

ESTTA Tracking number: **ESTTA802462**

Filing date: **02/20/2017**

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	Homage, LLC
Granted to Date of previous extension	02/18/2017
Address	4480 Bridgeway Avenue Suite A Columbus, OH 43219 UNITED STATES
Attorney information	Jeffrey J. Nein Kegler Brown Hill + Ritter Co., LPA 65 East State Street, Suite 1800 Columbus, OH 43215 UNITED STATES trademarks@keglerbrown.com, jnein@keglerbrown.com, sbar-sotti@keglerbrown.com Phone:(614) 462-5400

**Applicant Information**

Application No	79183887	Publication date	12/20/2016
Opposition Filing Date	02/20/2017	Opposition Period Ends	02/18/2017
International Registration No.	1290695	International Registration Date	10/27/2015
Applicant	SLAM JAM S.r.l. Via F.L. Ferrari, 37/A I-44122 Ferrara, ITALY		

**Goods/Services Affected by Opposition**

<p>Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Bandanas; waist belts; clothing, namely, jackets; blousons; t-shirts; shirts; short-sleeved shirts; gowns; trench coats; skirts; hosiery; knitted caps; knit jacket; polo knit tops; knitted gloves; knit shirts; knitted underwear; knit shirts; knit dresses; knit tops; knit bottoms; pullovers; stockings; garters; leg warmers; skorts; pajamas; petticoats; top-coats; swimming costumes; shoulder wraps for clothing; pants; jeans; clothing articles, namely, combinations; bath robes; gloves; sashes for wear; belts made of leather; trousers of leather; suits of leather; leather slippers; leather pants; leather jackets; leather coats; leather shirts; leather skirts; leather vests; footwear; boots; berets; headbands; clogs; sandals; sports shoes; headgear, namely, hats, caps, bonnets</p>
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**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.	4803733	Application Date	01/26/2015
Registration Date	09/01/2015	Foreign Priority Date	NONE
Word Mark	SLAM N JAMZ		
Design Mark	 <p>The design mark consists of the text "SLAM N JAMZ" in a large, bold, serif font, centered within a rectangular border.</p>		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2015/01/04 First Use In Commerce: 2015/01/04 Apparel, namely, sweatshirts and sweatpants		

Attachments	86513993#TMSN.png( bytes ) Homage Notice of Opposition SLAM JAM.pdf(11922 bytes )
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Signature	/JJN/
Name	Jeffrey J. Nein
Date	02/20/2017

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

In the matter of Application Serial No: 79183887  
For the mark SLAM JAM  
Published in the Official Gazette on December 20, 2016

Homage, LLC,	)	
	)	
	)	
v.	)	Opposition No:
	)	
Slam Jam S.r.l.,	)	
	)	
Applicant.	)	
	)	

**NOTICE OF OPPOSITION**

Opposer, Homage, LLC (“Opposer” or “Homage”), a limited liability company organized under the laws of the state of Ohio, with a business address at 4480 Bridgeway Avenue, Suite A, Columbus, Ohio 43219, believes that it will be damaged by the registration of the mark SLAM JAM shown in Application Serial No. 79183887 (the “Application”), and hereby opposes the same and requests that registration to Applicant be refused.

As grounds for opposition, Opposer, by and through its undersigned counsel, alleges that:

1. Slam Jam S.r.l. (“Applicant” or “Slam Jam”) is a limited liability company organized under the laws of the country of Italy, with a business address at Via F.L. Ferarri, 37/A I-44122 Ferrara, Italy.

2. Opposer is a clothing retail company, providing apparel sold online and through multiple brick and mortar retail locations.

3. Opposer is the owner of U.S. Trademark Registration No. 4803733 (“Opposer’s Registration”) on the Principal Register for the trademark SLAM N JAMZ in International Class 25 for use in connection with “[a]pparel, namely, sweatshirts and sweatpants” (“Opposer’s Goods”).

4. Opposer has continuously used the SLAM N JAMZ trademark in commerce since at least January 4, 2015.

5. Opposer’s Registration is valid and subsisting, and Opposer hereby gives notice in accordance with Trademark Rule of Practice 2.122(d)(2) that it will rely thereon as evidence in this proceeding, and a status copy thereof showing present title will be introduced into evidence on its behalf during Opposer’s testimony period.

6. The SLAM N JAMZ trademark is inherently distinctive; it is a fanciful and coined term with no meaning other than to identify the source of Opposer’s Goods.

7. Since introducing its SLAM N JAMZ brand, Opposer has spent substantial time, effort and money to promote the sale of Opposer’s Goods in the United States under the SLAM N JAMZ trademark.

