

ESTTA Tracking number: **ESTTA504027**

Filing date: **11/06/2012**

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	Mycoskie, LLC		
Entity	Limited Liability Company	Citizenship	California
Address	5404 Jandy Place Los Angeles, CA 90066 UNITED STATES		

Attorney information	Bruce Goldner Skadden, Arps, Slate, Meagher & Flom LLP Four Times Square New York, NY 10036-6522 UNITED STATES bgoldner@skadden.com, kplevan@skadden.com, limor.robinson@skadden.com, jamie.stockton@skadden.com, smarquez@skadden.com Phone:(212) 735-2972		
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Applicant Information

Application No	85446006	Publication date	10/16/2012
Opposition Filing Date	11/06/2012	Opposition Period Ends	11/15/2012
Applicant	Bryan J Pape P.O. Box 3663 Bellevue, WA 98107 UNITED STATES		

Goods/Services Affected by Opposition

Class 012. All goods and services in the class are opposed, namely: Bicycles

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.	4208986	Application Date	10/13/2011
Registration Date	09/18/2012	Foreign Priority Date	NONE
Word Mark	ONE FOR ONE		

Design Mark	ONE FOR ONE		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2006/05/15 First Use In Commerce: 2006/05/15 Retail store services and on-line retail store services in the field of footwear, apparel, eyewear, jewelry, books, journals, and gift packs consisting of DVDs and posters		

U.S. Registration No.	4204485	Application Date	06/06/2011
Registration Date	09/11/2012	Foreign Priority Date	NONE

Word Mark	ONE FOR ONE		
Design Mark	ONE FOR ONE		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2008/05/01 First Use In Commerce: 2008/05/01 Clothing, namely, hats, sweatshirts, hooded sweatshirts, t-shirts and shoes		

U.S. Registration No.	4170419	Application Date	06/16/2011
Registration Date	07/10/2012	Foreign Priority Date	NONE
Word Mark	ONE FOR ONE		

Design Mark	ONE FOR ONE
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2011/06/08 First Use In Commerce: 2011/06/08 Sunglasses and cases for sunglasses

Related Proceedings	Opp. No. 91204474
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Attachments	85447150#TMSN.jpeg (1 page)(bytes) 85339106#TMSN.jpeg (1 page)(bytes) 85348161#TMSN.jpeg (1 page)(bytes) Mycoskie v Pape - Opposition Notice - 85446006.pdf (17 pages)(364936 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	/Bruce Goldner/
Name	Bruce Goldner
Date	11/06/2012

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

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MYCOSKIE, LLC,	:	Serial No. 85/446,006
	Opposer,	:
		Opposition No. _____
-against-	:	
Bryan J. Pape,	:	
	Applicant.	:

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NOTICE OF OPPOSITION

Mycoskie, LLC (“Opposer”) believes that it would be damaged by the registration of the mark ONE4ONE, shown in U.S. Trademark Application Serial No. 85/446,006 (“Applicant's Mark”), to Bryan J. Pape (“Applicant”), and hereby opposes same.

Opposer alleges upon personal knowledge for its own acts and upon information and belief with respect to all other matters, as follows:

Opposer's Mark

1. Since as early as December 2008, Opposer has, through a licensee, offered throughout the United States charitable services under the mark ONE FOR ONE (“Opposer's Mark”), and claims common law rights in said usage beginning as early as December 2008.

2. Opposer owns several federal trademark registrations for Opposer's Mark, including the following: U.S. Reg. No. 4,208,986; U.S. Reg. No. 4,204,485; and U.S. Reg. No. 4,170,419. (See Exhibit A attached hereto). Opposer also claims common

law rights in Opposer's Mark in the goods and services described in said registrations, as described herein.

3. Opposer's Mark has been used by Opposer's licensee since as early as December 2008 to identify a charitable program which provides certain goods and services to those in need. Specifically, since as early as 2006, Opposer's licensee has matched every pair of its shoes sold, and every item of apparel sold, with a pair of new shoes given to a child in need. Starting as early as December 2008, Opposer's Mark has been used in connection with this children's shoe giving program. Since as early as July 1, 2011, Opposer's Mark has also been used to identify a charitable program which provides eye care or eye glasses to someone in need for each pair of eyeglasses sold by Opposer's licensee.

4. Opposer, through its licensee, sells or provides a number of goods and services both in retail stores and on-line, including footwear, apparel, eyewear, jewelry, books, journals, and other products, and has sold or provided one or more of such goods in association with Opposer's Mark since as early as December 2008.

5. Opposer, through its licensee, has spent substantial amounts, and devoted considerable time and energy, in advertising, using, promoting, marketing, and developing public awareness for Opposer's Mark. As a result of such expenditures and efforts, Opposer has developed a valuable reputation and enormous goodwill in Opposer's Mark.

