

ESTTA Tracking number: **ESTTA563415**

Filing date: **10/07/2013**

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 parties oppose registration of the indicated application.

Opposers Information

Name	J. Crew International, Inc.
Granted to Date of previous extension	10/06/2013
Address	770 Broadway New York, NY 10003 UNITED STATES

Name	J. Crew Group, Inc.
Granted to Date of previous extension	10/06/2013
Address	770 Broadway New York, NY 10003 UNITED STATES

Attorney information	Aryn M. Emert Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES ame@cll.com, jks@cll.com, mxe@cll.com, trademark@cll.com Phone:212-790-9200
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Applicant Information

Application No	85768281	Publication date	04/09/2013
Opposition Filing Date	10/07/2013	Opposition Period Ends	10/06/2013
Applicant	Castaneda, Enrique 19366 Sw 132 Ave Miami, FL 33177 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Clothing, namely, tops, bottoms, footwear, head wear, shirts, hooded sweatshirts, socks, sweatshirts, tank tops, hats, shorts, beach wear, underwear, swimwear, jackets, coats, sweatpants, jerseys
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Grounds for Opposition

Other	Please see attached pleading.
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Attachments	NOO - GOOSE CREW.pdf(27728 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	/Aryn M. Emert/
Name	Aryn M. Emert
Date	10/07/2013

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

In the Matter of Application Serial No. 85/768,281
Filed: October 31, 2012
Published in the Official Gazette: April 9, 2013

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J. CREW INTERNATIONAL, INC.	:	
and J. CREW GROUP, INC.	:	<u>NOTICE OF OPPOSITION</u>
	Opposers,	Opposition No.
	:	
	v.	:
	:	
CASTANEDA, ENRIQUE,	:	
	Applicant.	:
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Commissioner of Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

J. Crew International, Inc., a Delaware corporation, and J. Crew Group, Inc., a Delaware corporation and an affiliated company of J. Crew International, Inc., believe that they will be damaged by registration of the mark shown in Serial No. 85/768,281 filed October 31, 2012 and hereby oppose the same.

As grounds for opposition, it is alleged that:

1. For many years and since long prior to October 31, 2012, Applicant’s constructive first use date, Opposers, their affiliates, and their predecessors (referred to as “Opposers”) have engaged throughout the United States in the marketing of clothing, bags, and accessories, as well as the provision of retail store, online store, factory store and mail order catalog services in these fields.

2. For many years, Opposers have used the J. CREW, J. CREW (Stylized), CREW, CREWCUTS, and CREWCUTS and Design names and/or marks (“Opposers’ CREW Marks”) in connection with their various goods and services.

3. Opposer J. Crew International, Inc. is the owner of the following federal registrations:

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>	<u>Products/Services</u>
J. CREW	1,308,888	12/11/84	Luggage, umbrellas, handbags, duffel bags, men’s and women’s shirts, sweaters, shoes, caps, hats, bandanas, shorts, sweatshirts, pants, belts, socks, jackets, slickers, skirts, blouses, dresses, retail catalog services in the field of clothing, luggage and clothing accessories
CREW	1,348,064	7/9/85	Dress shirts, vests, skirts, pants and shorts
CREW	2,431,701	2/27/01	Shirts, vests, pullovers, tops, skirts, dresses, jackets, coats, pants, jeans, trousers, shorts, sweaters, hats, caps, scarves, neckties, belts, pajamas, briefs, boxer shorts, swimwear, socks and footwear
J. CREW	2,351,667	5/23/00	Retail outlet and retail store services in the field of clothing and accessories
J. CREW	2,462,509	6/19/01	Necklaces, bracelets, earrings, rings
J. CREW	3,737,898	1/12/10	Intimate apparel, namely, pants, tank tops, shorts, t-shirts, pajamas; swimwear

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>	<u>Products/Services</u>
J.CREW	3,870,032	11/2/10	Necklaces, bracelets, earrings and rings; umbrellas, handbags, messenger bags, duffel bags; shirts, sweaters, shoes, caps, hats, shorts, sweatshirts, pants, belts, socks, jackets, skirts, blouses, dresses; t-shirts, sweat pants, coats, jackets, suits, swimwear, underwear, sleepwear, loungewear, tights, gloves, scarves, ties, and footwear; intimate apparel, namely, pants, tank tops, shorts, t-shirts, pajamas; online store, retail outlet, and retail store services in the fields of clothing, footwear, bags, accessories, sunglasses, jewelry, and watches; mail order catalog services in the fields of clothing and accessories; credit card services
CREWCUTS	2,929,166	3/1/05	Children's shirts, sweaters, hats, jackets
CREWCUTS	3,107,778	6/20/06	Shirts, sweaters, sweatshirts, jackets, pants, skirts, coats, caps, hats, socks and footwear
CREWCUTS and Design	4,172,027	7/10/12	Jewelry; necklaces, bracelets, rings, pins being jewelry; packaging, namely, paper and cardboard boxes; bags, namely, tote bags, backpacks, wallets, school bags, school book bags; apparel, namely, shirts, sweaters, sweatshirts, jackets, pants, skirts, coats, caps, hats, socks, belts and footwear, scarves, ties, bathing suits, tights, rompers, vests; hair accessories, namely, snap clips; barrettes; hair bands; hair bows; hair clips
CREWCUTKIDS.COM	4,175,704	7/17/12	Retail store and online retail store services in the fields of clothing, footwear, bags, and fashion accessories

Registration Nos. 1,308,888, 1,348,064, 2,431,701, 2,351,667, 2,462,509, 2,929,166 and 3,107,778 have become incontestable.

4. Additionally, Opposers have informally come to be known as “Crew” by both the public and within the trade.

5. On October 31, 2012, Applicant Enrique Castaneda filed an application in the United States Patent and Trademark Office, Serial No. 85/768,281, for the registration on the Principal Register of the standard character mark GOOSE CREW in Class 25 for “Clothing, namely, tops, bottoms, footwear, head wear, shirts, hooded sweatshirts, socks, sweatshirts, tank tops, hats, shorts, beach wear, underwear, swimwear, jackets, coats, sweatpants, jerseys,” based on an intent to use.

6. Commencing long prior to October 31, 2012, Applicant’s constructive first use date, Opposers have extensively advertised and otherwise promoted the sale of their goods and services bearing Opposers’ CREW Marks and have sold such goods and rendered such services in interstate commerce.

7. Upon information and belief, Applicant made no use in U.S. commerce of the GOOSE CREW mark in connection with sales of the applied-for goods prior to its constructive first use date of October 31, 2012.

8. Upon information and belief, the Class 25 goods for which Applicant seeks to register the GOOSE CREW mark are identical to and/or closely related to the goods and services in connection with which Opposers have used Opposers’ CREW marks.

9. Applicant’s GOOSE CREW mark so resembles Opposers’ CREW Marks, as to be likely, when applied to goods of the Applicant, to cause confusion, or to cause mistake, or to deceive because the public is likely to believe that Applicant’s GOOSE CREW goods have their

origin with Opposers and/or that such goods are approved, endorsed or sponsored by Opposers or associated in some way with Opposers. Opposers would thereby be injured by the granting to Applicant of a certificate of registration for the GOOSE CREW mark.

WHEREFORE, Opposers pray that the opposition against the Class 25 goods in the application be sustained and registration be denied.

Please recognize as attorneys for Opposers in this proceeding Joel Karni Schmidt and Aryn M. Emert (members of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 1133 Avenue of the Americas, New York, New York 10036.

Please address all communications to Joel Karni Schmidt, Esq. at the address listed below.

Dated: New York, New York
October 7, 2013

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposers

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