

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

**Fredrick James Staves**

**Applicant**

**V.**

**Imagine Wear Apparel Corp.**

**Opposer**

**MARK: MAJESTICS**

**Application Serial No. 76713170**

**Published in Official Gazette: April 22,2014**

**filed January 7,2013**

**RESPONSE TO NOTICE OF OPPOSITION**

To the Honorable Commissioner for Trademarks

The Applicant is responding (prose)

In the matter of Serial Number 76713170 for the design mark Majestics filed January 7,2013 and published for opposition April 22,2014 to Applicant Fredrick James Staves an individual located at P.O. Box 211 Rialto, CA 92377.

**09-22-2014**

The mark is being opposed by the Image Wear Apparel Corp. As grounds for the opposition, Opposer alleges that:

1. Applicant is seeking to obtain, under the provisions of the Trademark Act of 1946, as amended, registration on the Principal Register of the mark MAJESTICS & Design for “clothing, namely, pants, shirts, jackets, shoes, promoting and identifying membership in a car club of the same named source” in International Class 25 (“Applicant’s Mark”).
2. Applicant is not now, and never was, entitled to registration on the Principal Register of Applicant’s Mark either on January 7, 2013, the date of the Applicant’s filing of the intent-to-use based application, or on April 22, 2014, the date of publication in the *Official Gazette*.
3. Opposer is the owner of several federal trademark registrations and pending applications, as follows:
  - a. MAJESTIC® (Registration No. 1516495) (1988), for “athletic uniforms, namely baseball/softball, basketball, football, hockey and lacrosse uniforms: jerseys, tank tops, gym suits, jackets, warm-up suits, shirts, sweat shirts, caps, hats, vests, underwear, jumpsuits and rainwear” in International Class 25;
  - b. MAJESTIC THREADS and Design® (Registration No. 3154096) (2006), for “shirts, t-shirts, sweatshirts, tank tops, athletic apparel, namely jackets, t-shirts and jackets” in International Class 25;
  - c. MAJESTIC THREADS® (Registration No. 3158191) (2006), for “shirts, t-shirts, sweatshirts, tank tops, athletic apparel, namely jackets, t-shirts and jackets” in International Class 25;
  - d. MAJESTIC SELECT® (Registration No. 3826508) (2010), for “shirts, t-shirts, sweatshirts, fleece jackets” in International Class 25:

- e. MAJESTIC SELECT® (Stylized) (Registration No. 3829702) (2010), for “shirts, t-shirts, sweatshirts, fleece jackets” in International Class 25;
  - f. MAJESTIC & Design® (Registration No. 4584669) (2014), for “athletic uniforms: jackets; pants; shirts; shorts; sweat shirts” in International Class 25;
  - g. MAJESTIC BANGOR PENNSYLVANIA & Design™ (Serial No. 85/452175) (allowed), for “athletic uniforms; baseball caps; jackets; jerseys; pants; shirts; shorts; sweat shirts” in International Class 25;
  - h. TEAM MAJESTIC™ (Serial No. 85/557203) (allowed), for “athletic uniforms; baseball caps; jackets; jersey; pants; shirts; shorts; sweat shirts” in International Class 25;
  - i. MAJESTIC FAN FASHION & Design™ (Serial No. 85/838291) (allowed), for “athletic uniforms; baseball caps; coats; hats; jackets; jersey; pants; shirts; shorts; sweatpants; sweatshirts; turtlenecks” in International Class 25;
  - j. MAJESTIC & Design™ (Serial No. 85/745840) (allowed), for “athletic uniforms; baseball caps; jackets; jerseys; pants; shirts; shorts; sweat pants, sweat shirts” in International Class 25; and
  - k. MAJESTIC & Design™ (Serial No. 86/233849) (allowed), for “athletic uniforms; baseball caps; jackets; jerseys; pants; shirts; shorts; sweat shirts” in International Class 25  
(collectively, “Opposer’s Marks”)
4. Opposer has, since long prior to the filing date of Applicant’s application, sold in commerce its goods under Opposer’s Marks. Through usage by Opposer, the Opposer’s

As grounds for the Response of the Opposition, it is factual that applicants us of the mark predates opposers.

1. Applicants' mark Majestics ends with an "S" and Opposers doesn't.
2. Applicants mark Majestics is the mark of a car club that was established in 1973.
3. Applicant and Opposers mark are totally designed different.
4. Applicants design mark is not for public use. It is only for the member in the car club which consists of 33 chapters in the USA and abroad.
5. Applicant is the President of the Compton Majestics car club and the head of the nine member board that oversee the 33 chapters of Majestics.
6. There can be no likelihood of confusion between Applicant and Opposers mark because of the two different designs of the marks.
7. There can be no confusion, mistake or deception amongst the general and consuming public as to whether Applicants' goods are being offered by or in affiliation with Oppose, hence to cause damage to Oppose because applicants designed mark has not and never will be consumed by the public in its 41 year history. The designed mark is for Majestics Car Club members only.

### Lack of Bona Fide Intent to Use

Applicant not only has a Bona fide Intent to use, Applicant has used the Majestics name and logo for car club functions such as car shows, parties, and picnics.

The Majestics Car Club name and logo has been used since 1973 Therefore Applicants Application is not void ab initio, pursuant to 15 U.S.C 1051(b) and the application should be allowed to be published.

Majestics and Design is not Applicants design mark. Applicants mark is simply MAJESTICS, Serial No. 76713170

Therefore the Applicant deems that after the Honorable Commissioner for Trademarks sees the facts presented by Applicant, the Honorable Commissioner for Trademarks will dismiss Opposers' claim and grant Applicants application for the Majestics design mark to be published. Applicant prays that this mark is allowed to be registered.

Dated: September 17, 2014

Respectfully Submitted

A handwritten signature in cursive script that reads "Fredrick James Staves". The signature is written in black ink and is positioned above a horizontal line.

Fredrick James Staves (pro se)

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Rialto, CA 92377

CERTIFICATE OF SERVICE

I, Frederick J. Staves, hereby certify that on September 17, 2014 a true and correct copy of the foregoing Response to Notice of Opposition was served by the U.S. First Class Mail, postage prepaid upon the following.

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