

ESTTA Tracking number: **ESTTA765318**

Filing date: **08/18/2016**

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	OneWorld Apparel, LLC		
Entity	Limited Liability Company	Citizenship	Delaware
Address	1515 E. 15th Street Los Angeles, CA 90021 UNITED STATES		

Attorney information	Amanda Alameddine Buchalter Nemer, A Professional Corporation 18400 Von Karman Avenue, Suite 800 Irvine, CA 92612 UNITED STATES trademark@buchalter.com		
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Applicant Information

Application No	86915546	Publication date	07/19/2016
Opposition Filing Date	08/18/2016	Opposition Period Ends	08/18/2016
Applicant	TRAVEN, REGI 5 BELLEVUE, WA 98004 UNITED STATES		

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, sweatshirts, hoodedsweatshirts, coats, jackets, gloves, pants, shorts, belts, underwear, socks, shoes
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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.	4011280	Application Date	07/16/2010
Registration Date	08/16/2011	Foreign Priority Date	NONE
Word Mark	UNITY		

Design Mark	<h1>UNITY</h1>
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2009/01/00 First Use In Commerce: 2009/01/00 Tops; bottoms; jackets; skirts; rompers; shorts; pants; sweaters

U.S. Registration No.	2303585	Application Date	04/07/1998
Registration Date	12/28/1999	Foreign Priority Date	NONE


Word Mark	UNITY WORLDWEAR
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 025. First use: First Use: 1997/10/07 First Use In Commerce: 1997/10/07 MISSY AND WOMEN'S CLOTHING, NAMELY, PANTS, SKIRTS, SHORTS, BLOUSES, KNIT TOPS, POLO SHIRTS, SPORT SHIRTS, T-SHIRTS SWEAT-SHIRTS, JACKETS, DRESSES, JUMPERS, HATS, CAPS, SOCKS AND BELTS
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U.S. Registration No.	4791265	Application Date	10/29/2013
Registration Date	08/11/2015	Foreign Priority	NONE

		Date	
Word Mark	WORLD UNITY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2015/06/01 First Use In Commerce: 2015/06/01 Tops, bottoms, skirts, jackets, sleepwear, pants, dresses, blouses, shorts, sweaters		

Attachments	85086972#TMSN.png(bytes) 75463993#TMSN.png(bytes) 86103839#TMSN.png(bytes) Notice of Opposition_UNITY MENS APPAREL.pdf(35706 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	/aalameddine/
Name	Amanda Alameddine
Date	08/18/2016

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

In the matter of Trademark Application Serial Number 86915546
For the Mark: **UNITY MEN’S APPAREL**
Published in the *Official Gazette* on July 19, 2016

Oneworld Apparel, LLC Opposer; v. Regi Traven Applicant.
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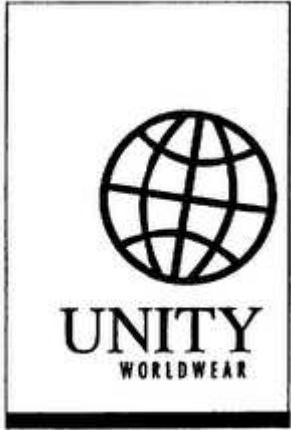
Opposition No.: _____
Application: Serial No. 86915546
Mark: **UNITY MEN’S APPAREL**
Published For Opposition: July 19, 2016

NOTICE OF OPPOSITION

OneWorld Apparel, LLC, a company organized under the laws of Delaware (“**Opposer**”), believes it will be damaged by registration on the Principal Register of the captioned mark **UNITY MEN’S APPAREL** (“**Applicant’s Mark**”), in the name of Applicant Regi Traven (“**Applicant**”), and hereby opposes the same. As grounds for its opposition, Opposer alleges as follows:

1. Opposer is a limited liability company organized and existing under the laws of Delaware, whose registered office is 1515 E. 15th Street, Los Angeles, CA 90021.
2. Upon information and belief, Applicant is a citizen of the United States with an address of 187 108th Ave SE #5, Bellevue, Washington 98004.
3. Opposer has used the mark **UNITY**, and variations thereof, since at least as early as October 7, 1997 and consequently owns common law rights to the marks, collectively referred to as “**Opposer’s Marks.**”

