

ESTTA Tracking number: **ESTTA558154**

Filing date: **09/06/2013**

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	Skins International Trading AG
Granted to Date of previous extension	09/08/2013
Address	SENNWEIDSTRASSE 43 STEINHAUSEN, 6312 SWITZERLAND
Attorney information	Bharati Bakshani Ladas & Parry LLP 1040 Avenue of the Americas New York, NY 10018-3738 UNITED STATES bbakshani@ladas.com, dprahl@ladas.com, masbell@ladas.com Phone:212.708.1942

Applicant Information

Application No	85648215	Publication date	03/12/2013
Opposition Filing Date	09/06/2013	Opposition Period Ends	09/08/2013
Applicant	Nike, Inc. One Bowerman Drive DF-4 Portland, OR 97005 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Footwear

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.	3499197	Application Date	09/12/2006
Registration Date	09/09/2008	Foreign Priority Date	03/29/2006
Word Mark	S SKINS		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	<p>Class 010. First use: Surgical and medical garments for supporting specific muscles or groups of muscles, for prevention of muscle injury; for therapeutic purposes; for the control of vascular and/or circulatory ailments; for stabilizing injured areas of the body and for prevention of muscle injury, namely, compression stockings, compression long and short pants, compression shorts including short, half, and three-quarter length compression shorts, compression tights, compression long and short leggings, compression socks, compression sleeves, compression vests, compression jerseys, compression long and short sleeved tops, compression bibs, compression underwear, therapeutic compression garments for supporting specific muscles or groups of muscles, therapeutic compression garments for prevention of muscle injury; therapeutic compression garments; elastic stockings for medical or therapeutic purposes; elastic supports, namely, elastic supports for stabilizing injured areas of the body and for prevention of muscle injury</p> <p>Class 025. First use: Compression garments in the nature of apparel, namely, compression stockings, compression long and short pants, compression shorts including short, half, and three-quarter length compression shorts, compression tights, compression long and short leggings, compression socks, compression sleeves, compression vests, compression jerseys, compression long and short sleeved tops, compression bibs, and compression underwear</p> <p>Class 028. First use: Pads for men, women, children and babies in the nature of elbow pads for athletic use, shin pads for athletic use, knee pads for athletic use, shoulder pads for athletic use, hip pads for athletic use, thigh pads for athletic use, rib protectors for athletic use, padded hand and finger protectors for sport or athletic activity, padded jackets for athletic use; sports guards, namely, shin pads, knee pads, and elbow pads for athletic use, and chest protector pads for athletic use</p> <p>Class 035. First use: Retail store services, wholesale store services, mail order services, on-line ordering services, and distributorships, all featuring: surgical and medical garments for supporting specific muscles or groups of muscles, for prevention of muscle injury; for therapeutic purposes; for the control of vascular and/or circulatory ailments; for stabilizing injured areas of the body and for prevention of muscle injury, namely, compression stockings, compression long and short pants, compression shorts including short, half, and three-quarter length compression shorts, compression tights, compression long and short leggings, compression socks, compression sleeves, compression vests, compression jerseys, compression long and short sleeved tops, compression bibs, compression underwear, therapeutic compression garments for supporting specific muscles or groups of muscles, therapeutic compression garments for prevention of muscle injury; therapeutic compression garments; elastic stockings for medical or therapeutic purposes; elastic supports, namely, elastic supports for stabilizing injured areas of the body and for prevention of muscle injury; compression garments in the nature of apparel, namely, compression stockings, compression long and short pants, compression shorts including short, half, and three-quarter length compression shorts, compression tights, compression long and short leggings, compression socks, compression sleeves, compression vests, compression jerseys, compression long and short sleeved tops, compression bibs, and compression underwear; pads for men, women, children and babies in the nature of elbow pads for athletic use, shin pads for athletic use, knee pads for athletic use, shoulder pads for athletic use, hip pads for athletic use, thigh pads for athletic use, rib protectors for athletic use, padded hand and finger protectors for sport or athletic activity, padded jackets for athletic use; sports guards, namely, shin pads, knee pads, and elbow pads for</p>

	athletic use, and chest protector pads for athletic use
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Attachments	Notice of Opposition 09-06-2013.pdf(17437 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	/bb/
Name	Bharati Bakshani
Date	09/06/2013

1. Opposer is the owner of the U.S. Registration No. 3499197 for the mark S SKINS & Device and of the goodwill associated with such mark (the "Skins Mark") in connection with inter alia, "Compression garments in the nature of apparel, namely, compression stockings, compression long and short pants, compression shorts including short, half, and three-quarter length compression shorts, compression tights, compression long and short leggings, compression socks, compression sleeves, compression vests, compression jerseys, compression long and short sleeved tops, compression bibs, and compression underwear" in Class 25, which includes a claim of priority to March 29, 2006, long prior to the filing of the NIKESKIN application.

2. Applicant's use of the mark NIKESKIN for the Objectionable Goods constitutes use of a mark confusingly similar to Opposer's S SKINS & Device Mark. Applicant's mark substantially reproduces Opposer's S SKINS & Device Mark, and Applicant's mark is likely to be perceived by purchasers as a variation of Opposer's S SKINS & Device Mark. Moreover, the goods covered by Applicant's application are closely related to the goods identified in Opposer's registration.

3. Applicant's NIKESKIN mark is likely to be confused with Opposer's S SKINS & Device Mark, such that the average purchaser is likely to be confused and deceived into believing that Applicant's goods also originate or are in some way associated with, or are connected, sponsored or authorized by, Opposer.

WHEREFORE, Opposer requests that the opposition be sustained and Application No. 85/648,215 be refused registration in its entirety.

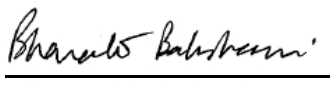
Please charge the required fee of \$300.00 to our deposit Account No. 120525 and any additional costs to our Deposit Account No. 120525.

Opposer hereby appoints, jointly and severally, Dennis S. Prah, Bharati Bakshani, Allan S. Pilson, Daniel F. Zendel, Lanning G. Bryer, Scott Lebson, Ralph H. Cathcart, Joseph Villapol, Michael Cornman, and Jay Bondell, members of the Bar of the State of New York, c/o Ladas & Parry LLP, 1040 Avenue of the Americas, New York, New York 10018-3738, as its attorneys and domestic representatives to prosecute this opposition, to transact all business in the Patent and Trademark Office and the United States Courts connected with this opposition, to sign its name to all papers that may hereafter be filed in connection with the said opposition, to receive official communications relating to the same and upon whom notice or process in the proceedings affecting the mark may be served.

Respectfully submitted,


LADAS & PARRY LLP
Attorneys for Opposer

Dated: September 6, 2013

By: 
Bharati Bakshani
(212) 708-1942
Our Ref: C13654251

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this paper, fee or correspondence is being filed electronically on September 6, 2013 through the U.S. Patent and Trademark Office web site.




Bharati Bakshani

CERTIFICATE OF SERVICE

The undersigned, one of Opposer's attorneys, hereby certifies that on September 6, 2013 she caused a true and correct copy of the foregoing NOTICE OF OPPOSITION to be served upon Applicant by First Class mail, postage pre-paid, at the following address:

Jaime M. Lemons
Nike, Inc.
One Bowerman Drive, Df-4
Beaverton, Oregon 97005



Bharati Bakshani