

ESTTA Tracking number: **ESTTA709118**

Filing date: **11/17/2015**

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	Pure Denim, Inc.
Granted to Date of previous extension	11/18/2015
Address	3393 Peachtree Rd NESuite 5025 Atlanta, GA 30326 UNITED STATES
Attorney information	Lisa N. Kaufman Law Office of Lisa N. Kaufman, P.A. 2807 Poinciana Circle Cooper City, FL 33026 UNITED STATES lnktm@comcast.net Phone:(954)534-9419

Applicant Information

Application No	86536258	Publication date	07/21/2015
Opposition Filing Date	11/17/2015	Opposition Period Ends	11/18/2015
Applicant	P.U.R.E. XPERIENCE INC 1018 Longfield Rd Southampton, PA 18960 UNITED STATES		

Goods/Services Affected by Opposition

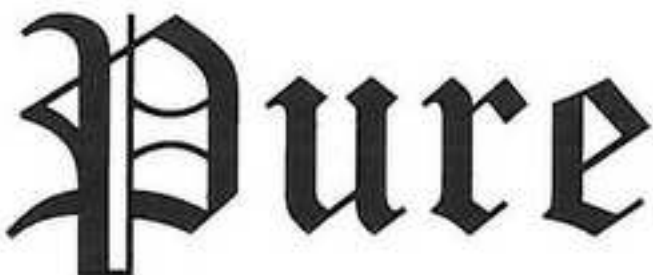
<p>Class 025. First Use: 2009/05/10 First Use In Commerce: 2009/05/10 All goods and services in the class are opposed, namely: A-shirts; Apparel for dancers, namely, tee shirts, sweatshirts, pants, leggings, shorts and jackets; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Athletic pants; Athletic shirts; Babies' pants; Balloon pants; Baseball caps and hats; Body shirts; Business wear, namely, suits, jackets, trousers, blazers, blouses, shirts, skirts, dresses and footwear; Button down shirts; Button-front aloha shirts; Camouflage pants; Camouflage shirts; Camp shirts; Capri pants; Cargo pants; Clothing for athletic use, namely, padded shirts; Clothing for babies, toddlers and children, treated with fire and heat retardants, namely, pajamas, jackets, shirts, pants, jumpers; Clothing shields, namely, pads applied to the underarms of shirts, blouses and sweaters; Collared shirts; Denims; Dress shirts; Fascinator hats; Fashion hats; Fishing shirts; Fur hats; Golf pants, shirts and skirts; Golf shirts; Graphic T-shirts; Hats; Hats for infants, babies, toddlers and children; Headgear, namely, for men, women, and children; Hooded pullovers; Hooded sweat shirts; Hooded sweatshirts; Hoods; Hoods; Knit shirts; Long-sleeved shirts; Night shirts; Open-necked shirts; Over shirts; Pique shirts; Polo shirts; Rain hats; Shirt fronts; Shirts; Shirts and short-sleeved shirts; Shirts and slippers; Shirts for suits; Shirts for adults, men, women, and children; Short-sleeved or long-sleeved t-shirts; Short-sleeved shirts; Sleeves worn separate and apart from blouses, shirts and other tops; Small hats; Sport shirts; Sports caps and hats; Sports shirts; Sports shirts with short sleeves; Stocking hats; Sweat shirts; T-shirts; Tee shirts; To-</p>
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boggan hats; Top hats; Wearable garments and clothing, namely, shirts; Wind shirts; Women's clothing, namely, shirts, dresses, skirts, blouses; Women's hats and hoods; Yoga 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. Application No.	86429527	Application Date	10/21/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PURE		
Design Mark			
Description of Mark	The mark consists of The word "Pure" instylized Old English font.		
Goods/Services	Class 035. First use: First Use: 2008/12/22 First Use In Commerce: 2008/12/22 Retail clothing boutiques; Retail clothing stores; Retail department stores		

