ESTTA Tracking number: **ESTTA892443**

Filing date: **04/26/2018**

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	ONLY THE BEST, INC.		
Entity	Corporation	Citizenship	Hawaii
Address	99-969 Iwaena Street Aiea, HI 96701 UNITED STATES		

Attorney information	William G. Meyer, III Settle Meyer Law 900 FORT STREET MALL STE 1800 HONOLULU, HI 96813 UNITED STATES Email: wmeyer@settlemeyerlaw.com, cfasi@settlemeyerlaw.com, jbrotman@settlemeyerlaw.com, kcentis@settlemeyerlaw.com Phone: 808-540-2400

Applicant Information

Application No	87478935	Publication date	03/27/2018
Opposition Filing Date	04/26/2018	Opposition Period Ends	04/26/2018
Applicant	EPYS-INDUSTRIES, INC. 5348 Vegas Dr Unit 538 Las Vegas, NV 89108 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 2007/03/01 First Use In Commerce: 2017/03/26 All goods and services in the class are opposed, namely: Clothing, namely, tops, bottoms, headwear; Children's and infants' cloth bibs; Body suits for babies; One-piece play suits; Leggings; Shirts; Tutus; Skirts; Dresses; Sweatshirts
Class 035. First Use: 2007/03/01 First Use In Commerce: 2017/03/26 All goods and services in the class are opposed, namely: Online retail store services featuring clothing, fashion accessories, and tote bags for babies, toddlers, infants, and children

Grounds for Opposition

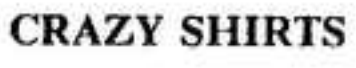
Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1999785	Application Date	09/18/1995

Registration Date	09/10/1996	Foreign Priority Date	NONE
Word Mark	CRAZY SHIRTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 1991/08/00 First Use In Commerce: 1991/08/00 tote bags Class 025. First use: First Use: 1966/03/00 First Use In Commerce: 1967/03/00 rain ponchos, beach cover-ups, shirts, hats, jackets, leggings, bike shorts, pullovers, shorts, socks, sweaters, tank tops and dresses		

U.S. Registration No.	1139644	Application Date	03/13/1978
Registration Date	09/16/1980	Foreign Priority Date	NONE
Word Mark	CRAZY SHIRTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1966/03/00 First Use In Commerce: 1967/07/00 Wearing Apparel-Namely, T-Shirts		

U.S. Registration No.	1126473	Application Date	03/17/1978
Registration Date	10/30/1979	Foreign Priority Date	NONE
Word Mark	CRAZY SHIRTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1966/03/00 First Use In Commerce: 1966/03/00 RETAIL CLOTHING STORE SERVICES		

U.S. Registration No.	3577873	Application Date	02/14/2005
Registration Date	02/17/2009	Foreign Priority Date	NONE
Word Mark	CRAZY KIDS		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2008/04/15 First Use In Commerce: 2008/04/15 Youth's, children's and infant's apparel, namely, t-shirts, shirts, tops, jackets, shorts, sweatshirts, swimsuits

U.S. Registration No.	3617526	Application Date	02/14/2005
Registration Date	05/05/2009	Foreign Priority Date	NONE
Word Mark	CRAZY BRAND		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2009/02/19 First Use In Commerce: 2009/02/19 adult, youth and infant apparel, namely, t-shirts, tops, and shirts		

U.S. Registration No.	943290	Application Date	03/04/1971
Registration Date	09/19/1972	Foreign Priority Date	NONE
Word Mark	CRAZY SHIRTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1966/03/00 First Use In Commerce: 1967/07/00 SILK SCREENING T-SHIRTS		

Attachments	73162565#TMSN.png(bytes) 78567200#TMSN.png(bytes) 78567222#TMSN.png(bytes) 72385448#TMSN.png(bytes) Statement of Claim re CRAZY BABY CLOTHING.PDF(21478 bytes)

Signature	/William G. Meyer, III/
Name	William G. Meyer, III
Date	04/25/2018

STATEMENT OF THE CLAIM

In the matter of the application of EPYS-INDUSTRIES, INC., a New York corporation (hereinafter referred to as "Applicant") for registration of the trademark CRAZY BABY CLOTHING, Application Serial No. 87-478935, published in the Official Gazette on March 27, 2018 (hereinafter the "Application"), ONLY THE BEST, INC., a Hawaii corporation, with its principal place of business at 99-969 Iwaena Street, Aiea, Hawaii 96701 (hereinafter referred to as "Opposer"), believes that it will be damaged by registration of the mark shown in Serial No. 87-478935 and hereby opposes the same.

