

ESTTA Tracking number: **ESTTA988327**

Filing date: **07/17/2019**

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	Bonobos, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	45 W. 25th St. 5th Floor New York, NY 10010 UNITED STATES		

Attorney information	Leo Kittay Fross Zelnick Lehrman & Zissu, P.C. 151 West 42nd Street, 17th Floor New York, NY 10036 UNITED STATES lkittay@fzlz.com, ddonahue@fzlz.com, mgoldstein@fzlz.com, ttabfiling@fzlz.com 212-813-5900		
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**Applicant Information**

Application No	87933733	Publication date	06/18/2019
Opposition Filing Date	07/17/2019	Opposition Period Ends	07/18/2019
Applicants	Alexandrov, Kiril 215 Western Avenue Cambridge, MA 02139 UNITED STATES  Velikin, Peter 215 Western Avenue Cambridge, MA 02139 UNITED STATES		


**Goods/Services Affected by Opposition**


Class 028. First Use: 2018/05/22 First Use In Commerce: 2018/05/22  
All goods and services in the class are opposed, namely: Exercise doorway gym bars; exercise and playground equipment, namely, pullup bars, swings, gymnastic rings, swinging ropes; platforms for boxing being boxing rings; plyometric and resistance exercise equipment accessories thereof, namely, suspension exercise straps; yoga blocks and straps

**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.	3559959	Application Date	01/16/2008
Registration Date	01/13/2009	Foreign Priority Date	NONE
Word Mark	BONOBOS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2007/04/07 First Use In Commerce: 2007/04/09 Pants; Belts		

U.S. Registration No.	4739250	Application Date	03/29/2010
Registration Date	05/19/2015	Foreign Priority Date	NONE
Word Mark	BONOBOS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 2009/12/31 First Use In Commerce: 2009/12/31 gift boxes</p> <p>Class 024. First use: First Use: 2011/09/13 First Use In Commerce: 2011/09/13 handkerchiefs</p> <p>Class 025. First use: First Use: 2007/04/07 First Use In Commerce: 2007/04/09 Clothing for men, namely, pants, jeans, trousers, shorts, belts, tops, shirts, turtle-necks, t-shirts, sweatshirts, sweatpants, suits, tuxedos, blazers, sport coats, sweaters, knitwear, namely, sweaters, pants, caps, cardigans; outerwear, namely, jackets, coats, overcoats; vests, hats, scarves, coats, jackets, overcoats, parkas, ties, swimwear, headwear, beanies, raincoats, wind-resistant jackets, wool hats</p>		

	Class 035. First use: First Use: 2007/04/07 First Use In Commerce: 2007/04/09 Online retail store services featuring apparel, footwear, bags, luggage and leather goods, jewelry
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U.S. Registration No.	5235376	Application Date	08/08/2016
Registration Date	07/04/2017	Foreign Priority Date	NONE
Word Mark	BONOBOS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 2012/05/01 First Use In Commerce: 2012/05/01 Retail store services featuring clothing and also featuring personalized shopping assistance by sales agents</p> <p>Class 045. First use: First Use: 2012/05/01 First Use In Commerce: 2012/05/01 Personal wardrobe styling services; fashion consulting services; personal stylist services, namely, evaluating the physical attributes, lifestyle, and fashion styles of others and recommending clothing and accessories to achieve the personal image desired by the client; personalshopping for others</p>		

U.S. Registration No.	5550975	Application Date	04/04/2018
Registration Date	08/28/2018	Foreign Priority Date	NONE
Word Mark	BONOBOS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 2018/03/28 First Use In Commerce: 2018/03/28 Towels		

Attachments	77372978#TMSN.png( bytes ) 85001375#TMSN.png( bytes ) 87130662#TMSN.png( bytes ) 87862536#TMSN.png( bytes ) Notice of Opposition BONOBO.PDF(22424 bytes )
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Signature	/Leo Kittay/
Name	Leo Kittay
Date	07/17/2019

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

BONOBOS, INC.,

Opposer,

- against -

PETER VELIKIN AND KIRIL  
ALEXANDROV,

Applicants.

Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**

Opposer Bonobos, Inc., a Delaware corporation, located and doing business at 45 W. 25th St., 5th Floor, New York, New York 10010 (“Opposer”), believes that it would be damaged by the issuance of a registration to Applicants Peter Velikin and Kiril Alexandrov (“Applicants”) for the mark BONOBO in International Class 28 as applied for in Application Serial No. 87/933,733 (the “Application”) for all identified goods, and therefore opposes the same. As grounds for its opposition, Opposer, by its attorneys Fross Zelnick Lehrman & Zissu, P.C., alleges as follows:

1. Since at least as early as 2007, and prior to any date upon which Applicant can rely, Opposer has marketed and sold clothing and related goods and services under the mark BONOBOS (“Opposer’s Mark”) extensively throughout the United States with substantial sales, including without limitation clothing specifically designed for fitness, sport and exercise.