Attachments	86429527#TMSN.png(bytes) Notice of Opposition Section 2 d 11-17-15 (1).pdf(30344 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	/lnk/
Name	Lisa N. Kaufman
Date	11/17/2015

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

In the Matter of
Application Serial No. 86536258
Published in the *Official Gazette* on July 21, 2015

PURE DENIM, INC.)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
P.U.R.E. XPERIENCE INC.)	
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

Pure Denim, Inc., a corporation organized under the laws of the state of North Carolina, having a business address at 3393 Peachtree Road NE, Suite 5025, Atlanta, GA 30326 (hereinafter "Opposer"), believes that it will be damaged by, and thus opposes, registration of the mark **P.U.R.E.** that is the subject of Application Serial No. 86536258 for use in connection with various items of clothing as enumerated in the application in International Class 25.

As grounds for the opposition it is alleged that:

1. Applicant P.U.R.E. Xperience Inc AKA P.U.R.E. Xperience Corporation, is, on information and belief, a corporation organized under the laws of the state of

Pennsylvania with a business address of 1018 Longfield Rd., Southampton, PA 18960 (hereinafter "Applicant.").

2. On February 16, 2015, Applicant filed U.S. Trademark Application Serial No. 86536258 for the mark **P.U.R.E.** based on use in commerce, alleging a first use date of May 10, 2009 in connection with a variety of clothing products. Applicant's mark is hereinafter referred to as "**P.U.R.E.**" This **P.U.R.E.** mark was published for opposition in the July 21, 2015 edition of the *Official Gazette* and Opposer was granted a 90 day extension of time to oppose this application.

3. Opposer is the owner of the mark **PURE** in connection with retail clothing stores and retail clothing boutiques. On October 21, 2014, a date prior to Applicant's filing date, to further protect Opposer's **PURE** trademark rights, Opposer filed U.S. Trademark Application Serial No. 86429527 for its **PURE** trademark.

4. Opposer has continuously used its mark **PURE** in connection with its retail and boutique clothing store services since at least as early as December 22, 2008, a date prior to Applicant's first use date.

5. Through the investment of a great deal of time, effort and money, Opposer has gained for its **PURE** mark a valuable reputation and goodwill. As a result, Opposer's **PURE** mark is recognized as identifying Opposer and its services, and distinguishing them from like or similar goods and services of others.

6.. Applicant's **P.U.R.E.** mark is so similar to Opposer's **PURE** mark as to be likely to cause confusion, mistake or deception as to the source of the parties' respective goods and services, both of which encompass clothing.

7. If Applicant is permitted to register the **P.U.R.E.** mark herein opposed for the clothing goods specified in its application in International Class 25, confusion in the trade and for the consumer will likely result, causing damage and injury to Opposer. Persons familiar with Opposer's **PURE mark** would be likely to purchase Applicant's goods in the mistaken belief that such goods originate with, or are sponsored by, or are affiliated with Opposer. Any objection or fault found with Applicant's goods sold under the **P.U.R.E.** mark herein opposed would necessarily reflect upon and seriously injure the reputation which Opposer has established for its services offered under its **PURE** mark and thereby erode the valuable goodwill established by Opposer in its mark.

8. If Applicant is granted the registration herein opposed, it will thereby obtain at least a prima facie exclusive right to use of that mark. Such registration of the mark at issue herein would be inconsistent with the prior rights of Opposer in its **PURE** mark and would be a source of damage and injury to Opposer.

WHEREFORE, Opposer respectfully requests that this Opposition be sustained and that registration of Applicant's **P.U.R.E.** mark be refused.

Respectfully submitted,

By: /Lisa N. Kaufman/
Lisa N. Kaufman
Law Office of Lisa N. Kaufman, P.A.,
2807 Poinciana Circle
Cooper City, FL 33026
(954)534-9419
LNKTM@hotmail.com
Attorney for Opposer

Date: November 17, 2015

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