

ESTTA Tracking number: **ESTTA283505**Filing date: **05/12/2009**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	Stussy, Inc.		
Entity	Corporation	Citizenship	California
Address	17426 Daimler Street Irvine, CA 92614 UNITED STATES		

Attorney information	John R. Sommer John R. Sommer, Attorney-at-Law 17426 Daimler Street Irvine, CA 92614 UNITED STATES sommer@stussy.com Phone:949 752 5344
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Applicant Information

Application No	77626926	Publication date	04/14/2009
Opposition Filing Date	05/12/2009	Opposition Period Ends	05/14/2009
Applicant	Shugart, John 6916 Oaklawn Drive Sachse, TX 75048 UNITED STATES		

Goods/Services Affected by Opposition


Class 025. All goods and services in the class are opposed, namely: Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms


Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)


Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2343524	Application Date	06/16/1999
Registration Date	04/18/2000	Foreign Priority Date	NONE

Word Mark	SS
Design Mark	
Description of Mark	NONE
Goods/Services	Class 018. First use: First Use: 1992/09/01 First Use In Commerce: 1992/09/01 Articles made from leather and imitations of leather, namely, attaches, backpacks, beach bags, book bags, briefcases, carry-on bags, coin purses, cosmetic bags sold empty, daypacks, duffel bags, fanny packs, garment bags for travel, gym bags, handbags, leather key cases, luggage, purses, shopping bags, all purpose sports bags, suitcases, travel bags, waist packs, wallets, umbrellas


U.S. Registration No.	2225736	Application Date	01/06/1998
Registration Date	02/23/1999	Foreign Priority Date	NONE
Word Mark	SS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1992/01/00 First Use In Commerce: 1992/01/00 clothing, namely, coats, dresses, jackets, jerseys, pants, shirts, shorts, skirts, sweatshirts, sweatpants, swimsuits, t-shirts, tank tops, caps and hats		

U.S. Registration No.	2450864	Application Date	03/02/2000
Registration Date	05/15/2001	Foreign Priority Date	NONE
Word Mark	SSO		

Design Mark	
Description of Mark	The mark consists, in part, of a stylized drawing of the letters "S" and "S" in a circle.
Goods/Services	Class 026. First use: First Use: 1989/00/00 First Use In Commerce: 1989/00/00 belt buckles not made of precious metal for clothing, buttons for clothing, embroidered emblems, fabric appliques, ornamental novelty buttons, novelty pins, ornamental ribbons made of textile, metal clothes buttons, plastic clothes buttons

U.S. Registration No.	2883904	Application Date	08/25/2003
Registration Date	09/14/2004	Foreign Priority Date	NONE
Word Mark	SS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 1999/07/28 First Use In Commerce: 1999/07/28 Action figures and accessories therefore, bendable toys, collectable toy figures, dolls, fantasy character toys, playing cards, three dimensional puzzles, skateboards, soccer balls, toy gliders, yo-yos		

U.S. Registration No.	3618692	Application Date	08/06/2008
Registration Date	05/12/2009	Foreign Priority Date	NONE
Word Mark	SS		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 2008/02/28 First Use In Commerce: 2008/02/28 Cell phone cases; compact disk storage wallets; computer bags; computer carrying cases; directional compasses; magnets; personal data assistant cases; portable music player cases; sunglasses; cases for sunglasses and eyeglasses; prerecorded video discs featuring fashion, music, athletic performances and travel; cell phone pouches; personal data assistant (PDAs) pouches; personal music player pouches</p> <p>Class 018. First use: First Use: 2006/02/28 First Use In Commerce: 2006/02/28 All purpose shopping bags made of textile; attachÃ© cases; backpacks; beach bags; book bags; briefcases; briefcase type portfolios; business card cases; business cases; carrying cases; credit card cases; clutch bags; draw string pouches; duffel bags; fanny packs; garment bags for travel; hand bags; leather and imitation leather bags; leather key cases; leather key chains; leather key holders; luggage; messenger bags; purses; rucksacks; shoulder bags; sports bags; suit cases; tote bags; traveling bags; vanity cases sold empty; waist packs; wallets; umbrellas</p> <p>Class 025. First use: First Use: 1998/12/31 First Use In Commerce: 1998/12/31 Clothing, namely, bathing suits; beach cover ups; belts; board shorts; coats; dresses; jackets; jerseys; pajamas; pants; polo shirts; rainwear; scarves; shirts; shorts; skirts; socks; suits; sweat pants; sweat shirts; sweaters; sweatbands; swim suits; t-shirts; tank tops; vests; underwear; wind-resistant jackets; wristbands; footwear; headgear, namely, berets, caps, hats, scarves</p>

Attachments	<p>75729086#TMSN.gif (1 page)(bytes) 75414165#TMSN.gif (1 page)(bytes) 75932965#TMSN.gif (1 page)(bytes) 76541618#TMSN.gif (1 page)(bytes) 77539979#TMSN.jpeg (1 page)(bytes) Opposition.pdf (4 pages)(167491 bytes)</p>
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/John R. Sommer/
Name	John R. Sommer
Date	05/12/2009

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

In the matter of Application Serial No. 77/626926
Published for Opposition in the OFFICIAL GAZETTE of April 14, 2009

STUSSY, INC.,
Opposer,

v.

JOHN SHUGART,
Applicant.

NOTICE OF OPPOSITION

Stussy, Inc. (“Opposer”), a California corporation having its principal place of business at 17426 Daimler Street, Irvine, California 92614, believes it will be damaged by registration of the device mark SS shown in Serial No. 77/926926 in International Class 25, filed by John Shugart (“Applicant”), and hereby opposes the same.

As grounds for this Opposition, it is alleged:

1. On or about December 4, 2008, Applicant filed an intent to use application with the United States Patent and Trademark Office to register the SS device mark (consisting of two touching letters “S”s)(hereinafter “Applicant’s Mark”) for “Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms” in International Class 25.

2. Since at least as early as October 18, 1989, Opposer has been using the SS Link Mark (consisting of two interlocking letter “S”s, sometimes in a circle and sometimes not) (hereinafter “SS Link Mark”) on a variety of goods and services as listed on the registrations listed below, among others goods and services:

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