

ESTTA Tracking number: **ESTTA852864**

Filing date: **10/18/2017**

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	AMOCARAT S.A.		
Entity	JOINT STOCK COMPANY	Citizenship	POLAND
Address	ul. Królewska 1 Czaniec, PL-43-354 POLAND		

Attorney information	Alexander Lazouski Lazouski IP LLC 14726 Bowfin Terrace, Suite 1 Lakewood Ranch, FL 34202 UNITED STATES Email: al@lzlzlawoffice.com Phone: 2016455616		
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Applicant Information

Application No	87445492	Publication date	09/19/2017
Opposition Filing Date	10/18/2017	Opposition Period Ends	10/19/2017
Applicant	250W Fashion Group LLC 231 W 29th St., Suite 302 New York, NY 10011 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: Bottoms; Pants; Shirts; Shorts; Sweaters; Sweatshirts; Tops; Women's clothing, namely, shirts, dresses, skirts, blouses
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
No bona fide intent to use mark in commerce for identified goods or services	Trademark Act Section 1(b)

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	5273407	Application Date	08/30/2016
Registration Date	08/29/2017	Foreign Priority Date	NONE
Word Mark	OBSESSIVE		

Design Mark	Obsessive
Description of Mark	NONE
Goods/Services	<p>Class 025. First use: First Use: 0 First Use In Commerce: 0 Clothing, namely, nightwear, chemises, peignoirs, robes, corsets being under-clothing, teddies being underclothing, panties, thong underwear, boxer briefs, bras, garter belts, stocking, body stockings, skirts, blouses, women's tops, namely, camis, rubber and latex costumes for use in the fashion industry, gloves, garters, footwear, underwear, lingerie, swimming costumes, hosiery, dress, hats</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0 Retail store, wholesale store and online retail store and wholesale store services, all featuring clothing, footwear, vanity cases, suitcases, pocket wallets, purses, handbags, and umbrellas</p>

Attachments	79194467#TMSN.png(bytes) Notice of Opposition - OBSESSIVE APPAREL DISORDER.pdf(132686 bytes)
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Signature	/as/
Name	Alexander Lazouski
Date	10/18/2017

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

AMOCARAT S.A.)	
)	Opposition No. _____
Opposer,)	
)	Application Serial No. 87445492
v.)	Mark: OBSESSIVE APPAREL
)	DISORDER
250W Fashion Group LLC)	
)	
)	
Applicant.)	
	/	

NOTICE OF OPPOSITION

Opposer, AMOCARAT S.A, a Polish joint stock company with its principal place of business at ul. Królewska 1, PL-43-354 Czaniec POLAND (“Opposer”), believes that it will be damaged by registration of the mark of Application Serial No. 87445492 for OBSESSIVE APPAREL DISORDER by 250W Fashion Group LLC, a US company with limited liability with its principal place of business at 231 W 29th St., Suite 302, New York, NEW YORK UNITED STATES 10011 (“Applicant”), and hereby opposes the same on the ground that (1) the mark is likely to cause confusion, or to cause mistake or to deceive with respect to Opposer’s prior use in commerce and registration of Opposer’s OBSESSIVE marks and that (2) Applicant lacked a bona fide intent to use the mark for the goods covered by Application Serial No. 87445492 as of the filing date of Applicant’s Mark.

As grounds for this opposition, it is alleged:

1. Opposer is a manufacturer of clothing (“Opposer’s Goods”).

2. Opposer has extensively and continuously used Opposer's Mark OBSESSIVE and variations stylized variations thereof in connection with Opposer's Goods long before Applicant's filing date or date of first use.

