

ESTTA Tracking number: **ESTTA1117338**

Filing date: **03/01/2021**

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	PVH Corp.
Granted to Date of previous extension	02/27/2021
Address	200 MADISON AVENUE NEW YORK, NY 10016 UNITED STATES

Correspondence information	MARIA ROCHA PVH CORP. 200 MADISON AVENUE NEW YORK, NY 10016 UNITED STATES Primary Email: mariarocha@pvh.com 212-381-3836
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Applicant Information

Application No.	90084916	Publication date	12/29/2020
Opposition Filing Date	03/01/2021	Opposition Period Ends	02/27/2021
Applicant	Izo All Supply Co. LLC 6309 CHALET DRIVE COMMERCE, CA 90040 UNITED STATES		

Goods/Services Affected by Opposition

Class 020. First Use: 2016/06/01 First Use In Commerce: 2016/06/01 All goods and services in the class are opposed, namely: Mattresses; Pillows; Bed pillows; Head supporting pillows; Throw pillows

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.	4280098	Application Date	03/27/2009
Registration Date	01/22/2013	Foreign Priority Date	NONE

Word Mark	IZOD
Design Mark	
Description of Mark	NONE
Goods/Services	Class 020. First use: First Use: 2010/02/28 First Use In Commerce: 2010/02/28 Pillows and decorative pillows Class 024. First use: First Use: 2010/02/28 First Use In Commerce: 2010/02/28 Bed sheets, comforters, bed spreads, bed ruffles, pillow shams, window fashions, namely, fabric curtains, draperies and valances; bed blankets and throws

U.S. Registration No.	655860	Application Date	02/15/1956
Registration Date	12/17/1957	Foreign Priority Date	NONE
Word Mark	IZOD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1947/03/00 First Use In Commerce: 1947/03/00 MEN'S AND WOMEN'S SPORT SHIRTS, HOSE, JACKETS, BELTS, AND TIES, AND MEN'S SLACKS AND SWIM TRUNKS		

U.S. Registration No.	756956	Application Date	12/21/1962
Registration Date	09/17/1963	Foreign Priority Date	NONE
Word Mark	IZOD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1962/12/04 First Use In Commerce: 1962/12/04 Raincoats		

U.S. Registration No.	1311169	Application Date	12/23/1983
Registration Date	12/25/1984	Foreign Priority Date	NONE
Word Mark	IZOD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1947/03/00 First Use In Commerce: 1947/03/00 APPAREL FOR MEN, WOMEN AND CHILDREN-NAMELY, SHIRTS, BLOUSES, SWEATERS, PANTS, JEANS, SHORTS, OVERALLS, SKIRTS, [CULOTTES,] DRESSES, JUMPERS, VESTS, JACKETS, [RAIN SUITS, WARM-UP SUITS,] SWEATSHIRTS, SWIMSUITS, [TENNIS WEAR,] SOCKS, [LEGWARMERS, SCARVES,] HATS, BELTS, [LEOTARDS, TIGHTS,] TIES, [HEAD BANDS, WRIST BANDS,] [DIAPER SETS, CREEPERS, STRETCHIES]		

U.S. Registration No.	2627773	Application Date	04/26/2001
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Registration Date	10/01/2002	Foreign Priority Date	NONE
Word Mark	IZOD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1939/00/00 First Use In Commerce: 1939/00/00 MEN'S, WOMEN'S, AND CHILDREN'S SPORTS SHIRTS, DRESS SHIRTS, TEE SHIRTS, SWEATERS, VESTS, PANTS, SHORTS, JACKETS OF CLOTH AND FLEECE, AND SWIM WEAR		

U.S. Registration No.	2692600	Application Date	12/28/2001
Registration Date	03/04/2003	Foreign Priority Date	NONE
Word Mark	IZOD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1999/00/00 First Use In Commerce: 1999/00/00 ROBES, PAJAMAS AND LOUNGEWEAR		

U.S. Registration No.	3788404	Application Date	02/25/2009
Registration Date	05/11/2010	Foreign Priority Date	NONE
Word Mark	IZOD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 2009/07/20 First Use In Commerce: 2009/07/20 Luggage		

U.S. Registration No.	840548	Application Date	07/21/1967
Registration Date	12/12/1967	Foreign Priority Date	NONE
Word Mark	IZOD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U039 (International Class 010, 025, 026). First use: First Use: 1947/03/00 First Use In Commerce: 1947/03/00 MEN'S WALKING SHORTS, SLACKS, SWEATERS, [GOLF CAPS AND GOLF GLOVES,] SOCKS, JACKETS; AND MEN'S AND WOMEN'S SPORT SHIRTS		

U.S. Registration No.	2433910	Application Date	07/20/1998
Registration Date	03/06/2001	Foreign Priority Date	NONE

