

ESTTA Tracking number: **ESTTA543262**

Filing date: **06/15/2013**

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	ErinPMurphy
Granted to Date of previous extension	06/29/2013
Address	15572 Graham St. Huntington Beach, CA 92649 UNITED STATES

Attorney information	Evan Anderson Brand Ventures Intellectual Property Law 2434 Lincoln Blvd., Floor 2 Los Angeles, CA 90291 UNITED STATES evan@bviplaw.com Phone:3104253428
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Applicant Information

Application No	85792008	Publication date	04/30/2013
Opposition Filing Date	06/15/2013	Opposition Period Ends	06/29/2013
Applicant	Currie, Lawson 4138 Appleton Way Wilmington, NC 28412 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 2012/07/05 First Use In Commerce: 2012/10/03 All goods and services in the class are opposed, namely: Dress shirts; Hats; Polo shirts; T-shirts
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Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2890189	Application Date	09/27/2002
Registration Date	09/28/2004	Foreign Priority Date	NONE
Word Mark	COASTAL		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2003/11/01 First Use In Commerce: 2004/01/01 SHIRTS[, HATS, BELTS, SOCKS, SWEATERS, T-SHIRTS, JACKETS, SHORTS, JEANS, AND PANTS]

U.S. Registration No.	3111897	Application Date	07/17/2005
Registration Date	07/04/2006	Foreign Priority Date	NONE

Word Mark	COASTAL
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 025. First use: First Use: 2003/11/01 First Use In Commerce: 2004/01/01 [TROUSERS, PANTS, JEANS, SHORTS, SKIRTS, OVERCOATS, RAINCOATS, JACKETS, WIND RESISTANT JACKETS, BLAZERS, HATS, UNDERWEAR, SWEATERS, JERSEYS, VESTS, CARDIGANS,] SHIRTS [, T-SHIRTS, BLOUSES, DRESSES, SUITS, TRACKSUITS, SWEATSHIRTS, PULLOVERS, OVERALLS; FOOTWEAR, NAMELY, SHOES, BOOTS, SLIPPERS; AND BELTS]
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U.S. Registration No.	3776684	Application Date	01/23/2008
Registration Date	04/20/2010	Foreign Priority Date	NONE

Word Mark	COASTAL
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 025. First use: First Use: 2003/11/01 First Use In Commerce: 2004/01/01 Camp shirts
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Attachments	TTAB - COASTAL PRIDE - Notice of Opposition.pdf(1157931 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	/evananderson/
Name	Evan Anderson
Date	06/15/2013

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

ERIN PATRICK MURPHY,)	
)	
)	
Opposer,)	
)	
)	
v.)	Opposer No.
)	U.S. Application No. 85/792,008
)	Mark: COASTAL PRIDE
)	
LAWSON CURRIE,)	
)	
)	
Applicant.)	
)	
)	

NOTICE OF OPPOSITION

Opposer, Erin Patrick Murphy, a citizen of the United States, whose principal business address is located at 15572 Graham St., Huntington Beach, CA 92648, hereby opposes the application for the trademark COASTAL PRIDE by Lawson Currie, a United State Citizen, with their principal place of business located at 4138 Appleton Way, Wilmington, NC 28412, that is the subject of U.S. Trademark Serial No. 85/792,008, and requests that the application be denied registration.

As grounds in support of its opposition, Opposer asserts as follows:

COUNT 1

Likelihood of Confusion

1. Opposer is the owner of U.S. Trademark Registration No. 2,890,189 for the trademark COASTAL used in connection with shirts. Opposer's effective registration date was September 28, 2004.
2. Opposer is the owner of U.S. Trademark Registration No. 3,111,897 for the trademark COASTAL used in connection with shirts. Opposer's effective registration date was July 4, 2006.

