

ESTTA Tracking number: **ESTTA709899**Filing date: **11/20/2015**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	Retail Royalty Company
Granted to Date of previous extension	11/25/2015
Address	101 Convention Center Drive Las Vegas, NV 89109 UNITED STATES
Attorney information	Laura Miller Kilpatrick Townsend & Stockton LLP 1001 West Fourth Street Winston-Salem, NC 27101 UNITED STATES lamiller@kilpatricktownsend.com, lpearson@kilpatricktownsend.com, tmadmin@kilpatricktownsend.com, agarcia@kilpatricktownsend.com, Phone:336 607 7300

Applicant Information

Application No	86557946	Publication date	07/28/2015
Opposition Filing Date	11/20/2015	Opposition Period Ends	11/25/2015
Applicant	Williams, Devon 5406 Beverly Rd Brooklyn, NY 11203 UNITED STATES		

Goods/Services Affected by Opposition


Class 025. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Bandanas; Beanies; Caps; Gloves; Hats; Hooded sweatshirts; Scarves; Shirts; Shoes; Sweat pants; T-shirts

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.	3878197	Application Date	01/31/2006
Registration Date	11/16/2010	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 003. First use: First Use: 2006/10/00 First Use In Commerce: 2006/10/00 After-shave lotions, body cream, cologne, perfume, liquid soaps for hand, face, and body</p> <p>Class 018. First use: First Use: 2004/07/00 First Use In Commerce: 2004/07/00 Athletic bags, backpacks, barrel bags, beach bags, book bags, duffel bags, shoulder bags, tote bags, clutch purses, coin purses, drawstring pouches, handbags, purses, and wallets</p> <p>Class 025. First use: First Use: 2003/08/00 First Use In Commerce: 2003/08/00 Clothing and accessories, namely, blazers, vests, sweaters, turtleneck sweaters, skirts, pants, jeans, shorts, shirts, t-shirts, blouses, polo shirts, rugby shirts, sweatshirts, sweatpants; swimwear; sleepwear; underwear, namely, boxer shorts, shell bra tanks, and undershirts; outerwear, namely, jackets, vests, coats, pea coats, gloves, scarves; belts; footwear, namely, socks, shoes, slippers, leather boots, sandals, flipflops, sneakers, clogs and slides; canvas shoes, headwear, namely, hats, caps, baseball caps, visors, headbands</p> <p>Class 035. First use: First Use: 2004/07/00 First Use In Commerce: 2004/07/00 Retail store services, computerized online retail store services, and phone order services all featuring a wide range of goods in the nature of fragrances, personal care goods; sunglasses; jewelry and wristwatches; a wide range of bags and wallets, handbags, purses, shoulder bags, school bags, backpacks, duffel bags; and wearing apparel and clothing accessories, namely, clothing, headwear and footwear</p>
Attachments	<p>78803194#TMSN.png(bytes)</p> <p>AEO-Devon Williams- NOO (Flying Creature Design).pdf(953476 bytes)</p>

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	/Laura Miller/
Name	Laura Miller
Date	11/20/2015

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

In the Matter of Serial No.: 86/557,946
Mark: 8DEVOTIONS & Design Mark



Filing Date: March 9, 2015
Publication Date: July 28, 2015

RETAIL ROYALTY COMPANY,

Opposer,

v.

DEVON WILLIAMS,

Applicant.

Opposition No. _____

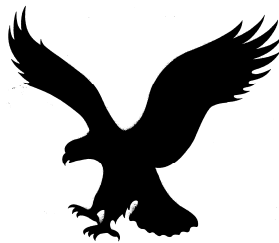
NOTICE OF OPPOSITION

Opposer Retail Royalty Company, a Nevada corporation with an address at 101 Convention Center Drive Las Vegas, Nevada 89109 (“Opposer”) believes that it will be damaged by the registration of Application Serial No. 86/557,946 (the “Application”) and hereby opposes the same pursuant to 15 U.S.C. § 1063.

As grounds for its opposition, Opposer alleges as follows:

1. Opposer, together with its affiliated companies, including American Eagle Outfitters, Inc., (collectively, “AEO”) designs, markets, and sells clothing, accessories, and other

products and operates retail stores under multiple word and design trademarks including the flying eagle design mark shown below.



(the “Flying Eagle Design Mark.”) AEO uses the Flying Eagle Design Mark extensively on its products and in connection with its Internet and retail sales.

2. Since it was founded in 1977, AEO has built one of the most popular and highly respected lifestyle brands and has become one of the top-ranking retailers in the United States.

3. AEO sells its well-designed, high quality merchandise at its own AMERICAN EAGLE OUTFITTERS retail stores and on its e-commerce website located at www.ae.com. AEO opened its first AMERICAN EAGLE OUTFITTERS retail store in the United States in 1977, and now operates and sells its privately branded products in over 900 retail stores. More than 850 of these retail stores are located in the United States. AEO’s stores prominently feature its Flying Eagle Design Mark.

4. Among the products AEO has sold under the Flying Eagle Design Mark are clothing and accessories, including shirts, t-shirts, shorts, sweatshirts, outerwear, jackets, sleepwear, footwear, backpacks, purses, and book bags. AEO also uses the Flying Eagle Design Mark extensively in connection with its retail and online retail services selling these products. Examples of AEO products bearing the Flying Eagle Design Mark are shown below:



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