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In the United States Patent and Trademark Office
Before the Trademark Trial and Appeal Board



06-30-2003

U.S. Patent & TMOfo/TM Mail RcptDt. #22

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 CELINE S.A.,
 :
 Opposer,
 :
 v. : Opposition No.
 :
 GINKGO INTERNATIONAL, LTD,
 :
 Applicant.
 -----X

NOTICE OF OPPOSITION

Commissioner of Trademarks
Box TTAB FEE
2900 Crystal Drive
Arlington, Virginia 22202-3513

06-30-2003 10:51 AM

Sir:

1. In the matter of the application of Ginkgo International, Ltd. (hereinafter called Applicant) for the registration of the trademark CELINE, Serial No. 76/403,912, published in the Official Gazette of April 29, 2003, Celine S.A. (hereinafter called Opposer), a French corporation with offices at 23/25 Rue du Pont Neuf, Paris, France 75001, believes that it is and will be damaged by the registration of the mark shown in Serial No. 76/403,912, and hereby opposes the same.

The grounds for opposition are as follows:

2. The Opposer, Celine S.A., is a corporation duly organized and existing under the laws of France, having an office and place of business at 23/25 Rue du Pont Neuf, Paris, France 75001.

3. Commencing well before the filing date of Applicant's Application Serial No. 76/403,912), May 2, 2002, Opposer has engaged and is now engaged in the development, distribution, sale, advertising and promotion in interstate commerce of fashion apparel products and

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accessories, including but not limited to clothing, footwear, jewelry, eyewear, cosmetics, handbags, and stationery under the trademark CELINE and various marks incorporating the name CELINE (collectively the "CELINE Marks"). Sales of merchandise bearing the CELINE Marks in the United States from first use are in the millions of dollars.

4. Since its founding over half a century ago, the CELINE design house has been known as one of the leading fashion houses in the world for its mastery of fine materials and peerless technical savoir faire. Its fashion and accessory designs have been featured extensively in the fashion press and media in the United States and, as a result, the CELINE Marks have become well-known to the general public.

5. Opposer is the owner of the following United States trademark and service mark registrations on the Principal Register incorporating the mark CELINE:

<u>Mark</u>	<u>Reg. No.</u>	<u>Int'l Class(es)</u>	<u>Filing Date</u>
CELINE	982,010	25	September 7, 1972
CELINE (stylized)	1,000,156	18	September 7, 1972
CELINE (and design)	1,803,253	18, 25	January 9, 1984
CELINE	2,385,808	3, 14	August 15, 1991
CELINE	1,744,898	42	February 5, 1991
CELINE	1,754,745	3	September 18, 1989
CELINE	1,772,927	14, 25	March 19, 1991
CELINE	2,475,129	9	October 14, 1999
CELINE PARIS	2,337,495	3, 14, 18, 25, 26	July 22, 1998
MAGIC CELINE PARIS (and design)	2,221,066	3	February 12, 1996

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Opposer is the owner of the following pending United States trademark application:

<u>Mark</u>	<u>Ser. No.</u>	<u>Int'l Class(es)</u>	<u>Filing Date</u>
CELINE (and design)	76/374,430	3	February 25, 2002
CELINE (and design)	76/374,657	3	February 25, 2002

7. Since its first use of the CELINE Marks, Opposer has made a substantial investment in advertising and promoting its fashion designs, accessories and products which bear the CELINE Marks. Opposer has extensively used, advertised, promoted and offered for sale Opposer's goods in association with the CELINE Marks to the public through various channels of trade and commerce, including in department and specialty stores in the United States. Opposer also promotes its fashion apparel and accessories sold under the CELINE Marks through its www.celine.com website and in five CELINE boutiques in the United States in New York, Bal Harbour, Beverly Hills, Costa Mesa, and Hawaii.

8. As a result of its efforts, Opposer's customers and the public in general have come to know and recognize Opposer's CELINE Marks and associate the same with Opposer and/or the goods sold by Opposer. Opposer has built up extensive good will through use and promotion of the CELINE Marks and extensive sales of goods under the CELINE Marks. As a result, the CELINE Marks have become famous.

9. Notwithstanding Opposer's prior rights in and to said trademark, upon information and belief, on May 2, 2002, Applicant filed an application for registration of the trademark "CELINE" for use on "table flatware, namely forks, knives and spoons" in International Class 8. The application was given Serial No. 76/403,912, and the mark was published for opposition in the Official Gazette of April 29, 2003.

10. Opposer has recently learned that Applicant also is advertising flatware for sale bearing the CELINE trademark on its www.ginkgoint.com website and identifying these goods as

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“Designer Flatware Patterns.” Copies of the pertinent pages of the www.ginkgoint.com website are attached as Exhibit A.

It is common that consumers in the marketplace will view design houses as a source for upscale home products, including designer flatware and tableware. Such design houses as Christian Lacroix, Gianni Versace, Elsa Peretti, Calvin Klein, Ralph Lauren, Hermes and Prada are examples of comparable design houses offering designer flatware and tableware.

12. Applicant’s mark, when used on the goods identified in Applicant’s application for registration, is likely to cause confusion, deception and mistake with Opposer’s CELINE trademarks.

13. Applicant’s mark, when used on the goods identified in Applicant’s application for registration, is likely to cause dilution of Opposer’s famous CELINE Marks.

14. This confusion with and dilution of Opposer’s famous CELINE marks is only exacerbated by Applicant’s promoting its goods as “Designer Flatware.”

15. Upon information and belief, Opposer has been damaged and will continue to be damaged if Applicant continues to use or obtain registration of Applicant’s CELINE trademark for the reasons set forth above.

WHEREFORE, Opposer, Celine S.A. believes and avers that it will be damaged by said registration and prays that this opposition be sustained and registration of the CELINE trademark, Serial No. 76/403,912 filed by Applicant be refused.

The filing fee for this Notice of Opposition in the amount of \$300.00 is enclosed. An original and two copies of this Notice of Opposition are enclosed. An original and two copies of this Notice of Opposition are enclosed.

All correspondence should be addressed to Theodore C. Max, Esq., c/o Mintz Levin Cohn Ferris Glovsky and Popeo, P.C., 666 Third Avenue, New York, New York 10017.

This Request is being submitted in triplicate as required by 37 C.F.R. § 2.102(d).

Dated: New York, New York
June 30, 2003

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Respectfully submitted,

CELINE S.A.

By: 

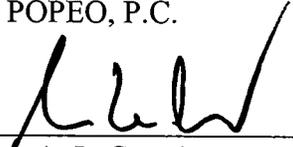
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Certification of Mailing

I hereby certify that the foregoing Notice of Opposition was sent by U.S. Mail, Express Mail Post Office to Addressee Service (Serial No. EV 334316166 US), to the Commissioner of Patents and Trademarks, Box TTAB, FEE, 2900 Crystal Drive, Arlington, Virginia 22202-3513, this 30th of June, 2003.

MINTZ LEVIN COHN FERRIS GLOVSKY
AND POPEO, P.C.

By: 

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