

ESTTA Tracking number: **ESTTA545390**

Filing date: **06/26/2013**

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	Just Fabulous, Inc.
Granted to Date of previous extension	06/26/2013
Address	2301 Rosecrans Avenue, Suite 4100 El Segundo, CA 90245 UNITED STATES
Attorney information	Alexa L. Lewis Mitchell Silberberg & Knupp LLP 11377 W. Olympic Boulevard Los Angeles, CA 90064 UNITED STATES all@msk.com, kls@msk.com, gxb@msk.com, Phone:(310) 312-2000

Applicant Information

Application No	85230638	Publication date	02/26/2013
Opposition Filing Date	06/26/2013	Opposition Period Ends	06/26/2013
Applicant	Fab.com, Inc. 101 W. 24th St. #34B New York, NY 10011 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. All goods and services in the class are opposed, namely: Promoting the goods and services of others, namely, providing online information regarding discounts, coupons, rebates, vouchers and special offers for the goods and services of others

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.	4183738	Application Date	05/14/2010
Registration Date	07/31/2012	Foreign Priority Date	NONE
Word Mark	JUST FAB		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2010/07/00 First Use In Commerce: 2010/07/00 Online retail store services featuring shoes, footwear, bags, handbags, luggage, clothing and sunglasses; retail store services featuring shoes, footwear, bags, handbags, luggage, clothing and sunglasses Class 045. First use: First Use: 2010/07/00 First Use In Commerce: 2010/07/00 Fashion trend consulting services; personal fashion consulting services; providing information about fashion trends; provision of a website featuring information on fashion; providing online fashion questions to help users determine the style of clothing best suited to their individual needs and preferences; personal shopping for others

U.S. Registration No.	4292790	Application Date	11/12/2010
Registration Date	02/19/2013	Foreign Priority Date	NONE
Word Mark	JUST FAB		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2012/05/00 First Use In Commerce: 2012/05/00 Women's shoes, sandals, shoes and footwear; Clothing, namely, bandanas, beanies, belts, blazers, blouses, boots, caps, coats, dresses, gloves, hats, headwear, jackets, jeans, jogging outfits, neckties, overalls, pajamas, pants, parkas, ponchos, pullovers, rainwear, robes, sandals, sarongs, scarves, shirts, shorts, skirts, slacks, socks, sun visors, suspenders, sweat bands, sweat pants, sweat shirts, sweaters, tank tops, turtlenecks, vests, wristbands		

U.S. Registration No.	4293503	Application Date	11/12/2010
Registration Date	02/19/2013	Foreign Priority Date	NONE
Word Mark	JUST FAB		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 2012/05/00 First Use In Commerce: 2012/05/00 Purses, handbags, luggage; travel back packs, backpacks, daypacks, fanny packs, waist packs, garment bags for travel, duffle bags, all purpose athletic bags, travel bags, shoulder bags, briefcases, attache cases		

Attachments	85-230,638 - Just Fabulous, Inc. Notice of Opposition (5401197).PDF(97908 bytes)
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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	/s/ Alexa L. Lewis
Name	Alexa L. Lewis
Date	06/26/2013

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

In the matter of Application Serial No. 85/230,638
Published for Opposition in the OFFICIAL GAZETTE
on February 26, 2013

JUST FABULOUS, INC.

Opposition No.:

Opposer,

Mark: FAB DEALS

v.

FAB.COM, INC.,

Applicant.

NOTICE OF OPPOSITION

Just Fabulous, Inc. (“Just Fabulous” or “Opposer”), a Delaware corporation having its principal place of business at 2301 Rosecrans Avenue, Suite 4100, El Segundo, CA 90245, believes it would be damaged by the registration of the mark shown in Application Serial No. 85/230,638 filed by Fab.com, Inc. (“Applicant”) and hereby opposes same.

As grounds for this opposition it is alleged:

1. Just Fabulous is the owner of a family of JUST FAB marks that identify and distinguish in commerce its goods and services. The JUST FAB trademark undeniably has become an immediately recognizable mark.
2. In addition to its common law use of its JUST FAB family of marks, Just Fabulous is the owner of numerous trademark registrations in the U.S. Patent and Trademark

Office (“PTO”) for the mark JUST FAB, including: (1) Reg. No. 4,183,738, for “Online retail store services featuring shoes, footwear, bags, handbags, luggage, clothing and sunglasses; retail store services featuring shoes, footwear, bags, handbags, luggage, clothing and sunglasses” and “Fashion trend consulting services; personal fashion consulting services; providing information about fashion trends; provision of a website featuring information on fashion; providing online fashion questions to help users determine the style of clothing best suited to their individual needs and preferences; personal shopping for others;” (2) Reg. No. 4,292,790, for “Women's shoes, sandals, shoes and footwear; Clothing, namely, bandanas, beanies, belts, blazers, blouses, boots, caps, coats, dresses, gloves, hats, headwear, jackets, jeans, jogging outfits, neckties, overalls, pajamas, pants, parkas, ponchos, pullovers, rainwear, robes, sandals, sarongs, scarves, shirts, shorts, skirts, slacks, socks, sun visors, suspenders, sweat bands, sweat pants, sweat shirts, sweaters, tank tops, turtlenecks, vests, wristbands;” and (3) Reg. No. 4,293,503, for “Purses, handbags, luggage; travel back packs, backpacks, daypacks, fanny packs, waist packs, garment bags for travel, duffle bags, all purpose athletic bags, travel bags, shoulder bags, briefcases, attache cases.” As proof of status and title, attached as **Exhibit A** hereto and incorporated by reference herein are true and correct copies of these Registrations. (The marks identified above hereinafter are designated as the “Marks” for purposes of this pleading.)

3. Just Fabulous has expended considerable funds and made significant efforts in promoting and advertising Just Fabulous’ goods and services identified by the Marks. These goods and services have enjoyed enormous commercial success and have been the subject of substantial media attention. As a result, Just Fabulous has established an enviable reputation, acquired substantial goodwill, and attained distinctiveness in each of the Marks throughout the entire United States.

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