2. As a result of its reputation and longstanding use, Opposer’s Mark has become a strong trademark identifying Opposer’s goods and services exclusively. As such, Opposer’s Mark represents an enormous goodwill and is an extremely valuable asset to Opposer.

3. Opposer is the owner of all right, title, and interest in and to Opposer’s Mark.

4. Additionally, Opposer owns valid and subsisting U.S. trademark registrations for Opposer's Mark for clothing and related goods and services, including the following:

- BONOBOBOS, U.S. Reg. No. 3,559,959, for use in connection with "Pants; Belts" in International Class 25 based on first use in 2007;
- BONOBOBOS, U.S. Reg. No. 4,739,250, for use in connection with "gift boxes" in International Class 16 based on first use in 2009, "handkerchiefs" in International Class 24 based on first use in 2011, "Clothing for men, namely, pants, jeans, trousers, shorts, belts, tops, shirts, turtle-necks, t-shirts, sweatshirts, sweatpants, suits, tuxedos, blazers, sport coats, sweaters, knitwear, namely, sweaters, pants, caps, cardigans; outerwear, namely, jackets, coats, overcoats; vests, hats, scarves, coats, jackets, overcoats, parkas, ties, swimwear, headwear, beanies, raincoats, wind-resistant jackets, wool hats" in International Class 25 based on first use in 2007, and "Online retail store services featuring apparel, footwear, bags, luggage and leather goods, jewelry" in International Class 35 based on first use in 2007;
- BONOBOBOS, U.S. Reg. No. 5,235,376 for use in connection with "Retail store services featuring clothing and also featuring personalized shopping assistance by sales agents" in International Class 35 based on first use in 2012, and "Personal wardrobe styling services; fashion consulting services; personal stylist services, namely, evaluating the physical attributes, lifestyle, and fashion styles of others and recommending clothing and accessories to achieve the personal image desired by the client; personal shopping for other" in International Class 45 based on first use in 2012; and

- BONOBO, U.S. Reg. No. 5,550,975 for use in connection with “towels” in International Class 24 based on first use in March 2018.

All of the registrations for Opposer’s Mark relied upon herein are valid, subsisting, and in full effect and serve as prima facie evidence of the validity of the mark and of Opposer’s exclusive right to use the mark in connection with the goods and services identified therein, pursuant to Section 33(b) of the Lanham Act, 15 U.S.C. § 1115(a). Additionally, U.S. Reg. No. 3,559,959 has become incontestable under Section 15 of the Lanham Act, 15 U.S.C. § 1065, and therefore serves as conclusive proof of Opposer’s exclusive right to use the mark in connection with the goods identified therein, as provided by Section 33(b) of the Lanham Act, 15 U.S.C. § 1115(b).

5. Upon information and belief, Applicants are individuals with an address of 215 Western Avenue, Cambridge, Massachusetts 02139.

6. Upon information and belief, on May 23, 2018, Applicants filed the Application for the mark BONOBO in Class 28 based on a first use in commerce date of May 22, 2018, pursuant to Section 1(a) of the Lanham Act, 15 U.S.C. § 1051(a).

7. The Application specifies the following goods: “Exercise doorway gym bars; exercise and playground equipment, namely, pullup bars, swings, gymnastic rings, swinging ropes; platforms for boxing being boxing rings; plyometric and resistance exercise equipment accessories thereof, namely, suspension exercise straps; yoga blocks and straps” in International Class 28.

8. Opposer’s rights in Opposer’s Mark are prior and superior to any rights Applicant may claim in the applied-for mark.

9. The applied-for mark is confusingly similar in sight, sound and commercial appearance.

10. The goods for which Applicant seeks to register the applied-for mark are related to and highly similar to the goods and services for which Opposer has used and registered Opposer's Mark.

11. Applicant's use and registration of the applied-for mark for the goods listed in the Application is likely to create the erroneous impression that Applicant's goods originate with, are endorsed, sponsored or promoted by, come from, or are otherwise associated with Opposer or Opposer's goods and services provided under Opposer's Mark. Any such use and registration of the applied-for mark by Applicant in connection with the goods listed in the Application is therefore likely to cause confusion, cause mistake or deceive the public in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

12. Issuance of any registration to Applicant for the applied-for mark in connection with the goods identified in the Application would be inconsistent with Opposer's prior rights in Opposer's Mark and would substantially damage Opposer's investment and goodwill in its mark.

13. By reason of the foregoing, Opposer will be damaged by the registration of the Application to Applicant.

WHEREFORE, Opposer respectfully requests that this opposition be sustained and that registration of the BONOBO mark as applied for in the Application in all respects be denied. Opposer authorizes the Board to withdraw from USPTO debit account no. 230825 any additional fees as may be required for this Opposition.

Dated: New York, New York  
July 17, 2019

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

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