

ESTTA Tracking number: **ESTTA929379**

Filing date: **10/18/2018**

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	Bonneterie D'Armor
Granted to Date of previous extension	11/14/2018
Address	Kerdroniou Ouest21/23, rue Louison Bobet Quimper, 2900 FRANCE

Attorney information	Julie B. Seyler ABELMAN FRAYNE & SCHWAB 666 Third Avenue NY, NY 10017 UNITED STATES jbseyler@lawabel.com, docket@lawabel.com, ssarker@lawabel.com 2129499022
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Applicant Information

Application No	87771154	Publication date	07/17/2018
Opposition Filing Date	10/18/2018	Opposition Period Ends	11/14/2018
Applicant	Draper, Latonya 1069 Allengrove st. Philadelphia, PA 19124 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: Body suits; Bras; Jogging outfits; Leggings; Panties; T-shirts

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.	1245403	Application Date	02/23/1982
Registration Date	07/12/1983	Foreign Priority Date	NONE
Word Mark	ARMOR.LUX		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 0 First Use In Commerce: 0 Underwear for Men, Women, and Children in Cotton, Jersey Cotton and Synthetic Materials; T-Shirts; Pull-Overs and Marine/Sailor Sweaters for Men, Women, and Children

Attachments	73351559#TMSN.png(bytes) Notice of Opposition.pdf(95113 bytes)
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Signature	/JBS/
Name	Julie B. Seyler
Date	10/18/2018

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

In re Application No. 87771154
Published July 17, 2018


<p>Bonneterie D'Armor</p> <p style="text-align: center;"><i>Opposer,</i></p> <p style="text-align: center;">v.</p> <p>Latonya Draper</p> <p style="text-align: center;"><i>Applicant</i></p>
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Opposition No.

NOTICE OF OPPOSITION

Bonneterie D'Armor, a corporation organized under the laws of France with an office at Kerdroniou Ouest 21/23, rue Louison Bobet 2900 Quimper France, believes that it will be damaged by registration of the mark shown in Application Serial No. 87771154 and hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Applicant is seeking to register the mark , ("Applicant's Mark"), for body suits; bras; jogging outfits; leggings; panties; T-shirts in class 25, ("Applicant's Goods").
2. Opposer is the owner of all right, title and interest in and to the trademark for ARMOR LUX. ("Opposer's Mark")
3. Opposer is the owner of U.S. Trademark Registration No. 1245403 for ARMOR.LUX for underwear for men, women, and children in cotton, jersey cotton and

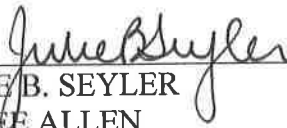
synthetic materials; T-Shirts; pull-overs and marine/sailor sweaters for men, women, and children, (“Opposer’s Goods”).

4. Opposer is using Opposer’s trademark ARMOR LUX on clothing in commerce.
5. Opposer has used Opposer’s Mark in commerce on Opposer’s Goods long prior to the January 25, 2018 filing date of Application No. 87771154.
6. The commercial impression evoked by Applicant’s mark is AMORE LUXE.
7. Applicant’s Mark, in its entirety, is substantially similar to Opposer’s Mark.
8. Applicant’s Goods are identical to and/or otherwise commercially related to Opposer’s Goods.
9. Applicant’s Goods and Opposer’s Goods are likely to travel in the same channels of trade, to be sold in the same retail outlets and/or to be purchased by the same class of consumers.

In view of the substantial similarity between the respective marks, the commercial relationship between the Applicant’s Goods and Opposer’s Goods, registration of Applicant’s Mark is likely to cause confusion, mistake or deception to purchasers as to the source of Applicant’s goods, and therefore it is requested that registration to Applicant be refused under Section 2(d) of the Trademark Act.

WHEREFORE, Opposer believes that it will be damaged by the registration of Applications Serial No. 87771154 and respectfully requests that registration be refused and this opposition be sustained.

Respectfully submitted,



JULIE B. SEYLER
AIMEE ALLEN

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