

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

Opposer's Ref:
CNI USA TC-04/02207

In the Matter of Application Serial No. 78/189,815
Trademark: COCOT

-----X

Chanel, Inc., :

Opposer, :

- against - :

Eseka, S.A., :

Applicant. :

-----X

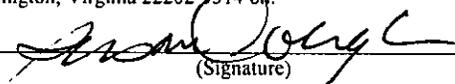
Attention: Box TTAB FEE

NOTICE OF OPPOSITION

Opposer, Chanel, Inc., a New York corporation organized and existing under the laws of the State of New York, located and doing business at 9 West 57th Street, New York, New York 10019, believes that it would be damaged by registration of the mark COCOT, Serial No. 78/189,815, published in the Official Gazette on September 23, 2003, and hereby opposes the same.

As grounds for the opposition, Opposer alleges as follows:

1. Opposer is the owner of the trademark COCO for various apparel, including shirts, dresses, scarves, blouses, coats, skirts, pants and shoes. Opposer has used the mark COCO in commerce since at least as early as 1970, and when used in connection with fashion and fragrance, COCO is strongly associated with Chanel, Inc. and its founder, Coco Chanel.

<u>Certificate of Mailing Under 37 CFR 1.8(a)</u>	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents and Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514 on:	
January 20, 2004 (Date of Deposit)	 (Signature)
Susan Upton Douglass (Printed name of person mailing paper or fee)	January 20, 2004 (Date of Signature)



01-22-2004

2. Chanel is the owner of U.S. Registration No. 958,616, registered on May 8, 1973 and renewed as of May 8, 1993, for women's suits, coats and blouses. This registration is valid and subsisting, and in full force and effect.

3. Applicant has filed an application for the mark COCOT for women's hosiery, namely, legwarmers and pantyhose; feminine underclothes, namely, panties and bras; bathrobes, night gowns, pajamas, slippers; feminine casual wear, namely, blouses, dresses, jackets, tank-tops, skirts, pants, trousers, shorts, coats, scarf's [sic], pullovers, suits, men's hosiery, men's underclothing, namely, slips, boxers, shorts, t-shirts, bathrobes, pajamas; men's casual wear, namely, coats, shirts, neck ties, belts, tank tops, jackets, waistcoats, trousers, shorts, pullovers, suits, pants, coats, suits, coveralls, scarf's [sic], shoes, athletic footwear, slippers, hats; men, women and children [sic] bathing suits.

4. Upon information and belief, no use of the mark was made in commerce prior to June 24, 2002, the date claimed in the application. Thus, Opposer has prior use of the COCO mark.

5. COCOT is essentially identical to COCO, the only difference being the final letter "T." In the French language, the final "T" is never pronounced, and thus, COCOT and COCO would be pronounced identically.

6. The mark COCOT sought to be registered by Applicant is strikingly similar in sound, appearance, meaning and commercial impression to Opposer's registered and long-use trademark COCO. The goods covered in the Applicant's application are identical to, or closely related to, Opposer's apparel items now in use and covered by its registration.

7. The mark COCOT sought to be registered by Applicant is so similar to Opposer's mark COCO, both for apparel, as to be likely to cause confusion, or to cause mistake, or to

deceive the purchasing public by creating the erroneous impression that Applicant's goods are authorized, licensed or sponsored by Opposer, or in some other way connected with Opposer, all to Opposer's great injury and harm.

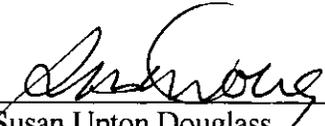
WHEREFORE, Opposer requests that its Notice of Opposition be granted and that Application Serial No. 78,189,815 be denied.

The Notice of Opposition is filed in duplicate. Opposer's check in the amount of \$300.00 is enclosed. Should this amount be insufficient for any reason, please charge Deposit Account No. 23-0825.

Dated: New York, New York
January 20, 2004

Respectfully submitted,

FROSS ZELNICK LEHRMAN
& ZISSU, P.C.

By: 
Susan Upton Douglass
Attorneys for Opposer
866 United Nations Plaza
New York, New York 10017
(212) 813-5900

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

CHECK DATE: 01-20-04

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 NEW YORK, NY 10017

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210

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Check Date: 01-20-04

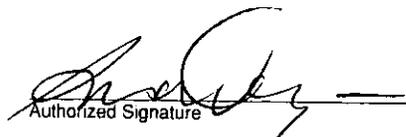
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