3. Opposer is the owner of U.S. Trademark Registration No. 3,776,684 for the trademark COASTAL used in connection with camp shirts. Opposer's effective registration date was February 2, 2010.
4. Applicant filed a trademark application for the trademark COASTAL PRIDE used in connection "Dress Shirts; Hats; Polo shirts; T-shirts" in International Class 025. Applicant was assigned serial no. 85/792,008. Applicant's effective filing date was November 30, 2012. Applicant's application was published for opposition on June April 30, 2013.
5. Applicant's mark, COASTAL PRIDE, so resembles Opposer's COASTAL trademarks, when considered together, as to be likely, when applied to the goods set forth in Applicant's application, to cause confusion, mistake, and/or deception within the meaning of Section 2(d) of the Trademark Act.
6. Applicant's COASTAL PRIDE Mark contains the term COASTAL appearing as the primary first wording in the Applicant's Mark which is identical to the primary and dominant feature of Opposer's COASTAL trademarks.
7. Applicant's goods are identical or closely related to the goods of Opposer.
8. Applicant's goods flow in the same or highly related channels of trade to the channels of trade through which the Opposer's goods flow.
9. There is no dispute as to priority. Opposer's effective registration date is September 28, 2004, July 4, 2006, February 2, 2010, respectively, and its first use of the COASTAL mark in interstate commerce occurred at least as early as January 1, 2004. Applicant's effective filing date is November 30, 2012 and its date of first use in interstate commerce allegedly occurred on March 10, 2012. Thus, Opposer's Marks have clear priority over the Applicant's Mark.
10. Through their extensive commercial use and their high visibility to consumers and the general public based on the advertising, marketing and promotional efforts of the Opposer, Opposer has built up, at great expense and effort, a valuable reputation and goodwill symbolized by its strong and distinctive marks.
11. Opposer's Marks have become recognizable to the typical consumers of Opposer's Goods and to members of the general public to such a significant degree that Opposer's Marks are famous trademarks in the United States.

COUNT 2

False Suggestion of Connection



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COASTAL

Word Mark COASTAL

Goods and Services IC 025. US 022 039. G & S: [TROUSERS, PANTS, JEANS, SHORTS, SKIRTS, OVERCOATS, RAINCOATS, JACKETS, WIND RESISTANT JACKETS, BLAZERS, HATS, UNDERWEAR, SWEATERS, JERSEYS, VESTS, CARDIGANS,] SHIRTS [, T-SHIRTS, BLOUSES, DRESSES, SUITS, TRACKSUITS, SWEATSHIRTS, PULLOVERS, OVERALLS; FOOTWEAR, NAMELY, SHOES, BOOTS, SLIPPERS; AND BELTS]. FIRST USE: 20031101. FIRST USE IN COMMERCE: 20040101

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 78672073

Filing Date July 17, 2005

Current Basis 1A

Original Filing Basis 1A

Published for Opposition April 11, 2006

Change In Registration CHANGE IN REGISTRATION HAS OCCURRED
Registration Number 3111897
Registration Date July 4, 2006
Owner (REGISTRANT) **Murphy, Mr. Erin** Patrick INDIVIDUAL UNITED STATES 15572 Graham St. Huntington Beach CALIFORNIA 92649
Attorney of Record EVAN ANDERSON
Prior Registrations 2890189
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

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No assignment has been recorded at the USPTO

For Serial Number: 78672073

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Web interface last modified: Apr 8, 2013 v.2.3.3

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Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 3,111,897

United States Patent and Trademark Office

Registered July 4, 2006

TRADEMARK
PRINCIPAL REGISTER

COASTAL

MURPHY, MR. ERIN PATRICK (UNITED STATES INDIVIDUAL)
419 MAIN STREET #225
HUNTINGTON BEACH, CA 92648

FOR: TROUSERS, PANTS, JEANS, SHORTS, SKIRTS, OVERCOATS, RAINCOATS, JACKETS, WIND RESISTANT JACKETS, BLAZERS, HATS, UNDERWEAR, SWEATERS, JERSEYS, VESTS, CARDIGANS, SHIRTS, T-SHIRTS, BLOUSES, DRESSES, SUITS, TRACKSUITS, SWEATSHIRTS, PULL-OVERS, OVERALLS; FOOTWEAR, NAMELY, SHOES, BOOTS, SLIPPERS; AND BELTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 11-1-2003; IN COMMERCE 1-1-2004.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,890,189.

