

ESTTA Tracking number: **ESTTA866197**

Filing date: **12/20/2017**

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	CWGS Group, LLC
Granted to Date of previous extension	12/20/2017
Address	250 PARKWAY DRIVE, SUITE 270 LINCOLNSHIRE, IL 60069 UNITED STATES

Attorney information	Nicholas G. de la Torre Neal & McDevitt 1776 Ash Street Northfield, IL 60093 UNITED STATES Email: pto@nealmcdevitt.com, apierce@nealmcdevitt.com, ndelatorre@nealmcdevitt.com, rbiagi@nealmcdevitt.com Phone: 8474419100
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Applicant Information

Application No	87417299	Publication date	08/22/2017
Opposition Filing Date	12/20/2017	Opposition Period Ends	12/20/2017
Applicant	Robertson, Colby 21 Purchase St Carver, MA 02330 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: Bathing suits; Hats; Pants; Shirts; Socks; Sweatpants; Sweatshirts

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.	1927194	Application Date	03/21/1994
Registration Date	10/17/1995	Foreign Priority Date	NONE
Word Mark	GANDER MOUNTAIN		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1992/07/00 First Use In Commerce: 1992/07/00 footwear and clothing, namely shirts, coats, [rainwear,] jackets, vests, sweaters, pants, [shorts, coveralls, underwear,] socks, [gaiters, gloves,] caps, hats [and masks]

U.S. Registration No.	3521739	Application Date	06/18/2007
Registration Date	10/21/2008	Foreign Priority Date	NONE

Word Mark	GANDER MOUNTAIN
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Design Mark	<h1>GANDER MOUNTAIN</h1>
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Description of Mark	NONE
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Goods/Services	Class 025. First use: First Use: 2008/02/00 First Use In Commerce: 2008/02/00 Headwear, Footwear And Sportswear, Namely, T-Shirts, Shirts, Sweaters, Turtlenecks, Sweatshirts, Windshirts, Coats, Rainwear, Jackets, Vests, Pants, Shorts, Parkas, Hats, Caps, Gloves, Mittens, Socks, Underwear, Boots, Shoes, And Sandals
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U.S. Registration No.	3513538	Application Date	06/18/2007
Registration Date	10/07/2008	Foreign Priority Date	NONE

Word Mark	GANDER MTN.
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Design Mark	<h1>GANDER MTN.</h1>
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Description of Mark	NONE
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Goods/Services	Class 025. First use: First Use: 2007/09/00 First Use In Commerce: 2007/09/00 Headwear, Footwear And Sportswear, Namely, T-Shirts, Shirts, Sweaters, ((Turtlenecks,)) Sweatshirts, ((Windshirts, Coats, Rainwear,)) Jackets, Vests,
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	Pants, ((Shorts,)) Parkas, Hats, Caps, Gloves, ((Mittens, Socks, Underwear,)) Boots ((, Shoes, And Sandals))
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U.S. Registration No.	2810950	Application Date	01/07/2000
Registration Date	02/03/2004	Foreign Priority Date	NONE
Word Mark	GANDER MOUNTAIN GUIDE SERIES		
Design Mark	GANDER MOUNTAIN GUIDE SERIES		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2000/02/01 First Use In Commerce: 2000/02/01 sportswear, namely, pants, shirts, [t-shirts, sweatshirts, cardigans and jackets, parkas,] vests [, headwear, footwear, namely, boots and waders]		

U.S. Registration No.	4272643	Application Date	07/13/2010
Registration Date	01/08/2013	Foreign Priority Date	NONE
Word Mark	GANDER MTN. ACADEMY		
Design Mark	GANDER MTN. ACADEMY		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2011/02/00 First Use In Commerce: 2011/02/00 Clothing, Namely, Shirts; Hats		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	GANDER		
Goods/Services	broad range of goods and services in the clothing, apparel, headwear and footwear industry		

Attachments	77208268#TMSN.png(bytes) 77208357#TMSN.png(bytes) 75981905#TMSN.png(bytes) 85083632#TMSN.png(bytes) 2017.12.20 Final Notice of Opposition Colby Roboertson 63193.287.pdf(86650 bytes)
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Signature	/ngt/
Name	Nicholas G. de la Torre
Date	12/20/2017

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

CWGS GROUP, LLC,

Opposer,

v.

COLBY ROBERTSON,

Applicant.

Opposition No. _____

Trademark Application Serial No.
87/417,299

Mark: PROPER GANDER

NOTICE OF OPPOSITION

CWGS GROUP, LLC, a Delaware limited liability company with its principal place of business at 250 Parkway Drive, Suite 270, Lincolnshire, IL 60069 (“Opposer”), believes it will be damaged by registration of the above-identified application owned by Applicant COLBY ROBERTSON (“Applicant”) and hereby opposes same.

