

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

**In the Matter of Application Serial No. 76-441,044: RW
Filed August 14, 2002; Published in the *Official Gazette* of November 18, 2003**

SEVILLE WATCH CORPORATION,

Opposer,

-against-

AMERICAN CLOTHING ASSOCIATES,

Applicant.

Opposition No. _____



03-15-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

NOTICE OF OPPOSITION

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
Attention: BOX TTAB – FEE

Dear Sir or Madam:

SEVILLE WATCH CORPORATION, a corporation of the state of New York, located and doing business at 635 Madison Avenue, New York, New York 10022 (hereinafter referred to as "Opposer"), believes that it will be damaged by the registration of the mark RW & Design, shown in Application Serial No. 76-441,044 filed on August 14, 2002 and published in the Official Gazette on November 18, 2003, by AMERICAN CLOTHING ASSOCIATES (hereinafter referred to as "Applicant"), and hereby opposes the same.

As grounds for this opposition, Opposer alleges as follows:

1. Applicant seeks to register the mark RW & Design under Serial No. 76-441,044, covering "clothing for men, ladies, boys and girls, namely, t-shirts, sweatshirts, golf

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shirts, rugby shirts, sweaters, jackets, trousers, pants, shorts, skirts, dresses, socks, hats and ties” in International Class 25.

2. Opposer adopted and began use of the mark RW & Design in 1977 in connection with its line of luxury RAYMOND WEIL brand watches. Since its date of first use, the RW & Design mark has been used continuously by Opposer in reference to watches, is now in such use in United States interstate commerce, and has come to represent the various collections of Opposer’s well-known RAYMOND WEIL brand watches. Opposer is the exclusive owner of and has the exclusive right to use the following registration:

Mark	Registration No.	Date of Registration	Classes and Goods/Services
RW & Design	1,468,227	December 8, 1987	<u>Int’1 Class 14: Watches</u>

3. Applicant’s registration of RW & Design for “clothing for men, ladies, boys and girls, namely, t-shirts, sweatshirts, golf shirts, rugby shirts, sweaters, jackets, trousers, pants, shorts, skirts, dresses, socks, hats and ties” is likely to dilute the distinctive quality of Opposer’s famous RW & Design trademark, within the meaning of 15 U.S.C. § 1125(c).

4. Applicant’s design mark very closely resembles Opposer’s design mark in appearance, sound and meaning, and therefore creates a confusingly similar overall commercial impression. Applicant’s use of RW & Design in connection with articles of clothing and accessories which are customarily sold together with jewelry, including but not limited to hats, belts, gloves, and scarves, is likely to be confused with Opposer’s use of RW & Design on and in connection with jewelry and watches. Consumers are therefore likely to confuse Applicant’s design mark with Opposer’s design mark as used in connection with goods and services common associated with one another, and to mistakenly assume that they emanate from the same source.

Thus, the contemporaneous use and registration by Applicant of its design mark is likely to cause customer confusion, mistake or deception with Opposer's prior use and registration of RW & Design under 15 U.S.C. § 1052(d).

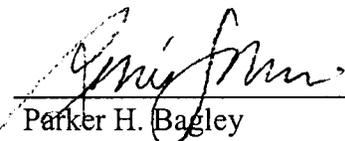
5. The use and registration by Applicant would falsely suggest a connection with Opposer under 15 U.S.C. § 1052(a).

6. In view of the foregoing, registration of Applicant's claimed mark would be damaging to Opposer within the meaning of 15 U.S.C. § 1063.

WHEREFORE, Opposer prays that this opposition be sustained and that registration be denied to Applicant on its Application Serial No. 76-441,044.

Respectfully submitted,

MILBANK, TWEED, HADLEY & McCLOY LLP

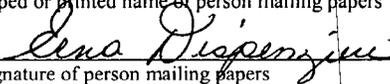
By: 
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Attorneys for Opposer
SEVILLE WATCH CORPORATION

Date of Deposit March 15, 2004

Express Mail No.: EV 252570502 US

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail Post Office to Addressee Service under 37 C.F.R. Sec. 1.110 on the date indicated above and is addressed to the Commissioner for Trademarks, BOX TTAB/FEE, 2900 Crystal Drive, Arlington, Virginia 22202-3514.

Erna Dispenzieri
Typed or printed name of person mailing papers


Signature of person mailing papers

ttab

MILBANK, TWEED, HADLEY & McCLOY LLP

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March 15, 2004

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2900 Crystal Drive

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03-15-2004

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

Re: United States - Opposition
Mark: RW & Design
Serial No.: 75-441,044
Filing Date: August 14, 2002
International Class: 25
Publication Date: November 18, 2003
Applicant: American Clothing Associates
Opposer: Seville Watch Corporation
(Our File No. 35081-09000)

Dear Sir or Madam:

On behalf of the Opposer, Seville Watch Corporation, we submit the enclosed Notice of Opposition (original and two copies) against the above-referenced application. Also enclosed is a check in the amount of \$300.00 to cover the filing fee.

Kindly acknowledge receipt of this Notice by stamping and returning the enclosed postcard. Your assistance in this matter is greatly appreciated. If there are any questions, please contact me at (212) 530-5225.

March 15, 2004

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Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Renee H. Sekino".

Renee H. Sekino

Enclosures

Copies to:

Parker H. Bagley, Esq.
Christopher E. Chalsen, Esq.
Stewart Parness

March 15, 2004

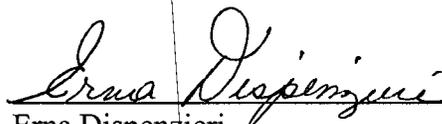
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CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.10

Mark : RW & Design
Serial No. : 75-441,044
International Class : 25
Applicant : American Clothing Associates
Potential Opposer : Seville Watch Corporation
Date due : March 17, 2004
Date mailed : March 15, 2004
Express Mail Label No. : EV 252570502 US

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Erna Dispenzieri
Secretary to Renee H. Sekino