

ESTTA Tracking number: **ESTTA1246605**

Filing date: **11/08/2022**

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	Lee S Dickinson		
Entity	Individual	Citizenship	UNITED STATES
Address	2388 KINGS POINT DR DUNWOODY, GA 30338 UNITED STATES		

Correspondence information	LEE S DICKINSON 2388 KINGS POINT DR DUNWOODY, GA 30338 UNITED STATES Primary email: leesdickinson@gmail.com Secondary email(s): lee@iamanempress.com No phone number provided		
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Applicant information

Application no.	97105218	Publication date	11/01/2022
Opposition filing date	11/08/2022	Opposition period ends	12/01/2022
Applicant	Pray Not Prey Apparel, LLC 10731 WICKWOOD CT. ELLCOTT CITY, MD 21042 UNITED STATES		

Goods/services affected by opposition

Class 025. First Use: None First Use In Commerce: None Opposed goods and services in the class: Clothing, namely, shirts, tops, pants, bottoms, and; Head-wear;
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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.	5886020	Application date	12/26/2017
Register	Principal		
Registration date	10/15/2019	Foreign priority date	NONE
Word mark	NOT PREY		

Design mark	<h1>Not Prey</h1>
Description of mark	NONE
Goods/services	<p>Class 025. First use: First Use: Jan 10, 2019 First Use In Commerce: Feb 22, 2019</p> <p>Hoodies; Baseball caps; Baseball caps and hats; Blouses; Boxer shorts; Fleece pullovers; Fleece tops; Graphic T-shirts;Halter tops; Headwear; Knitted caps; Ladies' underwear; Motorcycle jackets; Polo shirts; Scarves; Shirt fronts; Sleeping garments; Sleeveless jerseys; Stockingcaps; Sweat shirts; Sweatshirts; T-shirts; Tank-tops; Undershirts; Women's athletic tops with built-in bras</p>

Attachments	87734165#TMSN.png(bytes) NoO for Pray not Prey.pdf(39839 bytes)
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Signature	/Lee S Dickinson/
Name	Lee S Dickinson
Date	11/08/2022

Letter of Opposition to PRAY NOT PREY (serial number 97105218)

Dear USPTO, Ms. ADEYIGA,

I, as the owner of Not Prey[®], registration number, 5886020, oppose the filing of PRAY NOT PREY, serial number 97105218, **due to the** mark is likely to cause confusion with my existing U.S. Trademark Registration.

- 1- Not Prey[®] is registered in class 25 and is in use being sold on multiple sites.
- 2- Pray Not Prey has applied for Class 25 and being sold as "Pray Not Prey".

Due to the similarities in the name and the same trademark class, I feel Pray Not Prey would cause harm as well as a likelihood of confusion to my established Not Prey brand.

Regards,

Lee Smith Dickinson