

ESTTA Tracking number: **ESTTA514997**

Filing date: **01/09/2013**

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	Imagewear Apparel Corp.
Granted to Date of previous extension	01/09/2013
Address	3411 Silverside Road Wilmington, DE 19810 UNITED STATES

Attorney information	Paul J. Kennedy, Esquire PEPPER HAMILTON LLP 3000 Two Logan Square Eighteenth and Arch Streets Philadelphia, PA 19103-2799 UNITED STATES kennedyp@pepperlaw.com, catalant@pepperlaw.com
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**Applicant Information**

Application No	85565794	Publication date	09/11/2012
Opposition Filing Date	01/09/2013	Opposition Period Ends	01/09/2013
Applicant	LEE, ALEX S 100 W 17TH ST. #18 LOS ANGELES, CA 90015 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 025. All goods and services in the class are opposed, namely: Caps; Headwear
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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.	2656731	Application Date	02/27/2002
Registration Date	12/03/2002	Foreign Priority Date	NONE
Word Mark	NEW GENERATION		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 025. First use: First Use: 1988/03/08 First Use In Commerce: 1988/03/08 image apparel, namely, uniform trousers,[ jeans, ] shirts, coats and jackets
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Attachments	01-09-2013 Notice of Opposition (NGH NEW GENERATION).pdf ( 4 pages ) (38738 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	/Paul J. Kennedy/
Name	Paul J. Kennedy, Esquire
Date	01/09/2013

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IMAGEWEAR APPAREL CORP.	:	
	:	
	:	<b>Opposition No.</b>
	:	
<b>Opposer</b>	:	<b>Mark: NGH NEW GENERATION</b>
	:	<b>HEADGEAR &amp; Design</b>
	:	
v.	:	<b>Application Serial No.: 85565794</b>
	:	
	:	<b>Published in <i>Official Gazette</i>: September 11, 2012</b>
ALEX S. LEE	:	
	:	
	:	<b>Filed: March 9, 2012</b>
	:	
<b>Applicant</b>	:	

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**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:

Imagewear Apparel Corp., a Delaware corporation with offices at 3411 Silverside Road, Wilmington, Delaware 19810 (“Opposer”), believes it will be damaged by the issuance of a trademark registration to Alex S. Lee, an individual with an address at 100 W. 17<sup>th</sup> Street, #18, Los Angeles, California 90015 (“Applicant”), for the mark NGH NEW GENERATION HEADGEAR & Design (Serial No. 85565794) in International Class 25, and hereby opposes the application.

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, registration on the Principal Register of the mark NGH NEW GENERATION HEADGEAR & Design for “caps; headwear” in International Class 25 (“Applicant’s Mark”).

2. Applicant is not now, and never was, entitled to registration on the Principal Register of Applicant’s Mark either on March 9, 2012, the date of Applicant’s filing of the intent-to-use based application, or on September 11, 2012, the date of publication in the *Official Gazette*.

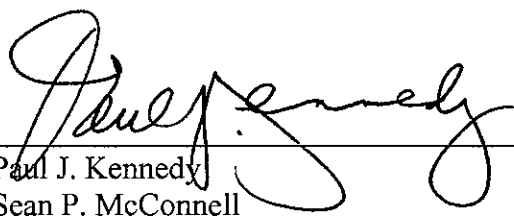
3. Opposer is the owner of the registered trademark NEW GENERATION (Registration No. 2656731) (2002), for “image apparel, namely, uniform trousers, shirts, coats and jackets” in International Class 25 (“Opposer’s Mark”).

4. Opposer has, since long prior to the filing date of Applicant’s application, 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 trademarks of Opposer and as an origin and source indicator of the goods sold and provided by Opposer.

5. Applicant’s incorporation of the words “NEW GENERATION” are identical to Opposer’s Mark and Applicant’s Mark is in the same trademark classification for apparel products as that of Opposer’s Mark. Accordingly, Applicant’s Mark is 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.

Accordingly, Opposer requests that registration of the NGH NEW GENERATION HEADGEAR & Design mark (Serial No. 85565794) be denied to Applicant and this opposition be sustained.

DATE: January 9, 2013



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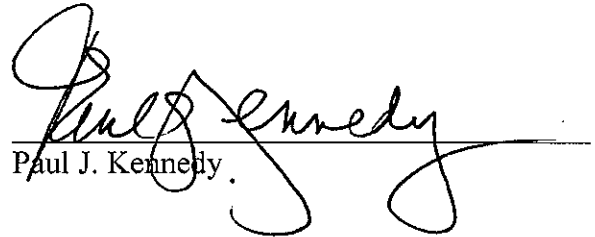
*Attorneys for Opposer  
Imagewear Apparel Corp.*

**CERTIFICATE OF SERVICE**

I, Paul J. Kennedy, hereby certify that on January 9, 2013, a true and correct copy of the foregoing Notice of Opposition was served via U.S. First Class Mail, postage prepaid, upon the following:

Mr. Alex S. Lee  
100 W. 17th Street, #18  
Los Angeles, CA 90015-3549

*Applicant*

  
Paul J. Kennedy.