The grounds for opposition are as follows:

1. On November 20, 2001, Opposer acquired the assets of Crazy Shirts, Inc., a Hawaii corporation (hereinafter referred to as "Assignor") and, in connection therewith, entered into a Trademark Assignment Agreement (hereinafter referred to as the "Assignment") with Assignor whereby Assignor assigned to Opposer all right, title and interest in and to, and the goodwill of business symbolized by various trademarks throughout the world, including the following registrations in the United States Patent and Trademark Office ("USPTO") for the mark CRAZY SHIRTS and other related "CRAZY" marks:

Trademark	Registration Number
CRAZY SHIRTS (and design)	943,290
CRAZY SHIRTS	1,126,473
CRAZY SHIRTS	1,139,644
CRAZYSHORTS	1,406,812
CRAZY SHIRTS	1,999,785

2. Opposer has also registered the following related "CRAZY" marks on the Principal Register of the USPTO:

Trademark	Registration Number
CRAZY KIDS	3,577,873
CRAZY BRAND	3,617,526

3. Said registrations are all valid and subsisting, unrevoked and uncancelled and Opposer is the owner of them and of the marks shown thereby and of all the business to be well connected with and represented by said marks.

4. Opposer is engaged in the manufacturing and sale of t-shirts and other articles of clothing throughout the United States. Prior to the Assignment, Assignor was engaged for many years in the manufacturing and sale of t-shirts and other articles of clothing throughout the United States.

5. At least as early as March 1966, and long prior to the date of filing of the Application for Applicant's mark, Assignor adopted and began to use the designation CRAZY SHIRTS as a trademark for t-shirts and other clothing articles. Since that date, Assignor has continuously used said mark upon and in connection with its manufacturing and sale of t-shirts and other clothing. Since the date of the Assignment, Opposer has continued Assignor's uses of said mark, along with the other related "CRAZY" marks, in connection with the manufacturing and sale of t-shirts and other clothing.

6. Since at least as early as March 1966, goods bearing or labeled with tags containing said CRAZY SHIRTS mark have been advertised, promoted and widely shipped, distributed and sold in interstate commerce throughout the United States by Assignor and Opposer. Said mark has come to be a famous trademark of great value to Opposer and, in the

mind of the trade and public, identifies and designates Opposer's goods and distinguishes Opposer's goods from the goods of others.

7. Since at least as early as April 15, 2008, goods bearing or labeled with tags containing said CRAZY KIDS mark have been advertised, promoted and shipped, distributed and sold in interstate commerce throughout the United States by Opposer.

8. Since at least as early as February 19, 2009, goods bearing or labeled with tags containing said CRAZY BRAND mark have been advertised, promoted and shipped, distributed and sold in interstate commerce throughout the United States by Opposer.

9. Notwithstanding Assignor's and now Opposer's prior rights to the aforesaid trademarks, Applicant has filed an application for registration of the trademark CRAZY BABY CLOTHING for "Clothing, namely, tops, bottoms, headwear; children's and infants' cloth bibs; body suits for babies; one-piece play suits; leggings; shirts; tutus; skirts; dresses; sweatshirts" in International Class 25 and for "Online retail store services featuring clothing, fashion accessories, and tote bags for babies, toddlers, infants, and children" in International Class 35. Said application was given serial number 87-478935, and was published for opposition in the Official Gazette on March 27, 2018.

10. Applicant's mark, CRAZY BABY CLOTHING, so resembles Opposer's trademarks, including Opposer's CRAZY KIDS mark, as to be likely, when applied to the goods of the Applicant, to cause confusion or mistake or to deceive purchasers, thereby resulting in damage and detriment to Opposer and its reputation.

WHEREFORE, Opposer believes that it will be damaged by said registration of Applicant's mark, and prays that it be denied.

Please recognize as attorneys for Opposer in this proceeding and address all correspondence relating to this matter to William G. Meyer, III, Esq. of the law firm Settle Meyer Law, A Limited Liability Law Company.