

ESTTA Tracking number: **ESTTA501756**

Filing date: **10/24/2012**

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	Seattle Pacific Industries, Inc.		
Entity	Corporation	Citizenship	Washington
Address	11633 Westlake Avenue North Seattle, WA 98109 UNITED STATES		

Attorney information	Kevin S. Costanza Seed IP Law Group PLLC 701 Fifth Avenue, Suite 5400 Seattle, WA 98104 UNITED STATES kevinc@seedip.com, litcal@seedip.com Phone:206-622-4900		
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### Applicant Information

Application No	85597944	Publication date	10/16/2012
Opposition Filing Date	10/24/2012	Opposition Period Ends	11/15/2012
Applicant	MTC Marketing Inc Ste 144 1624 W. Crosby Rd Carrollton, TX 75006 UNITED STATES		

### Goods/Services Affected by Opposition

Class 025. First Use: 2012/03/30 First Use In Commerce: 2012/03/30  
All goods and services in the class are opposed, namely: Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms

### 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.	2927728	Application Date	01/20/2003
Registration Date	02/22/2005	Foreign Priority Date	NONE
Word Mark	UNION		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 025. First use: First Use: 1993/01/01 First Use In Commerce: 2000/11/01 clothing, namely, jackets, raincoats, sweatshirts, jerseys, shirts, blouses, pants, tights, shorts, hats, caps, sweatbands, headbands, gloves, belts, shoes, boots, socks
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U.S. Registration No.	3076424	Application Date	03/31/2005
Registration Date	04/04/2006	Foreign Priority Date	NONE

Word Mark	UNION
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Design Mark	
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Description of Mark	The mark consists of the wording UNION on the lower right side a circular button. The button also has multiple threads attached to a small off-centered hole. The dotted lines represent that the shape of the button and the off-centered hole through which the threads are attached are not part of the mark.
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Goods/Services	Class 025. First use: First Use: 2005/02/01 First Use In Commerce: 2005/02/01 clothing, namely, jackets, shirts, tops, pants, shorts, jeans, and bottoms
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U.S. Registration No.	3082240	Application Date	03/31/2005
Registration Date	04/18/2006	Foreign Priority Date	NONE

Word Mark	U UNION
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Design Mark	
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Description of Mark	The mark consists of an embroidered U with multiple threads hanging off the lower end of the U. The wording UNION is set off to the right of the U.
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Goods/Services	Class 025. First use: First Use: 2005/02/01 First Use In Commerce: 2005/02/01 clothing, namely, jackets, shirts, sweatshirts, tops, pants, jeans, shorts, and bottoms
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Attachments	78599398#TMSN.jpeg ( 1 page )( bytes ) 78599481#TMSN.jpeg ( 1 page )( bytes ) NOO.pdf ( 4 pages )(73487 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	/Kevin S. Costanza/
Name	Kevin S. Costanza
Date	10/24/2012

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

SEATTLE PACIFIC INDUSTRIES, INC.,	)	Opposition No. _____
	)	
Opposer,	)	Serial No. 85/597944
	)	
v.	)	
	)	
MTC MARKETING INC., aka COMMON	)	
UNION,	)	Docket No. 920006.80039
	)	
Applicant.	)	
	)	

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**NOTICE OF OPPOSITION**

Opposer Seattle Pacific Industries, Inc. (“Opposer”), which has a principal place of business in Seattle, Washington, believes it would be damaged by registration of the mark COMMON UNION and Design, shown in United States Trademark Application Serial No. 85597944 filed by MTC Marketing Inc. aka Common Union (“Applicant”), and published for opposition on October 16, 2012. Therefore, Opposer opposes that application.

The grounds for this opposition are as follows:

1. Opposer Seattle Pacific Industries, Inc. is a corporation organized under the laws of the State of Washington with an address at 1633 Westlake Avenue North, Seattle, Washington 98109.
2. Opposer is engaged in the sale and marketing of a variety of men’s, women’s, and children’s apparel and related products.
3. Since as early as November 2001, prior to the March 30, 2012 first-use date asserted in Applicant’s application, Opposer, through its predecessor and licensee, has continuously engaged in the sale in commerce of clothing and related accessories under the mark

UNION. Opposer has also begun selling and continues to sell clothing products under the marks UNION & Design and U UNION & Design.

4. Opposer is the owner of U.S. Trademark Registration No. 2,927,728 for the word mark UNION in International Class 25 for clothing, namely, jackets, raincoats, sweatshirts, jerseys, shirts, blouses, pants, tights, shorts, hats, caps, sweatbands, headbands, gloves belts, shoes, boots, and socks. The registration is valid and subsisting.

5. Opposer is the owner of U.S. Trademark Registration No. 3,076,424 for its UNION & Design mark in International Class 25 for clothing, namely, jackets, shirts, tops, pants, shorts, jeans, and bottoms. The registration is valid and subsisting.

6. Opposer is the owner of U.S. Trademark Registration No. 3,082,240 for its U UNION & Design mark in International Class 25 for clothing, namely, jackets, shirts, sweatshirts, tops, pants, jeans, shorts, and bottoms. The registration is valid and subsisting.

7. Opposer's UNION, UNION & Design, and U UNION & Design marks (hereafter referred to as Opposer's "UNION Marks") symbolize extensive good will and consumer recognition developed by Opposer through sales of goods under the marks and through advertising, promoting and popularizing of the marks in the United States.

8. As a result of such use and advertising of Opposer's UNION Marks, the marks are recognized as identifying the high-quality goods sold under the marks. The marks and the associated goodwill are valuable assets of Opposer.

9. The mark COMMON UNION and Design mark shown in Applicant's application incorporates Opposer's UNION word mark in its entirety.

10. Applicant has applied to register the COMMON UNION and Design mark in International Class 25 for "Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms." The goods described in Applicant's application are identical and/or closely related to the goods on which Opposer's UNION Marks are used.

11. The goods described in Applicant's application to register COMMON UNION and Design are so closely related to the goods described in Opposer's registrations for its

UNION Marks that, if the parties' respective products are sold under the same or confusingly similar marks, a likelihood of confusion will result.

12. Applicant's COMMON UNION and Design mark for the goods described in the application is confusingly and deceptively similar to Opposer's UNION Marks for the goods described in Opposer's registrations, such that the trade and purchasing public will be confused and deceived by believing that Applicant's goods originate with or are otherwise authorized, sponsored, licensed or associated with Opposer.

13. On information and belief, Applicant has had no use of Applicant's Mark in commerce prior to the March 30, 2012 first-use date stated in the application.

14. By reason of all of the foregoing, Opposer would be greatly damaged by the grant to Applicant of a registration for COMMON UNION and Design for the goods described in the application.

WHEREFORE, Opposer prays that this Opposition be sustained and the mark refused registration.

DATED this 24th day of October, 2012.

Respectfully submitted,  
SEED IP Law Group PLLC

/Kevin S. Costanza/  
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Attorneys for Opposer  
SEATTLE PACIFIC INDUSTRIES, INC.

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 24th day of October, 2012, the foregoing **NOTICE OF OPPOSITION** was served upon Applicant by United States first-class mail, postage-prepaid, addressed as follows:

MTC Marketing Inc.  
1624 W. Crosby Road, Suite 144  
Carrollton, TX 75006-6676

/Kelly Brennan/  
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Kelly Brennan