3. Opposer is the owner of the United States trademark registration for OBSESSIVE, Reg. No. 5273407 for "Clothing, namely, nightwear, chemises, peignoirs, robes, corsets being underclothing, teddies being underclothing, panties, thong underwear, boxer briefs, bras, garter belts, stocking, body stockings, skirts, blouses, women's tops, namely, camis, rubber and latex costumes for use in the fashion industry, gloves, garters, footwear, underwear, lingerie, swimming costumes, hosiery, dress, hats" in International class 25 and "Retail store, wholesale store and online retail store and wholesale store services, all featuring clothing, footwear, vanity cases, suitcases, pocket wallets, purses, handbags, and umbrellas" in International class 35 (Exhibit A).

4. During its continuous use of Opposer's Mark, Opposer has expended considerable time, effort and money in advertising and publicizing the sale of Opposer's Goods bearing the Opposer's Mark in the United States.

5. During its continuous use of Opposer's Mark, Opposer has sold, and offered for sale Opposer's Goods bearing Opposer's Mark throughout the United States.

6. As a result of the quality of Opposer's Goods, and the considerable effort Opposer has expended in promoting its Goods under the Opposer's Mark, Opposer's Goods have met with highly favorable acceptance. The Opposer's Mark has become a well-known symbol of the goodwill and rights associated with the mark.

7. On information and belief, Applicant, 250W Fashion Group LLC, is a New-York-based company with limited liability with listed address 231 W 29th St., Suite 302, New York, NEW YORK UNITED STATES 10011.

8. To the best of Opposer's knowledge, Correspondent for Applicant's Mark is:

DANIEL M. NOVICK
SAVUR THREADGOLD LLP
40 EXCHANGE PL., SUITE 1900
NEW YORK, NEW YORK UNITED STATES 10005

Email: dn@savurlaw.com, ip@savurlaw.com

9. Notwithstanding Opposer's extensive prior use and registration of Opposer's Mark, on May 11, 2017 Applicant filed Application Serial No. 87445492 for the mark OBSESSIVE APPAREL DISORDER for "Bottoms; Pants; Shirts; Shorts; Sweaters; Sweatshirts; Tops; Women's clothing, namely, shirts, dresses, skirts, blouses" ("Applicant's Goods) in International Class 25 ("Applicant's Mark").

10. Applicant's Mark was filed on 1(b) basis with intent to use the mark in commerce for Applicant's Goods on May 11, 2017.

11. On information and belief, Applicant is not using the mark in commerce in the U.S. in connection with Applicant's Goods.

12. On information and belief, Applicant lacked a bona fide intent to use the mark for Applicant's Goods covered by Application Serial No. 87445492 as of the filing date of Applicant's Mark.

13. Applicant's Mark is confusingly similar to Opposer's Mark.

14. Applicant's Goods and Opposer's Goods are substantially similar, related or identical, would be marketed to and purchased by the same class of purchasers, and would be sold through the same channels of trade.

15. In view thereof, purchasers are likely to mistakenly assume that Applicant's Goods originate from, are sponsored by or are in some way associated with Opposer. Applicant's Mark is similar to the Opposer's Mark as to be likely to cause confusion, or to cause mistake or to deceive.

16. Accordingly, Opposer is likely to be damaged by registration of the mark of Application Serial No. 87445492.

WHEREFORE, Opposer prays that the mark of Application Serial No. 87445492 be refused registration, that no registration be issued thereon to Applicant and that this Opposition be sustained in favor of Opposer.

A filing fee for the Notice of Opposition in the amount of \$400.00 was paid in due course.

Respectfully submitted,

Dated: October 18, 2017

By:



Alexander S. Lazouski
Attorney for Opposer
Lazouski IP LLC
14726 Bowfin Ter., Suite 1
Lakewood Ranch, FL 34202

CERTIFICATE OF SERVICE

Petitioner confirms that it filed this complaint electronically on August 3, 2017 through ESTTA. According to 37 CFR § 2.113, 37 CFR § 2.119 and TBMP §309.02(c) the complaint, and any exhibits thereto, will be forwarded to the defendant by the Board itself.

Date: October 18, 2017

/asl/
Alexander S. Lazouski