SER. NO. 78-672,073, FILED 7-17-2005.

JOHN HWANG, EXAMINING ATTORNEY



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Typed Drawing

Word Mark COASTAL
Goods and Services IC 025. US 022 039. G & S: SHIRTS[, HATS, BELTS, SOCKS, SWEATERS, T-SHIRTS, JACKETS, SHORTS, JEANS, AND PANTS]. FIRST USE: 20031101. FIRST USE IN COMMERCE: 20040101
Mark Drawing Code (1) TYPED DRAWING
Serial Number 78168565
Filing Date September 27, 2002
Current Basis 1A
Original Filing Basis 1B
Published for Opposition June 3, 2003
Registration Number 2890189
Registration Date September 28, 2004
Owner (REGISTRANT) **Murphy, Erin** Patrick INDIVIDUAL UNITED STATES 15572 GRAHAM ST Huntington Beach CALIFORNIA 92649
Attorney of Record Evan Anderson
Type of Mark TRADEMARK
Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

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Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 2,890,189

Registered Sep. 28, 2004

**TRADEMARK
PRINCIPAL REGISTER**

COASTAL

MURPHY, ERIN PATRICK (UNITED STATES
INDIVIDUAL)
419 MAIN STREET #225
HUNTINGTON BEACH, CA 92648

FIRST USE 11-1-2003; IN COMMERCE 1-1-2004.

SN 78-168,565, FILED 9-27-2002.

FOR: SHIRTS, HATS, BELTS, SOCKS, SWEATERS,
T-SHIRTS, JACKETS, SHORTS, JEANS, AND PANTS,
IN CLASS 25 (U.S. CLS. 22 AND 39).

KELLY BOULTON, EXAMINING ATTORNEY



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COASTAL

Word Mark COASTAL
Goods and Services IC 025. US 022 039. G & S: Camp shirts. FIRST USE: 20031101. FIRST USE IN COMMERCE: 20040101
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 77378416
Filing Date January 23, 2008
Current Basis 1A
Original Filing Basis 1A
Published for Opposition February 2, 2010
Registration Number 3776684
Registration Date April 20, 2010
Owner (REGISTRANT) **Murphy, Erin Patrick** INDIVIDUAL UNITED STATES 15572 Graham St. Hunington Beach CALIFORNIA 92649
Attorney of Record Evan Anderson
Prior Registrations 2890189;3111897
Type of Mark TRADEMARK

Register PRINCIPAL
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United States of America

United States Patent and Trademark Office

COASTAL

Reg. No. 3,776,684

Registered Apr. 20, 2010

Int. Cl.: 25

TRADEMARK

PRINCIPAL REGISTER

MURPHY, ERIN PATRICK (UNITED STATES INDIVIDUAL)
15581 PRODUCT LANE SUITE C4
HUNTINGTON BEACH, CA 92649

FOR: CAMP SHIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 11-1-2003; IN COMMERCE 1-1-2004.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,890,189 AND 3,111,897.

SER. NO. 77-378,416, FILED 1-23-2008.

WILLIAM P. SHANAHAN, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office



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COASTAL PRIDE

Word Mark	COASTAL PRIDE
Goods and Services	IC 025. US 022 039. G & S: Dress shirts; Hats; Polo shirts; T-shirts. FIRST USE: 20120705. FIRST USE IN COMMERCE: 20121003
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	18.11.05 - Anchors
Serial Number	85792008
Filing Date	November 30, 2012
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	April 30, 2013
Owner	(APPLICANT) Currie, Lawson INDIVIDUAL UNITED STATES 4138 Appleton Way Wilmington NORTH CAROLINA 28412
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of an image of an anchor. Below the anchor is the stylized text "COASTAL PRIDE".
Type of Mark	TRADEMARK
Register	PRINCIPAL

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