.been@snrdenton.com, tara.sliva@snrdenton.com, danielle.perkins@snrdenton.com Phone:312.876.3122
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Applicant Information

Application No	85290728	Publication date	08/16/2011
Opposition Filing Date	10/17/2011	Opposition Period Ends	10/15/2011
Applicant	Beale, Tiffany 2462 jefferson way #202 Herndon, VA 20171 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: T-shirts for babies, adults, children, women, men
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Grounds for Opposition

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

U.S. Registration No.	1833388	Application Date	09/28/1992
Registration Date	04/26/1994	Foreign Priority Date	NONE
Word Mark	BULLHEAD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1992/09/20 First Use In Commerce: 1993/02/17 men's and women's dress wear, casual wear and sportswear; namely, hats, caps, visors, hoods, berets, head bands, sweat bands, ear muffs, gloves, mittens, wrist bands, suspenders, belts, socks, stockings, pantyhose, bodysuits, leotards, leggings, sweat socks, thermal socks, shoes, sneakers, galoshes, waders, boots, sandals, slippers, kerchiefs, scarves, mufflers, bandannas, neckerchiefs, vests, pajamas, robes, kimonos, caftans, smocks, aprons, boxer shorts, briefs, underpants, corsets, corselets, girdles, brassieres, bustiers, chemises, teddies, camisoles, slips, negligees, peniors, shirts, blouses, knit tops, dresses, skirts, jumpsuits, pant suits, rompers, swimming trunks, wet suits, thermal underwear, undershirts, tunics, tank tops, cotton woven shirts, knit shirts, polo shirts, T-shirts, sweat shirts, crew neck sweaters, V-neck sweaters, turtleneck sweaters, cardigans, suits, jogging suits, shorts, sweat shorts, jeans, pants, slacks, trousers, sweat pants, ski suits, ski pants, ski bibs, capes, shawls, blazers, waistcoats, rain coats, overcoats, top coats, sport coats, parkas, boleros, jackets, wind resistant jackets, outer jackets, leather jackets, ski jackets, flannel jackets, wool jackets, polyester woven shirts, rayon woven shirts, wool woven shirts, leather coats, elastic waist shorts, fixed waist shorts, denim shorts, and denim jackets		

Attachments	Opposition.pdf (6 pages)(19247 bytes) Exhibit A.pdf (5 pages)(106108 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	/tara reedy sliva/
Name	Tara Reedy Sliva
Date	10/17/2011

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

Pacific Sunwear of California (identified in Request for Extension of Time as Pacific Sunwear of California Corp., through a misidentification by mistake))	
)	
)	
)	
)	In the Matter of Serial No. 85/290,728
)	
Opposer,)	
)	
v.)	
)	Opposition No. _____
Tiffany Beale,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Pacific Sunwear of California (“PacSun”), a corporation organized under the laws of California, having offices at 3450 E. Miraloma Avenue, Anaheim, California 92806, believes that it will be damaged by the registration of Application Serial No. 85/290,728 and hereby opposes registration of the same under 15 U.S.C. §1052(d) and 1063.

1. On April 8, 2011, Applicant Tiffany Beale (“Applicant”) filed an intent-to-use application, Application Serial No. 85/290,728, for the designation BULLHEADED MAYFLOWER for “t-shirts for babies, adults, children, women, men” in International Class 25 (the “Application”).

2. The United States Patent and Trademark Office published the Application for opposition in the *Official Gazette* on August 16, 2011, allowing time to oppose said application up to and including September 15, 2011.

3. On September 8, 2011, PacSun filed a First 30 Day Request for Extension of Time to Oppose. PacSun notes that it was incorrectly identified in the Request for Extension of Time as “Pacific Sunwear of California Corp.” through a typographical error which is a “misidentification by mistake” under TBMP §206.03 and 37 CFR §2.102(b). No such entity

exists and its correct name is “Pacific Sunwear of California.” The Trademark Trial and Appeal Board (the “Board”) granted PacSun’s First Request for Extension of Time until October 15, 2011. Under 37 C.F.R. § 2.196, if the deadline for an action falls on a Saturday, Sunday or federal holiday, the action may be taken on the next business day, making Opposer’s deadline to oppose the instant Application October 17, 2011. Accordingly, PacSun has timely filed this Opposition.

