

July 18, 2007

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VIA EXPRESS MAIL

TTAB

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313 1451

Re: In the Matter of Trademark Application Serial No. 78/916886
for the mark "RR ROYCE"
Rolls-Royce plc and Rolls-Royce Motor Cars Limited, Opposers
v. Royce Too LLC, Applicant

Dear Sir/Madam:

Enclosed please find on behalf of Opposers, Rolls Royce plc and Rolls Royce Motor Cars Limited the following:

1. Notice of Opposition In the Matter of Trademark Application Serial No. 78/916886 for the mark "RR Royce"; and
2. Our check in the amount of \$600.00 for the required opposition fee for filing this Notice.

Kindly acknowledge receipt of this Notice of Opposition on the enclosed self addressed postcard.

Thank you very much.



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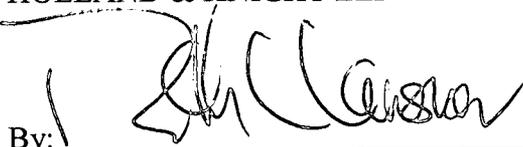
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Very truly yours,

HOLLAND & KNIGHT LLP

07-20-2007

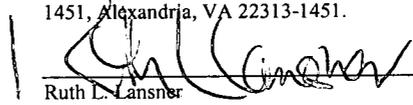
U.S. Patent & TMO/c/TM Mail Recd Dt. #01

By: 

Ruth L. Lansner

Enclosures

CERTIFICATE OF MAILING BY EXPRESS MAIL. I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service, Express Mail Label No. EV 183857613 US, on July 18, 2007 under 37 CFR 1.10 on the date indicated above in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.


Ruth L. Lansner

Signature

Date of Signature: July 18, 2007

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TRADEMARK

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

In the Matter of Trademark Application Serial No. 78/916886 for the mark
"RR ROYCE"

Published in the *Official Gazette* on March 27, 2007

Request to Extend Time to Oppose Granted Until July 25, 2007 on behalf of
Potential Opposers Rolls-Royce plc (ESTTA 136544) and Rolls-Royce Motor
Cars Limited (ESTTA 136555)

ROLLS-ROYCE plc and ROLLS-ROYCE
MOTOR CARS LIMITED,

Opposition No. _____

Opposers,

v.

ROYCE TOO LLC,

Applicant.

NOTICE OF OPPOSITION

Opposer, Rolls-Royce plc, a corporation organized and existing under the laws of England and having its registered office at 65 Buckingham Gate, London SW1E 6AT, England, and Opposer, Rolls-Royce Motor Cars Limited, a corporation organized and existing under the laws of England and having its registered office at Ellesfield Avenue, Bracknell, Berkshire RG12 8TA England,

believe that each of them would be damaged by the registration of the mark shown in U.S. Trademark Application Serial No. 78/916886 and hereby oppose same:

As grounds of opposition, it is alleged that:

1. Since at least 1907 and continuously to date, Opposers Rolls-Royce plc and Rolls-Royce Motor Cars Limited and their predecessors in interest have adopted and used in commerce the world-famous name and trademark "ROLLS-ROYCE", and the Rolls-Royce insignia of the letters "RR" and the "ROLLS-RR-ROYCE" badge (hereinafter the "Rolls-Royce Marks") in connection with their business operations.

2. Opposer Rolls-Royce plc is the owner of numerous United States trademark and service mark registrations for the Rolls-Royce Marks, all of the following of which have been renewed and/or remain in full force and effect, for aircraft engines and related and other products and services which include the following:

<u>Mark</u>	<u>Number</u>	<u>Original Date of Issue</u>
"Rolls-Royce"	325,316	June 18, 1935
Letters "RR"	344,372	March 23, 1937
"Rolls-Royce"	912,848	June 8, 1971
"Rolls-RR-Royce"	1,160,411	July 7, 1981
"Rolls-Royce"	1,257,391	November 15, 1983
"Rolls-RR-Royce"	1,275,757	May 1, 1984
"Rolls-RR-Royce"	1,946,820	January 9, 1996

3. Opposer Rolls-Royce Motor Cars Limited is the owner of United States trademark registrations for the following two Rolls-Royce Marks, both of

which have been renewed and/or remain in full force and effect, for use on automobiles and related products:

<u>Mark</u>	<u>Number</u>	<u>Original Date of Issue</u>
"Rolls-RR-Royce"	197,089	April 7, 1925
"Rolls-Royce"	325,195	June 11, 1935

4. Specifically, Opposer Rolls-Royce plc is the owner of United States trademark registrations for the marks "RR" and/or "ROLLS-ROYCE" and/or "ROLLS-RR-ROYCE" for, among other things, ties, baseball hats, golf shirts, sweatshirts and sweaters in Class 25, and for the mark "RR" for embroidered patches for clothing in Class 26.

5. Opposers Rolls-Royce plc and Rolls-Royce Motor Cars Limited and their subsidiaries, related companies, affiliates, licensees, sublicenses and predecessors (the "Rolls-Royce Companies") make use of the Rolls-Royce Marks throughout the world through appropriate licenses and permissions.

6. The Rolls-Royce Companies have spent well over three-quarters of a century producing goods and rendering services and authorizing the production of goods and the rendering of services, which are recognized in the United States and throughout the world to be of the highest quality and excellence, and have expended large sums of money for worldwide advertising of its products and services.