Word Mark	IZOD
Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2000/04/00 First Use In Commerce: 2000/04/00 EYEWEAR, NAMELY, EYEGLASSES AND SUNGLASSES; EYEWEAR ACCESSORIES, NAMELY, EYEGLASS CASES

U.S. Registration No.	3928776	Application Date	09/26/2006
Registration Date	03/08/2011	Foreign Priority Date	NONE
Word Mark	IZOD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2008/04/15 First Use In Commerce: 2008/04/15 Body care preparations, namely, body mists and body washes; [Fragrances for personal use, namely, eau de toilette;] after shave lotion, [deodorant body sprays;] hair wash		

U.S. Registration No.	4239374	Application Date	01/24/2011
Registration Date	11/06/2012	Foreign Priority Date	NONE
Word Mark	IZOD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2008/04/15 First Use In Commerce: 2008/04/15 [Perfumery, hair lotions;] shower gel; [fragrances for personal use, namely, eau de parfum, cologne and perfume; after bath body splash;] bath and shower gel; skin moisturizer; skin soothers for cosmetic use		

Attachments	US IZO Home Goods Notice of Opposition.pdf(1576456 bytes)
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Signature	/Mark Fischer/
Name	Mark Fischer
Date	03/01/2021

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

PVH CORP.)	
)	<i>In re</i> Serial No. 90/084916
)	Mark: IZO HOME GOODS
Opposer.)	
)	
v.)	Opposition No.:
)	
IZO ALL SUPPLY CO. LLC)	
)	
Applicant.)	

NOTICE OF OPPOSITION

In the matter of pending trademark application Serial No. 90/084916 for the mark IZO HOME GOODS (hereinafter "Opposed Application") for "Mattresses; Pillows; Bed pillows; Head supporting pillows; Throw pillows." in International Class 20 (hereinafter "Opposed Goods"), published on December 29, 2020 and filed by Izo All Supply Co. LLC (hereinafter "Applicant"), with a business address at 6309 Chalet Drive, Commerce, California 90040, Opposer, PVH Corp. (hereinafter "PVH"), with a business address at 200 Madison Avenue, New York, New York 10016, believes it will be damaged by the registration of Applicant's mark for such goods and hereby opposes the same.

The grounds for opposition follow:

1. PVH is one of the largest apparel companies in the world. PVH markets directly or through licensees or subsidiaries a number of brands, including *inter alia* its own well-known brands such as IZOD, ARROW, CALVIN KLEIN, TOMMY HILFIGER, VAN HEUSEN, WARNER'S, and OLGA. PVH (formerly, Phillips- Van Heusen Corporation) has been recognized as one of the world's most admired companies. Since its launch in the United States almost 80 years ago, IZOD has become an iconic lifestyle brand marketing and selling bedding, pillows and home related goods, apparel, personal care products, watches, luggage, as well as a wide variety of other goods.

2. In 1995, PVH acquired the IZOD brand and since then has remained true to the brand's history. IZOD is known for its energetic, youthful, and sports-inspired styling. IZOD currently has 25 licensing agreements, 8 that are international, and these licensees operate more than 17 free-standing stores and 177 Shop in Shops.

3. In 2012, PVH signed PGA golfers Webb Simpson, Scott Piercy, and Spencer Levin as IZOD brand ambassadors, as well as Cameron Wilson in 2014, Stephan Jaeger, Grayson Murray, David Lingmerth and Scott Piercy in 2017, Professional Tennis players Bob and Mike Bryan in 2017 and Marc Leishman in 2018, National Football League player Aaron Rodgers and comedian/actor Colin Jost in 2018 and professional golfer Louis Oosthuizen in 2020.

4. As a result of these and other efforts for sales, advertising, and promotion of goods bearing the IZOD marks, the IZOD marks have become exclusively associated with PVH and have acquired an eminent reputation and valuable goodwill throughout the United States and worldwide. These IZOD marks are famous and entitled to a broad scope of protection. This fame was achieved well before the July 31, 2020 filing date or the June 1, 2016 alleged date of first use of the Opposed Application.

5. The IZOD marks are protected by hundreds of trademark registrations around the world. In the United States, PVH's IZOD registrations include, but are not limited to:

Trademark	Registration No.	Registration Date
IZOD	4,280,098	January 22, 2013
IZOD	0655,860	December 17, 1957
IZOD	0756,956	September 17, 1963
IZOD	1,311,169	December 25, 1984
IZOD	2,627,773	October 1, 2002
IZOD	2,692,600	March 4, 2003
IZOD	3,788,404	May 11, 2010
IZOD	0840548	December 12, 1967
IZOD	2,433,910	March 6, 2001
IZOD	3,928,776	March 8, 2011
IZOD	4,239,374	November 6, 2012

These registrations protect the IZOD trademarks for a wide variety of goods. Proof as to current status and title of PVH's federal registrations for these trademarks will be made of record during the PVH testimony period.