4. PacSun owns U.S. Registration No. 1,833,388 for the mark BULLHEAD and owns associated nationwide common law rights in the BULLHEAD mark which is registered for the following goods in International Class 25 (“Opposer’s Goods”):

men's and women's dress wear, casual wear and sportswear; namely, hats, caps, visors, hoods, berets, head bands, sweat bands, ear muffs, gloves, mittens, wrist bands, suspenders, belts, socks, stockings, pantyhose, bodysuits, leotards, leggings, sweat socks, thermal socks, shoes, sneakers, galoshes, waders, boots, sandals, slippers, kerchiefs, scarves, mufflers, bandannas, neckerchiefs, vests, pajamas, robes, kimonos, caftans, smocks, aprons, boxer shorts, briefs, underpants, corsets, corselets, girdles, brassieres, bustiers, chemises, teddies, camisoles, slips, negligees, peniors, shirts, blouses, knit tops, dresses, skirts, jumpsuits, pant suits, rompers, swimming trunks, wet suits, thermal underwear, undershirts, tunics, tank tops, cotton woven shirts, knit shirts, polo shirts, T-shirts, sweat shirts, crew neck sweaters, V-neck sweaters, turtleneck sweaters, cardigans, suits, jogging suits, shorts, sweat shorts, jeans, pants, slacks, trousers, sweat pants, ski suits, ski pants, ski bibs, capes, shawls, blazers, waistcoats, rain coats, overcoats, top coats, sport coats, parkas, boleros, jackets, wind resistant jackets, outer jackets, leather jackets, ski jackets, flannel jackets, wool jackets, polyester woven shirts, rayon woven shirts, wool woven shirts, leather coats, elastic waist shorts, fixed waist shorts, denim shorts, and denim jackets (*see* Exhibit A).

5. The date of first use in interstate commerce in the United States recited in PacSun’s BULLHEAD is February 17, 1993. Such use predates the filing date of the Application based on intent-to-use on April 8, 2011. Accordingly, PacSun has priority of rights in the BULLHEAD mark.

6. Applicant applied for federal trademark registration of the designation BULLHEADED MAYFLOWER for “T-shirts for babies, adults, children, women, men” as shown in the Application despite PacSun’s prior rights in the BULLHEAD mark.

7. Applicant's proposed registration and use of the BULLHEADED MAYFLOWER designation as a mark for the goods identified in the Application so resembles PacSun's BULLHEAD mark as to be likely to create confusion, mistake, or deception under Section 2(d) of the Trademark Act, 15 U.S. C. § 1052(d).

8. PacSun's BULLHEAD mark is an arbitrary mark as applied to Opposer's Goods, as the term BULLHEAD bears no connection to Opposer's Goods.

9. On information and belief, as shown in a review of United States Patent and Trademark Office records, PacSun is the owner of three out of four active filings containing the term BULLHEAD in connection with goods in International Class 25. In addition to its registration for BULLHEAD relied upon in this Opposition, PacSun is the owner of Registration No. 3,296,713 for the mark BULLHEAD B for goods in International Class 25, and Registration No. 3,788,399 for the mark B BY BULLHEAD for goods in International Class 25.

10. Based on such review of United States Patent and Trademark Office records, the only other active filing containing the term BULLHEAD in International Class 25 is the mark in the instant Application.

11. PacSun's BULLHEAD mark is strong and entitled to a broad scope of protection against other marks incorporating the term BULLHEAD for goods in International Class 25.

12. Applicant's designation BULLHEADED MAYFLOWER incorporates PacSun's entire registered mark BULLHEAD.

13. Applicant's designation BULLHEADED MAYFLOWER is substantially similar in sound, appearance, connotation and commercial impression to PacSun's BULLHEAD mark.

14. Consumers encountering the designation BULLHEADED MAYFLOWER in connection with the goods identified in the Application may reasonably believe that such goods are offered or otherwise sponsored or endorsed by PacSun.

15. The goods in the Application are similar or related to Opposer's Goods offered in connection with Opposer's BULLHEAD mark.

16. Upon information and belief, the goods in the Application can or could be, and are intended to be, purchased by the same class of purchasers, and are or may be sold, and are intended to be sold, in the same trade channels, as Opposer's Goods are promoted and offered in connection with the BULLHEAD mark.

17. The goods in the Application are presumed to move through all of the ordinary and usual channels of trade for such products, further exacerbating the likelihood of confusion between the designation BULLHEADED MAYFLOWER in the Application and PacSun's prior established rights in its BULLHEAD mark.

18. PacSun has established considerable valuable goodwill in connection with its BULLHEAD mark. Having established such goodwill, PacSun is entitled to protection against use and registration of confusingly similar marks.

19. If the Application is allowed to register, purchasers of goods sold under the designation BULLHEADED MAYFLOWER are likely to believe that Applicant owns PacSun's BULLHEAD mark or that Applicant's goods originated or are connected with, or are sponsored, licensed, endorsed or approved by, PacSun or its BULLHEAD mark, all to PacSun's detriment.

20. Registration of the designation BULLHEADED MAYFLOWER by Applicant would allow Applicant to wrongfully appropriate PacSun's valuable goodwill and reputation associated with its BULLHEAD mark, and cause harm to the strength and unique recognition of PacSun's BULLHEAD mark.

21. As a result of the likelihood of confusion caused by Applicant's proposed registration and use of the designation BULLHEADED MAYFLOWER, PacSun believes that it will be damaged by the registration of the Application.

WHEREFORE, PacSun prays that the Board sustain this Notice of Opposition and refuse to register Application Serial No. 85/290,728.

