

ESTTA Tracking number: **ESTTA596515**

Filing date: **04/03/2014**

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	R. Josephs Licensing Inc.		
Entity	Corporation	Citizenship	California
Address	16350 Ventura Boulevard Suite 333 Encino, CA 91436-5310 UNITED STATES		

Attorney information	Timothy T. Tyson Law Office of Lawrence S. Cohen 11755 Wilshire Boulevard Suite 1000 Los Angeles, CA 90025-1532 UNITED STATES cohenlaw@coheniplaw.com Phone:310-231-6898		
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**Applicant Information**

Application No	86072248	Publication date	03/11/2014
Opposition Filing Date	04/03/2014	Opposition Period Ends	04/10/2014
Applicant	LBYC Laguna Beach Yacht Club 31740 4th Ave. Laguna Beach, CA 92651 CANADA		

**Goods/Services Affected by Opposition**

Class 025. First Use: 2009/06/01 First Use In Commerce: 2009/06/01  
All goods and services in the class are opposed, namely: Hats; Pants; T-shirts

**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.	1541125	Application Date	12/22/1987
Registration Date	05/30/1989	Foreign Priority Date	NONE
Word Mark	LAGUNA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1987/12/21 First Use In Commerce: 1987/12/21		

	<p>[ SUNTAN LOTIONS; BODY OILS ]  Class 009. First use: First Use: 1987/12/21 First Use In Commerce: 1987/12/21  [ SUNGLASSES ]  Class 018. First use: First Use: 1987/12/21 First Use In Commerce: 1987/12/21  [ WOMEN'S HAND BAGS; DUFFEL BAGS, FABRIC TOTE BAGS, AND FABRIC SIDED LUGGAGE ]  Class 024. First use: First Use: 1985/00/00 First Use In Commerce: 1985/00/00  [ TOWELS ]  Class 025. First use: First Use: 1946/02/01 First Use In Commerce: 1946/02/01  MEN'S, AND BOYS', [ JUVENILE BOYS' ] CLOTHING, namely, SWIM SUITS, SWIM WEAR, SPORT SHIRTS, [ WARM-UP SUITS, ] T-SHIRTS, [ JACKETS, SUITS, SPORTCOATS, ] UNDERWEAR, [ BELTS, HATS, ] SHOES, [ TIES, ANDPAJAMAS; ] WOMEN'S, AND GIRLS', [ JUVENILE GIRLS' ] CLOTHING, namely, [ BLOUSES, SKIRTS, JACKETS, JOGGING SUITS, ] SHORTS, PANTS, JEANS, [ SOCKS, BELTS, SWIM SUITS, SWIM WEAR, HATS, UNDERWEAR, SLEEPWEAR, AND PAJAMAS ]</p>
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Attachments	LAGUNA_opposition.pdf(140984 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	/Timothy T. Tyson/
Name	Timothy T. Tyson
Date	04/03/2014

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

In the matter of Application Serial No. 86072248  
Published on March 11, 2013  
Mark: LBYC LAGUNA BEACH YACHT CLUB

R. JOSEPHS LICENSING INC., a California corporation, Opposer,  
vs.

LBYC LAGUNA BEACH YACHT CLUB, a California partnership of Larry Jeffery, an individual; Curt Crandall, an individual; and Ryan Clark, an individual, Applicant.

NOTICE OF OPPOSITION

R. Josephs Licening Inc., a corporation duly organized and existing under the laws of the State of California, and having its principal place of business at 16350 Ventura Boulevard, Suite 333, Encino, CA 91436-5310, believes that it will be damaged by registration of the mark shown in Serial No. 86072248, and hereby opposes the same.

Description of Applicant's Application: Filed on September 23, 2013  
Published for Opposition on March 11, 2014

Mark: LBYC LAGUNA BEACH YACHT CLUB in International Trademark Class 025 for hats, pants, and T-shirts. The application is under Section 1(a) of the Lanham Act (Title 15, United States Code, Section 1051(a) for a mark used in commerce alleging a date of first use on June 1, 2009, and a date of first use in commerce on June 1, 2009.

As grounds of opposition, it is alleged that:

1. Opposer and its predecessors in interest began selling clothing in interstate commerce since at least as early as 1946 under the LAGUNA trademark.
2. Opposer has continuously sold clothing from 1946 to date under the LAGUNA trademark.
3. Opposer's products are sold under the LAGUNA trademark in all 50 states.
4. Sales in 2013 were in excess of \$3,200,000 at wholesale.
5. Retailers selling products under the LAGUNA trademark include The Sports Authority, Modell's Sporting Goods, Macy's, Stage Department Stores, Fred Meyer, and Amazon.com.
6. Opposer has, by virtue of its extensive usage, advertising, and promotion, built up a very high level of consumer and trade recognition symbolized by the LAGUNA trademark. Due to extensive public exposure to, and awareness by, consumers and the trade, the LAGUNA trademark has acquired and now possesses an extremely

favorable reputation and distinctiveness, with an invaluable amount of goodwill, solely signifying Opposer as the source of clothing.

7. By virtue of its tremendous sales success, and Opposer's extensive and popular advertising and promotional efforts, the LAGUNA trademark has long enjoyed strong brand recognition and distinctiveness which has resulted in a highly favorable reputation and goodwill among the trade and consumers as identifying high quality clothing.

8. Opposer is the owner of U.S. Trademark Registration Number 1541125, issued March 7, 1989, for the mark LAGUNA in class 25 for MEN'S, AND BOYS', CLOTHING, NAMELY SWIM SUITS, SWIM WEAR, SPORT SHIRTS, T-SHIRTS, UNDERWEAR, SHOES; WOMEN'S, AND GIRLS', CLOTHING, NAMELY SHORTS, PANTS, JEANS which registration is now incontestible pursuant to Section 15 of the Lanham Act (Title 15, United States Code, Section 1065). Said registration was based on an application filed in the U.S. Patent and Trademark Office on December 22, 1987, which is a date prior to the date of filing of Applicant's application. Said registered mark of opposer is valid and subsisting and is conclusive evidence of opposer's exclusive right to use said mark in commerce on the goods specified in said registration.

9. On September 23, 2013, Applicant filed an application under Section 1(a) of The Lanham Act (Title 15, United States Code, Section 1051(a) for registration of the mark LBYC LAGUNA BEACH YACHT CLUB for HATS, PANTS, and T-SHIRTS in International Trademark Class 025 alledging a date of first use of June 1, 2009, and a date of first use in commerce of June 1, 2009.

10. The customers most interested in such goods are young. They are precisely the kinds of customers who seek out and purchase Opposer's goods.

11. Applicant's LBYC LAGUNA BEACH YACHT CLUB incorporates in its entirety Opposer's mark LAGUNA. Applicant's LBYC LAGUNA BEACH YACHT CLUB and Opposer's LAGUNA mark are so similar that when applied to their respective goods there is a likelihood of confusion, mistake, or deception in that purchasers will erroneously believe that Applicant's goods either originate with, or are sponsored, approved, or licensed by, or are in some way legitimately connected with Opposer.

12. Registration of the mark sought to be registered by Applicant is barred by the provisions of Section 2(d) of the Lanham Act (Title 15, United States Code, Section 1052(d)) for the reason that it consists of or comprises a mark which so resembles a mark registered in the Patent and Trademark Office, or a mark or trade name previously use in the United States by another and not abandoned, as to be likely, when used on or in connection with the goods of the Applicant, to cause confusion, or to cause mistake, or to deceive.

WHEREFORE, registration of the applied for mark would be damaging to Opposer, and Opposer prays that said Application Serial Number 86072248 be rejected, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

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