6. Applicant's IZO HOME GOODS mark is substantially similar to PVH's famous IZOD trademarks. Indeed, Applicant's mark is substantially similar in appearance, sound, and overall commercial impression to PVH's IZOD trademarks and appears to be a part of PVH's family of IZOD trademarks. Indeed, the only distinct portion of Applicant's mark is IZO, which shares the first three letters with PVH's fanciful and distinct IZOD trademark. The HOME GOODS portion of the Applicant's mark is descriptive for the goods of Applicant's application and indeed, has been disclaimed by Applicant.

7. The Opposed Goods for which Applicant seeks to register its marks, namely, "Mattresses; Pillows; Bed pillows; Head supporting pillows; Throw pillows" in International Class 20 include identical and/or similar goods to those associated with PVH's IZOD trademarks. Because of the long use and registration of Opposer's IZOD trademarks on related and/or similar goods, the registration of IZO HOME GOODS for the Opposed Goods creates a strong likelihood of confusion with PVH's IZOD trademarks.

8. Upon information and belief, in the ordinary course of movement of the goods identified in the opposed Application, those goods would be marketed in the same channels of trade as those associated with PVH'S IZOD products and those actually used by IZOD. Moreover, as PVH's registrations and Applicant's IZOD HOME GOODS mark do not contain channels of trade limitations, the goods identified in the Opposed Application are deemed to pass through the same channels of trade to the same class of consumers.

9. As a result, Applicant's mark is confusingly similar to PVH'S IZOD trademarks in appearance, sound, and the overall commercial impression it imparts to consumers. Registration of Applicant's mark for the Opposed Goods is likely to cause confusion, mistake, or deception among the buying public with regard to source, sponsorship and affiliation. Such registration will cause great and irreparable harm to PVH.

10. The IZOD trademarks are famous as that term is used in the likelihood of dilution context and enjoy widespread recognition by the general public. For instance, the IZOD mark has been used in the United States for almost 80 years, and PVH has a long history of use of the IZOD trademarks dating back more than twenty years in the United States. PVH's IZOD products are also extensively advertised, promoted, and marketed throughout the United States and internationally. As a result, the registration of Applicant's mark for the Opposed Goods also will cause a likelihood of dilution of the famous IZOD trademarks and will lessen the ability of PVH's IZOD trademarks to designate and distinguish the goods offered by PVH under such marks.

CLAIM ONE
LIKELIHOOD OF CONFUSION
WITH THE REGISTERED IZOD TRADEMARKS

11. PVH hereby incorporates paragraphs 1 - 10 set forth above.

12. The registration and use of Applicant's IZO HOME GOODS mark on the Opposed Goods is likely to cause confusion among consumers and the public with PVH's well-known registered IZOD trademarks and will infringe those marks.

13. For the foregoing reasons, PVH will be irreparably damaged by the registration and use of Applicant's mark on the Opposed Goods and such registration should be denied pursuant to 15 U.S.C. §§ 1052 and 1063.

CLAIM TWO
LIKELIHOOD OF CONFUSION
WITH THE COMMON LAW IZOD TRADEMARKS

14. PVH hereby incorporates paragraphs 1 - 10 set forth above.

15. The registration and use of Applicant's IZO HOME GOODS mark on the Opposed Goods is likely to cause confusion among consumers and the public with PVH's well-known common law IZOD trademarks and will infringe those marks.

16. For the foregoing reasons, PVH will be irreparably damaged by the registration and use of Applicant's mark on the Opposed Goods and such registration should be denied pursuant to 15 U.S.C. §§ 1052 and 1063.

CLAIM THREE
LIKELIHOOD OF DILUTION OF THE IZOD TRADEMARKS

17. PVH hereby incorporates paragraphs 1 - 10 set forth above.
18. PVH's IZOD trademarks, both registrations and common law, were famous before Applicant's filing of its Opposed Application, and the registration and use of the IZO HOME GOODS mark on the Opposed Goods is likely to dilute the famous IZOD marks.
19. For the foregoing reasons, PVH will be damaged by the registration and use of Applicant's mark on the Opposed Goods and such registration should be denied pursuant to 15 U.S.C. §§ 1052 and 1063.


PRAYER FOR RELIEF

PVH hereby requests:

- A. A declaration that registration of the alleged IZO HOME GOODS mark set forth in U.S. Application Serial No. 90/084916 should be refused for the Opposed Goods because registration and use of such mark on the aforementioned goods will cause both a likelihood of confusion and a likelihood of dilution with the famous IZOD trademarks and the registrations therefor.
- B. An order granting the PVH opposition and denying registration of U.S. Application Serial No. 90/084916 with respect to the Opposed Goods, with prejudice.

Respectfully submitted,

Dated: February 27, 2021

By: 
Mark D. Fischer
Executive Vice President
PVH Corp.
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