

ESTTA Tracking number: **ESTTA575489**

Filing date: **12/09/2013**

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	Haggar Clothing Co.
Granted to Date of previous extension	12/08/2013
Address	11511 Luna Road Two Colinas Crossing Dallas, TX 75234 UNITED STATES

Attorney information	Elizabeth K. Stanley Baker Botts L.L.P. 2001 Ross Avenue Suite 600 Dallas, TX 75201-2980 UNITED STATES elizabeth.stanley@bakerbotts.com, cecily.porterfield@bakerbotts.com, daltmdept@bakerbotts.com Phone:214.953.6926
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Applicant Information

Application No	85829844	Publication date	06/11/2013
Opposition Filing Date	12/09/2013	Opposition Period Ends	12/08/2013
Applicant	STANG LIFE INC. 320 FREEPORT AVENUE NE ST. PETERSBURG, FL 33702 FL		

Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Caps; Hats; Shirts

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.	802773	Application Date	04/27/1965
Registration Date	01/25/1966	Foreign Priority Date	NONE
Word Mark	MUSTANG		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class U039 (International Class 010, 025, 026). First use: First Use: 1938/04/05 First Use In Commerce: 1938/04/05 MEN'S [AND BOYS'] CLOTHING-NAMELY, SLACKS

U.S. Registration No.	1871947	Application Date	08/07/1992
Registration Date	01/03/1995	Foreign Priority Date	NONE
Word Mark	MUSTANG		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1993/10/00 First Use In Commerce: 1993/10/00 men's and boys' wear; namely, slacks, and shorts		

U.S. Application No.	85034382	Application Date	05/10/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MUSTANG		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 0 First Use In Commerce: 0 Clothing, namely, pants, jeans, shorts, shirts, suits, jackets, neckwear, underwear, lounge wear, namely, lounge pants, dresses, skirts, skorts, Capri pants, socks, hosiery, belts, sweaters, vests, headwear, gloves, outerwear, namely, jackets, wind resistant jackets, parkas, raincoats, coats, and other accessories, namely, ties, caps and hats		

Attachments	85034382#TMSN.jpeg(bytes) Ntc of Opposition - STANG LIFE.pdf(28016 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	/Elizabeth K. Stanley/
Name	Elizabeth K. Stanley
Date	12/09/2013

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

HAGGAR CLOTHING CO.,

Opposer,

vs.

STANG LIFE INC.,

Applicant.

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Opposition No. _____

Mark: **STANG LIFE**
(Serial No: 85/829,844)

Publication Date: June 11, 2013

NOTICE OF OPPOSITION

Opposer, Hagggar Clothing Co., a Nevada corporation, having an address of Two Colinas Crossing, 11511 Luna Road, Dallas, Texas 75234 (“**Opposer**”), believes that it will be damaged by registration of U.S. Appl. Serial No. 85/829,844, filed on January 23, 2013, by Stang Life Inc., a Florida corporation, with a place of business at 320 Freeport Avenue, Ne., St. Petersburg, Florida, 33702 (hereinafter “**Applicant**”), for the alleged mark STANG LIFE, based on Applicant’s purported intention to use this mark on or in connection with goods in International Class 25, and having been previously granted an extension of time to oppose, Opposer hereby opposes the following application. As grounds for its Opposition, Opposer states as follows:

1. Applicant seeks to register the Opposed Mark for use on and in connection with the following goods: “*decals; stickers*” in International Class 16 and “*caps; hats; shirts*” in International Class 25. Applicant filed this application on January 23, 2013, alleging that it has a bona fide intention to use the Opposed Mark in commerce.

2. Since long prior to the filing date of the application at issue, Opposer, a well-known manufacturer of men’s clothing products, has used the mark MUSTANG on and in connection with apparel, namely slacks and jeans. Specifically, for over seventy (70) years, since at least as early as 1938, Opposer has advertised and offered goods under the mark MUSTANG in interstate commerce in the United States.

3. In addition to its prior common law rights, Opposer owns several U.S. trademark applications and registrations for its MUSTANG mark, namely: (1) Reg. No. 802,773, issued January 25, 1966, for "*men's clothing-namely, slacks.*"; (2) Reg. No. 1,871,947, issued January 3, 1995 for "*men's and boys' wear; namely, slacks, and shorts.*"; and (3) Appln. Ser. No. 85/034,382, filed May 10, 2010, for "*clothing, namely, pants, jeans, shorts, shirts, suits, jackets, neckwear, underwear, lounge wear, namely, lounge pants, dresses, skirts, skorts, Capri pants, shoes, socks, hosiery, belts, sweaters, vests, headwear, footwear, gloves, outerwear, namely, jackets, wind resistant jackets, parkas, raincoats, coats, and other accessories, namely ties, caps and hats.*"

4. Opposer's registrations are valid, subsisting, in full force and effect, and serve as evidence of Opposer's exclusive right to use the MUSTANG mark in commerce on or in connection with the goods identified in its registrations, as provided by Section 33(a) of the U.S. Trademark (Lanham Act), 15 U.S.C. § 1115(a). Hereinafter, Opposer's MUSTANG marks, including those registered, applied for, and/or used in commerce, are referred to individually and/or collectively as the "**MUSTANG Mark.**"

5. As a result of Opposer's use of the MUSTANG Mark, Opposer has developed valuable goodwill in its MUSTANG Mark by customers throughout the United States.