4. Opposer has used Opposer's Marks for clothing items ("**Opposer's Goods**").
5. Opposer began promoting its goods under Opposer's Marks at least as early as 1997 and has continuously used the marks in interstate commerce since that time.
6. On information and belief, Opposer's first use of Opposer's Marks pre-dates Applicant's first use (if any) of Applicant's Mark.
7. Since its initial adoption and use of Opposer's Marks, Opposer has made a substantial investment in advertising, promoting, marketing, and offering for sale its goods under Opposer's Marks. As a result of Opposer's use and promotion of Opposer's Marks, Opposer's Marks have become well-known in the industry and in interstate commerce.
8. Opposer is the owner of the following United States trademark registrations, all of which shall be referred to collectively as "**Opposer's Registrations**":

Mark	Registration Number	Goods/Services
UNITY	4011280	Class 025: Tops; bottoms; jackets; skirts; rompers; shorts; pants; sweaters.
WORLD UNITY	4791265	Class 025: Tops, bottoms, skirts, jackets, sleepwear, pants, dresses, blouses, shorts, sweaters.
	2303585	Class 025: Missy and women's clothing, namely, pants, skirts, shorts, blouses, knit tops, polo shirts, sport shirts, t-shirts sweatshirts, jackets, dresses, jumpers, hats, caps, socks and belts.

9. All of Opposer's Registrations are valid and subsisting. Opposer's registration No. 2303585 is incontestable.

10. On information and belief, on or about February 22, 2016, Applicant filed an application, Serial Number 86915546, to register on the Principal Register the mark UNITY MEN'S APPAREL, in connection with "Caps, hats, shirts, sweatshirts, hooded sweatshirts, coats, jackets, gloves, pants, shorts, belts, underwear, socks, shoes" in Class 025 (the "**Application**").

11. The Application was filed under section 1(b) as an "Intent to Use" application. Upon information and belief, Applicant does not have any prior use of the UNITY MEN'S APPAREL ("**Applicant's Mark**") in interstate commerce or otherwise in the United States.

12. On information and belief, Opposer has rights in and to Opposer's Marks long prior to Applicant.

13. Because the deadline to file an opposition to the Application is August 18, 2016, this Notice of Opposition is being timely filed.

14. Applicant's Mark so resembles Opposer's Marks as to be likely, when used on or in connection with Applicant's goods, to cause confusion, to cause mistake, or to deceive in violation of Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d), as amended. Applicant's Mark is similar in sight, sound, meaning and commercial impression to Opposer's Marks.

15. The goods in the Application are identical, similar to and/or related to the goods used in connection with Opposer's Marks. Therefore, Applicant's use and registration of the UNITY MEN'S APPAREL mark in connection with its goods is likely to cause confusion, deception and/or mistake among the relevant public.

16. The Application does not restrict the channels of distribution through which Applicant's goods are offered for sale.

17. Upon information and belief, the channels of distribution employed by Opposer and Applicant are similar, and the classes of customers sold to by Opposer and Applicant are similar.

18. Therefore, purchasers of Applicant's products are likely to believe or be confused or deceived into thinking that Applicant's products also originate with or are in some way associated with, connected with, sponsored by or authorized by Opposer, and registration of Applicant's Mark is likely to cause confusion or mistake or to deceive, all to the injury of the Opposer.

19. Applicant's use and registration of the UNITY MEN'S APPAREL mark is likely to falsely suggest a connection with Opposer and Opposer's Marks. The purchasing public is likely to be led to believe that goods bearing Applicant's Mark emanate from or are approved, licensed or sponsored by Opposer or that Applicant and its business are owned by or are affiliated with Opposer and its business.

20. If Applicant is permitted to use Applicant's Mark as specified in the Application, confusion in trade resulting in damage and injury to Opposer will occur. Such injury would result by reason of the similarity between Applicant's Mark and Opposer's Marks. Consumers familiar with Opposer's Marks would be likely to believe Applicant's goods are provided by Opposer or provided with Opposer's authorization or approval. Any such confusion would inevitably result in lost sales for Opposer.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this NOTICE OF OPPOSITION has been served upon Applicant REGI TRAVEN on this 18th day of August, 2016, via First Class Mail, postage prepaid, at the following address:

Regi Traven
187 108th Ave SE, #5
Bellevue, Washington 98004

/aalameddine/
Amanda Alameddine