

ESTTA Tracking number: **ESTTA763785**

Filing date: **08/10/2016**

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	Forged Threadworks, Inc.		
Entity	Corporation	Citizenship	California
Address	2530 Pioneer Ave. Vista, CA 92081 UNITED STATES		

Attorney information	Ben Lila MANDOUR & ASSOCIATES, APC 8605 Santa Monica Blvd., Suite 1500 Los Angeles, CA 90069 UNITED STATES blila@mandourlaw.com,jmandour@mandourlaw.com Phone:8584879300		
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### Applicant Information

Application No	86915504	Publication date	07/12/2016
Opposition Filing Date	08/10/2016	Opposition Period Ends	08/11/2016
Applicant	Dyer & Jenkins LLC. 1250 S. Boyle Avenue Los Angeles, CA 90291 UNITED STATES		

### Goods/Services Affected by Opposition

Class 025. First Use: 2015/07/08 First Use In Commerce: 2015/07/08  
All goods and services in the class are opposed, namely: Hats; Jackets; Jeans; Pants; Rainwear; Shirts; Sweat shirts; 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.	3709273	Application Date	09/25/2007
Registration Date	11/10/2009	Foreign Priority Date	NONE
Word Mark	FORGED		

Design Mark	<h1>Forged</h1>
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2008/02/08 First Use In Commerce: 2008/06/11 Bandanas; Caps; Denims; Footwear; Hats;Jackets; Pants; Shirts; Shorts; Sweat pants; Sweat shirts; T-shirts; Tank tops

Attachments	77288842#TMSN.png( bytes ) Notice of Opposition FORGE YOUR OWN PATH 08-10-16.pdf(170528 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	/Ben T. Lila/
Name	Ben Lila
Date	08/10/2016

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

In the matter of Trademark Application Serial No. 86/915,504  
Published in the Official Gazette (Trademarks) on July 12, 2016  
Trademark: FORGE YOUR OWN PATH

Forged Threadworks, Inc.,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. _____
	)	
Dyer & Jenkins LLC,	)	
	)	
Applicant.	)	
_____	)	

**NOTICE OF OPPOSITION**

Forged Threadworks, Inc., a corporation of California having an address 2530 Pioneer Ave. Vista CALIFORNIA 92081 (hereinafter “Opposer”), believes it will be damaged by the registration of the trademark registration shown in Application Serial No. 86/915,504 for the identified goods and hereby opposed that application under the provisions of 15 U.S.C. § 1063.

1. Application Serial No. 86/915,504 was filed on February 22, 2016 for the trademark FORGE YOUR OWN PATH in connection with “Hats; Jackets; Jeans; Pants; Rainwear; Shirts; Sweat shirts; T-shirts” in International Class 025, and published in the Trademark Official Gazette on July 12, 2016. Opposer opposes registration of the above-referenced trademark application and alleges:

2. Since as early as February 8, 2008, Opposer began using the trademark FORGED for clothing and apparel.

3. Opposer is the owner of U.S. Trademark Registration No. 3,709,273 for FORGED for a “Bandanas; Caps; Denims; Footwear; Hats; Jackets; Pants; Shirts; Shorts; Sweat pants;

Sweat shirts; T-shirts; Tank tops” in International Class 025.

4. Opposer’s FORGED trademark has been clearly and prominently displayed on Opposer’s products. Through Opposer’s extensive sales of its FORGED product, consumers have come to recognize Opposer’s FORGED trademark as denoting a unique standard of high quality. As a result, Opposer’s FORGED trademark has acquired a wide and favorable reputation, symbolizing the goodwill that Opposer has created throughout the United States in connection with the sale of its products.

5. Applicant is seeking to obtain registration on the Principal Register of the trademark FORGE YOUR OWN PATH in International Class 025.

6. Applicant claims a date of first use of its trademark July 8, 2015. Opposer’s date of first use in interstate commerce is at least as early as February 8, 2008. Opposer’s use of its trademark has been valid and continuous since said date of first use and has not been abandoned. Accordingly, Opposer has rights of priority in the FORGED trademark superior to those of Applicant.

7. The goods set forth in Applicant’s application are related to those offered by Opposer, and are also within the natural zone of expansion of Opposer’s goods.

8. The applied-for trademark FORGE YOUR OWN PATH is confusingly similar to the Opposer’s FORGED trademark in terms of its appearance, sound, meaning, and overall commercial impression and it is likely to cause confusion, mistake, and deception as to an affiliation, connection, or association between Opposer and Applicant, or as to the origin, sponsorship, or approval of Applicant’s goods, all to Opposer’s detriment, thereby causing Opposer damage. Potential consumers are likely to believe that Applicant’s goods originate from, or are sponsored or approved by Opposer, when such is not the case.

8. Applicant is not affiliated with or connected in any way to Opposer and Opposer has not consented to Applicant's use of Opposer's FORGED trademark.

9. By reason of the foregoing, Opposer believes that it will be damaged by registration of said trademark, and prays that this Opposition be sustained, that Application Serial No. 86/915,504 be rejected, and that the trademark applied for therein be refused registration.

Opposer has appointed Joseph A. Mandour and Ben T. Lila, Mandour & Associates, APC, 8605 Santa Monica Blvd, Suite 1500, Los Angeles, CA 90069, members of the bar of the State of California, as agents and attorneys in the matter of the opposition above-identified, to prosecute said opposition, to transact all business in the United States Patent & Trademark Office and in the United States courts in connection with this opposition, to sign his name to all papers which may hereinafter be filed in connection therewith, and to receive all communications relating to the same.

Respectfully submitted,

Date: August 10, 2016

By:     /Ben T. Lila/      
Ben T. Lila, Esq.  
MANDOUR & ASSOCIATES, APC  
8605 Santa Monica Blvd, Suite 1500  
Los Angeles, CA 90069  
Phone: (858) 487-9300  
blila@mandourlaw.com  
Attorneys for Opposer  
Forged Threadworks, Inc.

**CERTIFICATE OF SERVICE**

The undersigned certifies that on the below date a true and correct copy of the foregoing

**NOTICE OF OPPOSITION** was served via first class mail, postage prepaid on Applicant at:

Dyer & Jenkins LLC  
1250 S. Boyle Avenue  
Los Angeles, CA 90291

Craig O. Correll  
4245 Sunnyhill Drive  
Carlsbad, CA 92008  
Email: zcraig@earthlink.net

Date: August 10, 2016

/Ben T. Lila/  
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Ben T. Lila