Pacific Sunwear of California hereby appoints Carol Anne Been, Tara Reedy Sliva, and SNR Denton US LLP, P.O. Box #061080, Wacker Drive Station, Willis Tower, Chicago, IL 60606-1080, as its representative upon whom notices and process in proceedings affecting this proceeding may be served.

Respectfully submitted,

Pacific Sunwear of California

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By: /s/ /carol anne been/
One of its Attorneys

Dated: October 17, 2011
Carol Anne Been
Tara Reedy Sliva
SNR Denton US LLP
P.O. Box #061080
Wacker Drive Station, Willis Tower
Chicago, Illinois 60606-1080
Tel. No. 312-876-8000
Facsimile No. 312-876-7934

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing NOTICE OF
OPPOSITION to be served upon:

Tiffany Beale
2462 Jefferson Way #202
Herndon, VA 20171

by placing same in an envelope, properly sealed and addressed, with postage prepaid and
depositing same with the United States Postal Service via first class mail on this 17th day of
October, 2011.

/s/ /carol anne been/

Carol Anne Been

Filed with the TTAB via
ESSTA on October 17, 2011

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EXHIBIT A

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-10-17 16:25:50 ET

Serial Number: 74317388 Assignment Information Trademark Document Retrieval

Registration Number: 1833388

Mark (words only): BULLHEAD

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2004-02-22

Filing Date: 1992-09-28

Transformed into a National Application: No

Registration Date: 1994-04-26

Register: Principal

Law Office Assigned: LAW OFFICE 15

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2007-07-26

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. PACIFIC SUNWEAR OF CALIFORNIA

Address:

PACIFIC SUNWEAR OF CALIFORNIA
3450 E. MIRALOMA AVE.
ANAHEIM, CA 928062101
United States

Legal Entity Type: Corporation

State or Country of Incorporation: California

GOODS AND/OR SERVICES

International Class: 025

Class Status: Active

men's and women's dress wear, casual wear and sportswear; namely, hats, caps, visors, hoods, berets, head bands, sweat bands, ear muffs, gloves, mittens, wrist bands, suspenders, belts, socks, stockings, pantyhose, bodysuits, leotards, leggings, sweat socks, thermal socks, shoes, sneakers, galoshes, waders, boots, sandals, slippers, kerchiefs, scarves, mufflers, bandannas, neckerchiefs, vests, pajamas, robes, kimonos, caftans, smocks, aprons, boxer shorts, briefs, underpants, corsets, corselets, girdles, brassieres, bustiers, chemises, teddies, camisoles, slips, negligees, peniors, shirts, blouses, knit tops, dresses, skirts, jumpsuits, pant suits, rompers, swimming trunks, wet suits, thermal underwear, undershirts, tunics, tank tops, cotton woven shirts, knit shirts, polo shirts, T-shirts, sweat shirts, crew neck sweaters, V-neck sweaters, turtleneck sweaters, cardigans, suits, jogging suits, shorts, sweat shorts, jeans, pants, slacks, trousers, sweat pants, ski suits, ski pants, ski bibs, capes, shawls, blazers, waistcoats, rain coats, overcoats, top coats, sport coats, parkas, boleros, jackets, wind resistant jackets, outer jackets, leather jackets, ski jackets, flannel jackets, wool jackets, polyester woven shirts, rayon woven shirts, wool woven shirts, leather coats, elastic waist shorts, fixed waist shorts, denim shorts, and denim jackets

Basis: 1(a)

First Use Date: 1992-09-20

First Use in Commerce Date: 1993-02-17

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-11-04 - Attorney Revoked And/Or Appointed

2010-11-04 - TEAS Revoke/Appoint Attorney Received

2008-08-05 - Notice Of Suit

2008-06-23 - Notice Of Suit

2007-07-26 - Case File In TICRS

2005-03-25 - TEAS Change Of Correspondence Received

2004-02-22 - First renewal 10 year

2004-02-22 - Section 8 (10-year) accepted/ Section 9 granted

2003-12-04 - Combined Section 8 (10-year)/Section 9 filed

2003-12-04 - TEAS Section 8 & 9 Received

1999-10-25 - Section 8 (6-year) accepted & Section 15 acknowledged
1999-10-05 - Post Registration action mailed Section 8 & 15
1999-05-28 - Section 8 (6-year) and Section 15 Filed
1994-04-26 - Registered - Principal Register
1994-01-24 - Allowed for Registration - Principal Register (SOU accepted)
1993-12-08 - Assigned To Examiner
1993-11-30 - Statement Of Use Processing Complete
1993-10-04 - Use Amendment Filed
1993-07-06 - NOA Mailed - SOU Required From Applicant
1993-04-13 - Published for opposition
1993-03-12 - Notice of publication
1993-01-06 - Approved For Pub - Principal Register
1992-12-19 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Craig E. Gosselin

Correspondent

Craig E. Gosselin

3450 East Miraloma Avenue

Anaheim CA 92806

Phone Number: 714-414-4667

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No assignment has been recorded at the USPTO

For Serial Number: 74317388

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.2
Web interface last modified: July 25, 2011 v.2.2

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