Grounds for Opposer’s opposition to registration of the mark PROPER GANDER, Application Serial No. 87/417,299 (the “Application”), are as follows:

1. Opposer, itself and via its predecessors-in-interest and related entities, is using and has used the mark GANDER and various GANDER formative marks (Opposer’s “GANDER Marks”) throughout the United States for decades for a wide variety of products and services. Opposer’s products and services have been offered through one of the largest outdoor retail networks in the United States, specializing in hunting, fishing, camping, boating and outdoor lifestyle products, services and apparel. Opposer’s GANDER Marks are well known throughout the United States.

2. Opposer, itself and via its predecessors-in-interest and related entities, has expended substantial resources to advertise and promote its goods and services under its GANDER Marks.

3. Since long prior to Applicant’s filing of his application to register PROPER GANDER (Serial No. 87/417,299), Opposer, itself and via its predecessors-in-interest and related entities, has used in interstate commerce its GANDER Marks in connection with a broad range of goods and services in the clothing, apparel, headwear and footwear industry, including, but not limited to, those referenced in paragraph 4 (hereinafter “Opposer’s Products”).

4. In addition to its common-law rights, Opposer owns, among other registrations and applications, the following registrations for Opposer’s GANDER Marks:

<i>Mark</i>	<i>Reg. No.</i>	<i>Goods/Services</i>
GANDER MOUNTAIN	1927194	Footwear and clothing, namely shirts, coats, jackets, vests, sweaters, pants, socks, caps, hats.
GANDER MOUNTAIN	3521739	Headwear, footwear and sportswear, namely, t-shirts, shirts, sweaters, turtlenecks, sweatshirts, windshirts, coats, rainwear, jackets, vests, pants, shorts, parkas, hats, caps, gloves, mittens, socks, underwear, boots, shoes, and sandals.
GANDER MTN.	3513538	Headwear, footwear and sportswear, namely, t-shirts, shirts, sweaters, turtlenecks, sweatshirts, windshirts, coats, rainwear, jackets, vests, pants, shorts, parkas, hats, caps, gloves, mittens, socks, underwear, boots, shoes, and sandals.
GANDER MOUNTAIN GUIDE SERIES	2810950	Sportswear, namely, pants, shirts, vests.
GANDER MTN. ACADEMY	4272643	Clothing, namely, shirts; hats.

5. By reason of Opposer’s, itself and via its predecessors-in-interest and related entities, advertisement, promotion, use, distribution and sale of products under the aforesaid trademarks, the GANDER Marks have come to be recognized as signifying Opposer and

Opposer's products and services, such that Opposer's GANDER Marks have become well-known and famous.

6. Opposer, itself and via its predecessors-in-interest and related entities, has built up extensive goodwill in connection with the offering and sale of products and services under its GANDER Marks.

7. Notwithstanding Opposer's prior rights in and to its GANDER Marks, on April 19, 2017, Applicant filed U.S. Trademark Application Serial No. 87/417,299 for the mark PROPER GANDER, which Applicant claims to have an intention to use in commerce with "Bathing suits; Hats; Pants; Shirts; Socks; Sweatpants; Sweatshirts" in International Class 25. The application was published in the August 22, 2017 edition of the *Trademark Official Gazette* of the United States Patent and Trademark Office and Opposer was granted a time extension until December 20, 2017 to oppose the application.

7. Opposer's common-law rights in and registrations for the GANDER Marks long predate the Application. Applicant's PROPER GANDER mark is confusingly similar to Opposer's GANDER Marks, and the use and attempted registration of the mark PROPER GANDER in connection with the goods identified in the Application is likely to cause confusion, deception, and mistake among purchasers.

8. Applicant's application to register, registration and use of the mark PROPER GANDER mark has and will continue to interfere with Opposer's GANDER Marks and will seriously damage Opposer, its business, and its goodwill.

WHEREFORE, Opposer respectfully prays that this Opposition be sustained, that U.S. Trademark Application Serial No. 87/417,299 for the mark PROPER GANDER be rejected, and that registration of the application by Applicant be denied.

Respectfully submitted,

Dated: December 20, 2017

By: s/Nicholas G. de la Torre
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Attorneys for Opposer

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this **NOTICE OF OPPOSITION** is being electronically filed with the Trademark Trial and Appeal Board online through the ESTTA system of the United States Patent and Trademark Office today, December 20, 2017.

s/Nicholas G. de la Torre