8. Opposer has sold and continues to sell substantial quantities of Opposer’s Goods in connection with the SLAM N JAMZ trademark in the United States via the internet and through brick and mortar retail locations.

9. Despite Opposer’s prior common law and statutory rights in the SLAM N JAMZ trademark, on October 27, 2015, Applicant filed the Application for registration of the mark SLAM JAM for “bandanas; waist belts; clothing, namely, jackets; blousons; t-shirts; shirts; short-sleeved shirts; gowns; trench coats; skirts; hosiery; knitted caps; knit jacket; polo knit tops; knitted gloves;

knit shirts; knitted underwear; knit shirts; knit tops; knit bottoms; pullovers; stockings; garters; leg warmers; skorts; pajamas; petticoats; topcoats; swimming costumes; shoulder wraps for clothing; pants; jeans; clothing articles, namely, combinations; bath robes; gloves; sashed for wear; belts made of leather; trousers of leather; suits of leather; leather slippers; leather pants; leather jackets; leather coats; leather shirts; leather skirts; leather vests; footwear; boots; berets; headbands; clogs; sandals; sports shoes; headgear, namely, hats, caps, bonnets” as set forth in the Application.

10. Applicant had both constructive and actual notice of Opposer’s Registration through the existence of Opposer’s Registration and Applicant’s receipt of an Office Action on March 15, 2016, in which the Examining Attorney refused registration of the Application due to the likelihood of confusion with Opposer’s registered SLAM N JAMZ trademark.

11. Applicant contacted Opposer on October 27, 2016 requesting consent for registration of Applicant’s SLAM JAM trademark in the United States, indicating that Applicant had actual notice of Opposer’s federal registration.

12. On or about November 2, 2016, the Examining Attorney removed its likelihood of confusion refusal to register the Application and the Application was set for publication on the Principal Register.

13. On November 23, 2016, Opposer provided a responsive letter to Applicant in which Opposer refused to provide Applicant consent due to the likelihood of confusion between Applicant’s SLAM JAM trademark and Opposer’s registered SLAM N JAMZ trademark.

14. Opposer filed a letter of protest with the United States Patent and Trademark Office on December 14, 2016, stating that registration of Applicant’s SLAM JAM trademark would cause a

likelihood of confusion with Opposer's registered SLAM N JAMZ trademark and should be refused registration.

15. Applicant's SLAM JAM trademark was published for opposition on December 20, 2016. Opposer filed for an Extension of Time to Oppose on December 20, 2016, and the Trademark Trial and Appeal Board granted an extension until February 18, 2017.

16. Opposer's SLAM N JAMZ trademark has priority over Applicant's SLAM JAM trademark because the registration date of Opposer's Registration for the SLAM N JAMZ trademark is September 1, 2015, and Opposer's date of first use is January 4, 2015, well prior to the October 27, 2015 filing date of the Application.

**CLAIM FOR RELIEF UNDER 15 U.S.C. § 1052(d);  
LIKELIHOOD OF CONFUSION**

17. Opposer incorporates by reference Paragraphs 1-16 as if fully set forth herein.

18. Applicant's SLAM JAM trademark is highly similar to Opposer's SLAM N JAMZ trademark in sound, appearance and commercial impression.

19. Applicant's SLAM JAM trademark contains the same first word –“SLAM”- as Opposer's SLAM N JAMZ mark and a singular form of the last word – “JAM” – of Opposer's SLAM N JAMZ mark.

20. The goods set forth in the Application are highly related to Opposer's Goods, in that the various goods set forth in the Application either encompass Opposer's Goods, or could reasonably be expected to originate from the same source as Opposer's Goods offered under Opposer's SLAM N JAMZ trademark such that consumers encountering Applicant's SLAM JAM trademark in connection with such goods are likely to think that Applicant's SLAM JAM goods

are authorized by, sponsored by, licensed by, affiliated with, or related to the source that offers Opposer's Goods under the SLAM N JAMZ trademark.

21. If not the same or highly similar, Applicant's goods fall within the zone of natural expansion for Opposer's Goods, some of which Opposer already provides and also holds various registrations for under versions of its house mark, HOMAGE.

22. Accordingly, Applicant's applied-for trademark, SLAM JAM, so resembles Opposer's previously used and registered SLAM N JAMZ trademark, as to be likely, when applied to the goods set forth in the Application, to cause confusion, mistake or deception within the meaning of 15 U.S.C. § 1052(d).

23. Opposer will be damaged by registration of Applicant's SLAM JAM trademark because such registration will confuse consumers as to the source of Applicant's goods and give color of exclusive statutory right to Applicant in violation and derogation of the prior and superior rights of Opposer.

WHEREFORE, Opposer respectfully prays that this Opposition be sustained and that registration to Applicant be refused.

Respectfully submitted,

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