6. Applicant's Mark is highly or substantially similar, and is in fact phonetically identical, to Opposer's Mark.

7. The goods cited by Applicant under Applicant's Mark, specifically, "Bicycles" in International Class 12, are highly similar to the goods Opposer has, through its licensee, offered and continues to offer under Opposer's Mark, in that among other things, bicycles are consumer goods. In addition, bicycles share the same lifestyle appeal associated with products sold by Opposer's Licensee in connection with Opposer's Mark, and Opposer's licensee has engaged in co-promotions with a bicycle manufacturer in connection with Opposer's mark.

8. Applicant's Mark is likely to cause confusion with Opposer's Mark.

9. The registration of Applicant's Mark for the cited goods in International Class 12 would grant Applicant rights to which it is not entitled, and would be inconsistent with the prior and established rights of Opposer in Opposer's Mark.

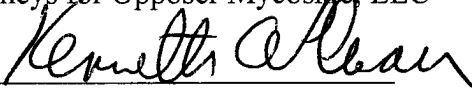
By reason of the foregoing, Opposer will be damaged by the registration of Applicant's Mark in International Class 12.

WHEREFORE, Opposer respectfully requests that this Notice of Opposition be sustained and the registration of Applicant's Mark in International Class 12 be refused.

Dated: New York, New York
November 6, 2012

Bruce Goldner
Kenneth Plevan
Limor Robinson
Jamie Stockton
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
Four Times Square
New York, NY 10036
(212) 735-3000 (telephone)
(212) 735-2000 (facsimile)

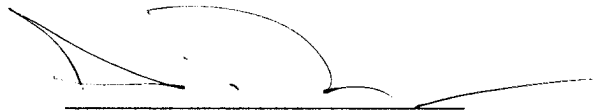
Attorneys for Opposer Mycoskie, LLC

By: 

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Notice of Opposition has been served on counsel for Bryan J. Pape by e-mail and by mailing said copy on November 6, 2012 via First Class Mail, postage prepaid to:

John Janeway, Esq.
Janeway Patent Law PLLC
2208 NW Market Street, Suite 508
Seattle, Washington 98107-4098



Sylvia Marquez
Trademark Legal Assistant

Exhibit A

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Mark: ONE FOR ONE

ONE FOR ONE

US Serial Number:	85447150	Application Filing Date:	Oct. 13, 2011
US Registration Number:	4208986	Registration Date:	Sep. 18, 2012
Register:	Principal		
Mark Type:	Service Mark		
Status:	Registered. The registration date is used to determine when post-registration maintenance documents are due.		
Status Date:	Sep. 18, 2012		
Publication Date:	Mar. 27, 2012		

Mark Information

Mark Literal Elements:	ONE FOR ONE
Standard Character Claim:	Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type:	4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Retail store services and on-line retail store services in the field of footwear, apparel, eyewear, jewelry, books, journals, and gift packs consisting of DVDs

and posters

International Class: 035 - Primary Class **U.S Class:** 100, 101, 102
Class Status: ACTIVE
Basis: 1(a)
First Use: May 15, 2006 **Use in Commerce:** May 15, 2006

Basis Information (Case Level)

Filed Use:	Yes	Currently Use:	Yes	Amended Use:	No
Filed ITU:	No	Currently ITU:	No	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

Current Owner(s) Information

Owner Name: Mycoskie, LLC
Stage C 3025
Owner Address: Olympic Boulevard
Santa Monica, CALIFORNIA 90404
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY **State or Country Where Organized:** CALIFORNIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Bruce Goldner **Docket Number:** 123020/1

Correspondent

Correspondent Name/Address: BRUCE GOLDNER
SKADDEN ARPS SLATE MEAGHER & FLOM LLP
4 TIMES SQ FL 24
NEW YORK, NEW YORK 10036-6522
UNITED STATES

Phone: 212-735-2000

Fax: 212-735-3000

Correspondent e-mail: bgoldner@skadden.com

Correspondent e-mail Authorized: No

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 18, 2012	REGISTERED-PRINCIPAL REGISTER	
Aug. 10, 2012	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
Apr. 16, 2012	EXTENSION OF TIME TO OPPOSE RECEIVED	
Mar. 27, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 27, 2012	PUBLISHED FOR OPPOSITION	
Mar. 07, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Feb. 06, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 31, 2012	ASSIGNED TO EXAMINER	76838
Oct. 19, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 17, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Sep. 18, 2012

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Mark: ONE FOR ONE

ONE FOR ONE

US Serial Number:	85339106	Application Filing Date:	Jun. 06, 2011
US Registration Number:	4204485	Registration Date:	Sep. 11, 2012
Register:	Principal		
Mark Type:	Trademark		
Status:	Registered. The registration date is used to determine when post-registration maintenance documents are due.		
Status Date:	Sep. 11, 2012		
Publication Date:	Jun. 26, 2012		