6. Opposer has also expended considerable time, effort and money in promoting its MUSTANG Mark and the goods offered thereunder, with the result that the purchasing public has come to know, rely upon, and recognize the goods of Opposer by the MUSTANG Mark.

7. Opposer has priority over Applicant given that Opposer's use, application filing date, and/or registration dates precede the filing date for the Opposed Mark and/or any alleged date of first use in commerce for the same.

8. The Opposed Mark is confusingly similar to Opposer's MUSTANG Mark in terms of appearance, sound and commercial impression. Indeed, the Opposed Mark incorporates the "STANG" portion of Opposer's MUSTANG Mark in its entirety.

9. On information and belief, the goods in International Class 25 which are intended to be used and/or have been applied for by Applicant in connection with the Opposed Mark, and the goods in connection with which Opposer's MUSTANG Marks are registered, applied for and/or used, are similar and/or related.

10. Further, on information and belief, Applicant's "*caps; hats; shirts*", are or will be advertised and sold to the same customers as those sold by Opposer under its MUSTANG Mark. On information and belief, the circumstances surrounding the marketing of "*caps; hats; shirts*" to be sold by Applicant under the Opposed Mark are such that they are likely to be encountered by the same persons under circumstances that would give rise to the mistaken belief that they originate from or are in some way associated with the same producer as the MUSTANG Mark.

11. Opposer has not given Applicant permission or approval to use or register the Opposed Mark.

12. Consequently, Applicant's use and/or registration of the Opposed Mark in connection with "*caps; hats; shirts*" in International Class 25, is likely to cause consumers to be confused, deceived or misled into the mistaken belief that Applicant's goods emanate from, are affiliated with, or are otherwise related to Opposer, when in fact they are not.

13. In view of the foregoing, issuance of a registration to Applicant for the Opposed Mark covering goods in Class 25 would be damaging to Opposer within the meaning of 15 U.S.C. §1063 because such registration would support and assist Applicant in the confusing, misleading or deceptive use of Applicant's Opposed Mark and would give the appearance of exclusive statutory rights to Applicant in violation and derogation of the prior and superior rights of Applicant.

14. For the above reasons, registration of the Opposed Mark in connection with goods in Class 25 is barred by the provisions of Section 2(d) of the Trademark Act of 1946, 15 U.S.C. § 1052(d), because the Opposed Mark consists of or comprises a mark which, when used in connection with the goods alleged by Applicant in Class 25, is likely to cause confusion,

mistake or deception, and thus, registration of the Opposed Mark in connection with goods in Class 25 should be refused under 15 U.S.C. § 1052(d).

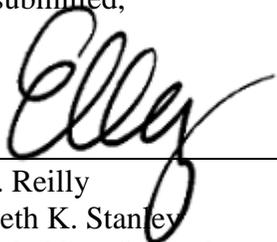
WHEREFORE, Opposer prays that this Opposition be sustained in its favor, that registration of Appl. Serial No. 85/829,844 in connection with Class 25 goods be refused and/or denied to Applicant, and that the Board grant all further relief to Opposer that is necessary and just in these circumstances.

This Notice of Opposition is being submitted through the Electronic System for Trademark Trials and Appeals (ESTTA), along with the required filing fee. Please charge the requisite \$300.00 fee and any additional fees required to Deposit Account No. 50-2147 of Baker Botts if there is any problem with the processing of the electronically submitted fee.

Dated: December 9, 2013.

Respectfully submitted,

By: _____

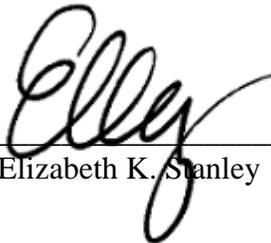

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**ATTORNEYS FOR OPPOSER
HAGGAR CLOTHING CO.**

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of December, 2013, a true and correct copy of the foregoing *Notice of Opposition* was served, via email and First Class Mail to:

H. William Larson
Larson & Larson, P.A.
11199 69TH ST
Largo, Florida 33773-5504
tmocket@larsonpatentlaw.com



Elizabeth K. Stanley