

ESTTA Tracking number: **ESTTA965621**

Filing date: **04/09/2019**

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	Fruit of the Loom, Inc.
Granted to Date of previous extension	04/10/2019
Address	1 Fruit of the Loom Drive Bowling Green, KY 42103 UNITED STATES

Attorney information	Carrie A. Shufflebarger Thompson Hine LLP 312 Walnut Street, Fourteenth Floor Cincinnati, OH 45202 UNITED STATES carrie.shufflebarger@thompsonhine.com, louis.ebling@thompsonhine.com, docket@thompsonhine.com, sharon.bella@thompsonhine.com 5133526678
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Applicant Information

Application No	87528354	Publication date	12/11/2018
Opposition Filing Date	04/09/2019	Opposition Period Ends	04/10/2019
Applicants	<p>Williams, Troy 134 2601 Cartwright Road Missouri City, TX 77459 UNITED STATES</p> <p>Anderson-Williams, LaShonda 134 2601 Cartwright Road Missouri City, TX 77459 UNITED STATES</p> <p>Davis, Hassan 134 2601 Cartwright Road Missouri City, TX 77459 UNITED STATES</p> <p>Stewart, Nishala 134 2601 Cartwright Road Missouri City, TX 77459</p>		

	UNITED STATES Trevino, Stephanie 134 2601 Cartwright Road Missouri City, TX 77459 UNITED STATES
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Goods/Services Affected by Opposition

Class 025. First Use: 2015/06/01 First Use In Commerce: 2015/06/01 All goods and services in the class are opposed, namely: Hats; Hoodies; Leggings; Pants; Shorts; Socks; Sweatpants; Sweatshirts; T-shirts; Tank tops
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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.	2809490	Application Date	10/25/2002
Registration Date	01/27/2004	Foreign Priority Date	NONE
Word Mark	FIT FOR ME		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2002/12/10 First Use In Commerce: 2002/12/10 Apparel for women, namely, panties, underwear, bras, [hosiery, socks, panty-hose, sweat shirts, sweat pants, tee shirts and foundation garments]		

U.S. Registration No.	3256416	Application Date	08/23/2006
Registration Date	06/26/2007	Foreign Priority Date	NONE
Word Mark	FIT FOR ME		

Design Mark	<h1>Fit for Me</h1>
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2004/12/31 First Use In Commerce: 2004/12/31 Bras; Ladies' underwear

Attachments	78178581#TMSN.png(bytes) 78958874#TMSN.png(bytes) 1 Notice of Opposition FITME and Design.pdf(26147 bytes)
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Signature	/cas/
Name	Carrie A. Shufflebarger
Date	04/09/2019

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

In the Matter of

Application No.: 87/528,354
Applicants: Hassan Davis, Stephanie Trevino, Nishala Stewart, Troy Williams,
and LaShonda Anderson-Williams

Mark: 
Filing Date: July 14, 2017
Publication Date: December 11, 2018
Opposed Class: 25

FRUIT OF THE LOOM, INC.,	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No. _____
	:	
HASSAN DAVIS, STEPHANIE TREVINO,	:	
NISHALA STEWART, TROY WILLIAMS,	:	
AND LASHONDA ANDERSON-WILLIAMS,	:	
	:	
Applicants.	:	
	:	

NOTICE OF OPPOSITION


Opposer, Fruit of the Loom, Inc., a corporation duly organized and existing under the laws of the State of New York, having a mailing address at One Fruit of the Loom Drive, Bowling Green, Kentucky 42103, believes it will be damaged by registration of the mark shown in Application Serial No. 87/528,354, and hereby opposes registration of said mark.

As grounds of opposition, it is alleged that:

1. Opposer is Fruit of the Loom, Inc. Opposer is the owner of the trademark FIT FOR ME, which it has used in United States commerce in connection with apparel since at least as early as 2002.

Notice of Opposition
In re Application Serial No. 87/528,354

2. Opposer owns the following valid, subsisting, and incontestable trademark registrations for its FIT FOR ME brand (the “FIT FOR ME Marks”):


Trademark	Serial/Reg.	First Use	Goods
	2,809,490	12/10/2002	Apparel for women, namely, panties, underwear, bras
FIT FOR ME	3,256,416	12/31/2004	Bras; Ladies' underwear

3. Opposer has expended substantial amounts of money, time, and effort in advertising, promoting, and popularizing its FIT FOR ME Marks over many years and in preserving the good will associated therewith.

4. Opposer’s FIT FOR ME Marks have become distinctive of and associated in the minds of the trade and purchasing public with Opposer as a well-known provider of its goods.

5. The public has come to know Opposer’s FIT FOR ME Marks and recognize that any goods so marked originate with Opposer. By virtue of these efforts and by virtue of the excellence of its goods, Opposer has gained a valuable reputation for its FIT FOR ME Marks.

6. Hassan Davis, Stephanie Trevino, Nishala Stewart, Troy Williams, and LaShonda Anderson-Williams, (“Applicants”), individuals domiciled in Texas, filed U.S. Application Serial No. 87/528,354 under Section 1(a) of the Lanham Act on July 14, 2017 (“Application”),

seeking registration of the trademark  (“Applicants’ Mark”), alleging a date of first use of June 1, 2015, for use in connection with the following opposed goods in International Class 25: “Exercise clothing, namely, athletic pants, athletic shorts, athletic tops, T-shirts, yoga pants, sweat pants, sweatshirts, headwear, namely, caps, sneakers.”

7. Applicants’ Mark was published for opposition in the Official Gazette of the United States Patent and Trademark Office on December 11, 2018.

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8. Priority is not an issue: Opposer's longstanding registration and use of its FIT FOR ME Marks described above is well prior to the filing date of the Application or the date of first use alleged therein.

9. The goods in International Class 25 identified in the Application are closely related to Opposer's goods sold under the FIT FOR ME Marks, and are likely to be sold to the same class of purchasers as Opposer's goods sold under Opposer's FIT FOR ME Marks.

10. Applicants' Mark so resembles the marks previously used by Opposer in commerce as to be likely, when used in connection with Applicants' goods, to cause confusion, deception or mistake as to the affiliation, connection or association of Applicants with Opposer, and/or the origin, sponsorship, or approval of Applicants' goods or commercial activities by Opposer under 15 U.S.C. § 1052(d). The aforesaid likelihood of confusion will damage Opposer within the meaning of 15 U.S.C. § 1063.

11. Opposer would be damaged by registration of Applicants' Mark, because registration would grant Applicants statutory rights under the Trademark Act of 1946, and would tend to restrict, interfere with, and damage Opposer in the unhampered conduct of its business and protection of its legitimate interests.

WHEREFORE, Opposer prays this Opposition be sustained, and registration of the Application cited above be refused.

Please charge the appropriate filing fee to the credit card account of Opposer's counsel, as provided through the ESTTA filing system.

Please direct all correspondence to Carrie A. Shufflebarger, Esq., at Thompson Hine, LLP, 312 Walnut Street, Fourteenth Floor, Cincinnati, Ohio 45202, and all calls to the same at (513) 352-6678.

Notice of Opposition
In re Application Serial No. 87/528,354

Date: April 9, 2019

Respectfully submitted,

/s/ Carrie A. Shufflebarger
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CERTIFICATE OF FILING

I certify that this NOTICE OF OPPOSITION is being submitted electronically to the Trademark Trial and Appeal Board at the United States Patent and Trademark Office on this 9th day of April, 2019.

/s/ Carrie A. Shufflebarger
Carrie A. Shufflebarger