Mark Information

Mark Literal Elements:	ONE FOR ONE
Standard Character Claim:	Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type:	4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Clothing, namely, hats, sweatshirts, hooded sweatshirts, t-shirts and shoes

International Class: 025 - Primary Class **U.S Class:** 022, 039
Class Status: ACTIVE
Basis: 1(a)
First Use: May 01, 2008 **Use in Commerce:** May 01, 2008

Basis Information (Case Level)

Filed Use:	Yes	Currently Use:	Yes	Amended Use:	No
Filed ITU:	No	Currently ITU:	No	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

Current Owner(s) Information

Owner Name: Mycoskie, LLC
Owner Address: Stage C
3025 Olympic Boulevard
Santa Monica, CALIFORNIA 90404
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY **State or Country Where Organized:** CALIFORNIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Bruce Goldner **Docket Number:** 123020/1

Correspondent

Correspondent Name/Address: Bruce Goldner
Skadden Arps Slate Meagher & Flom LLP
Four Times Square
New York, NEW YORK 10036
UNITED STATES

Phone: 212-735-3000 **Fax:** 212-735-2000

Correspondent e-mail: bgoldner@skadden.com

Correspondent e-mail Authorized: No

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 11, 2012	REGISTERED-PRINCIPAL REGISTER	
Jun. 26, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 26, 2012	PUBLISHED FOR OPPOSITION	
Jun. 06, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
May 22, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
May 22, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 22, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
May 22, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
May 22, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 11, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Apr. 11, 2012	NON-FINAL ACTION E-MAILED	6325
Apr. 11, 2012	NON-FINAL ACTION WRITTEN	85323
Apr. 03, 2012	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Apr. 02, 2012	WITHDRAWN FROM PUB - OG REVIEW QUERY	76621
Mar. 19, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Mar. 19, 2012	ASSIGNED TO LIE	77312
Mar. 01, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 01, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 01, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 01, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 27, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 27, 2011	NON-FINAL ACTION E-MAILED	6325
Sep. 27, 2011	NON-FINAL ACTION WRITTEN	85323

Sep. 20, 2011	ASSIGNED TO EXAMINER	85323
Sep. 02, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Sep. 02, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 09, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 09, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE
SECTION **Date in Location:** Sep. 11, 2012

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Mark: ONE FOR ONE

ONE FOR ONE

US Serial Number:	85348161	Application Filing Date:	Jun. 16, 2011
US Registration Number:	4170419	Registration Date:	Jul. 10, 2012
Register:	Principal		
Mark Type:	Trademark		
Status:	Registered. The registration date is used to determine when post-registration maintenance documents are due.		
Status Date:	Jul. 10, 2012		
Publication Date:	Apr. 24, 2012		

Mark Information

Mark Literal Elements:	ONE FOR ONE
Standard Character Claim:	Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type:	4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Sunglasses and cases for sunglasses

International Class: 009 - Primary Class **U.S Class:** 021, 023, 026, 036, 038
Class Status: ACTIVE
Basis: 1(a)
First Use: Jun. 08, 2011 **Use in Commerce:** Jun. 08, 2011

Basis Information (Case Level)

Filed Use:	Yes	Currently Use:	Yes	Amended Use:	No
Filed ITU:	No	Currently ITU:	No	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

Current Owner(s) Information

Owner Name: Mycoskie, LLC
Owner Address: Stage C
3025 Olympic Boulevard
Santa Monica, OHIO 90404
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY **State or Country Where Organized:** CALIFORNIA

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Attorney Name: Bruce Goldner **Docket Number:** 123020/1

Correspondent

Correspondent Name/Address: Bruce Goldner
Skadden Arps Slate Meagher & Flom LLP
Four Times Square
New York, NEW YORK 10036
UNITED STATES

Phone: 212-735-3000 **Fax:** 212-735-2000

Correspondent e-mail: bgoldner@skadden.com

Correspondent e-mail Authorized: No

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 10, 2012	REGISTERED-PRINCIPAL REGISTER	
Apr. 24, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 24, 2012	PUBLISHED FOR OPPOSITION	
Apr. 04, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Mar. 19, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
Mar. 19, 2012	ASSIGNED TO LIE	68171
Mar. 01, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 01, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 01, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 01, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 27, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 27, 2011	NON-FINAL ACTION E-MAILED	6325
Sep. 27, 2011	NON-FINAL ACTION WRITTEN	85323
Sep. 20, 2011	ASSIGNED TO EXAMINER	85323
Sep. 02, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Sep. 02, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 21, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 20, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

PUBLICATION AND ISSUE

Current Location: SECTION

Date in Location: Jul. 10, 2012