7. By reason of these efforts, and the excellent quality of Rolls-Royce products and services, the Rolls-Royce Marks have become unique, are identified by the public with the Rolls-Royce Companies and their products and services, and by virtue of their fame, are generally granted broad protection in respect of non-competing services and products. *See, for example, Wall v. Rolls-Royce of America, Inc.*, 4 F.2nd 333 (3d Cir. 1925); 2 Gilson, *Trademark Protection and Practice*, § 5.05[3] at p. 5-61 to 5-62. Accordingly, the Rolls-Royce Companies enjoy an exceedingly valuable reputation and goodwill in the United States and throughout the world, not only among purchasers of their products and users of their services but also among other members of the public.

8. The public has long recognized the Rolls-Royce Marks as identifying and distinguishing products and services provided and rendered by the Rolls-Royce Companies.

9. Through extensive use and promotion, the letters "RR" have become so identified with the Rolls-Royce Companies that whenever it is used it designates the Rolls-Royce Companies in the public mind. *See, for example, Warner Bros., Inc. v. Gay Toys Inc.*, 724 F.2d 327, 334 (2d Cir. 1983).

10. Each of the Rolls-Royce Marks is a "famous mark that is distinctive" within the meaning of the Federal Trademark Dilution Revision Act of 2006, 15 U.S.C. §1125(c).

11. Notwithstanding Opposers Rolls-Royce plc and Rolls-Royce Motor Cars Limited's long prior rights in and to the name and trademarks "ROLLS-

ROYCE", the Rolls-Royce insignia of the letters "RR" and the "ROLLS-RR-ROYCE" badge, Applicant Royce Too LLC filed an application on June 26, 2006 to register the mark "RR ROYCE" for men's socks in Class 25. Said application was given Serial No. 78/916886 and published for opposition in the *Official Gazette* on March 27, 2007.

12. Applicant Royce Too LLC's "RR ROYCE" mark is confusingly similar to Opposer Rolls-Royce plc's letters "RR" mark and to Opposers Rolls-Royce plc and Rolls-Royce Motor Cars Limited's "ROLLS-ROYCE" name and mark and "ROLLS-RR-ROYCE" badge mark, and registration and use by Applicant Royce Too LLC of the mark "RR ROYCE" in connection with Applicant's goods and services, interferes with Opposers Rolls-Royce plc and Rolls-Royce Motor Cars Limited's respective rights in and use of their trademarks "RR", "ROLLS-ROYCE" and "ROLLS-RR-ROYCE" and is likely to cause confusion, deception and mistake, which will seriously damage Opposers Rolls-Royce plc and Rolls-Royce Motor Cars Limited and the other Rolls-Royce Companies.

13. Applicant Royce Too LLC's mark "RR ROYCE" will tend to deceive, mislead and confuse the public, and will enable Applicant Royce Too LLC to obtain the benefit of the Rolls-Royce Companies' trade, goodwill and advertising, and will suggest to the public or induce the public falsely to believe that the business conducted by the Applicant Royce Too LLC under the mark "RR ROYCE" is sponsored by or connected with the business of the Rolls-Royce Companies.

14. Applicant Royce Too LLC's mark "RR ROYCE" is deceptive and/or may disparage or falsely suggest a connection with Opposers Rolls-Royce plc and Rolls-Royce Motor Cars Limited and/or any of the other Rolls-Royce Companies, or bring them into contempt or disrepute, and registration and use by Applicant Royce Too LLC of the mark "RR ROYCE " interferes with Opposers Rolls-Royce plc and Rolls-Royce Motor Cars Limited's respective rights in and use of their trademarks "RR", "ROLLS-ROYCE" and "ROLLS-RR-ROYCE", which will seriously damage Opposer Rolls-Royce plc and Rolls-Royce Motor Cars Limited's and the other Rolls-Royce Companies.

15. Applicant Royce Too LLC's mark "RR ROYCE" constitutes a false designation of origin or false or misleading description or representation of fact in respect of Opposers Rolls-Royce plc and Rolls-Royce Motor Cars Limited's trademarks "RR", "ROLLS-ROYCE" and "ROLLS-RR-ROYCE", and registration and use by Applicant Royce Too LLC of the mark "RR ROYCE" interferes with Opposer Rolls-Royce plc and Rolls-Royce Motor Cars Limited's respective rights in and use of their trademarks "RR", "ROLLS-ROYCE" and "ROLLS-RR-ROYCE", which will seriously damage Opposers Rolls-Royce plc and Rolls-Royce Motor Cars Limited and the other Rolls-Royce Companies.

16. Applicant Royce Too LLC's mark "RR ROYCE" is likely to cause dilution by blurring or dilution by tarnishment of the distinctive quality of Opposers Rolls-Royce plc and Rolls-Royce Motor Cars Limited's famous marks "RR", "ROLLS-ROYCE" and "ROLLS-RR-ROYCE" and registration and use by Applicant Royce

Too LLC of the mark "RR ROYCE" interferes with Opposers Rolls-Royce plc and Rolls-Royce Motor Cars Limited's respective rights in and use of their trademarks "RR", "ROLLS-ROYCE" and "ROLLS-RR-ROYCE", which will seriously damage Opposers Rolls-Royce plc and Rolls-Royce Motor Cars Limited and the other Rolls-Royce Companies.

WHEREFORE, Opposers Rolls-Royce plc and Rolls-Royce Motor Cars Limited pray that this opposition be sustained and that registration of the mark in Application Serial No. 78/916886 filed on June 26, 2006 be denied.

Dated: July 18, 2007

Respectfully submitted,

ROLLS-ROYCE plc and ROLLS-ROYCE
MOTOR CARS LIMITED

By: 

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and Rolls-Royce Motor Cars Limited
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