

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

Applicant : Trelise Cooper Limited
Serial No. : 76/423,167
Filed : 19 June 2002
Mark : TRELISE COOPER & Design

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

NOTICE OF OPPOSITION

Opposer, Vivat Holdings Limited, an English company, located and doing business at 17 Bath Road, Slough, Berkshire, SL1 3UF, United Kingdom, believes that it will be damaged by registration of the mark shown in the above-identified application and hereby opposes this application in Classes 25 and 42.

Opposer has requested and obtained extensions of time to 8 April 2004 to oppose this application.

GROUND FOR OPPOSITION

1. Opposer uses and has, since long prior to 19 June 2002, used the trademark LEE COOPER on various articles of casual-wear clothing, including shirts and jeans. Many of Opposer's items of clothing incorporate design features that are exclusive to Opposer.

2. Opposer owns a number of United States trademark registrations covering the trademark LEE COOPER, including the following:

No. 1,200,502 issued on 6 July 1982 and renewed in 2002;

No. 1,502,269 issued on 30 August 1988; and

No. 2,082,731 issued on 29 July 1997.

Copies of TARR printouts for these registrations are attached hereto as Exhibits A, B and C, respectively. All three registrations are valid and subsisting. Registrations Nos. 1,200,502 and 2,082,731 are incontestable.

3. Opposer has filed two applications for additional registration of its LEE COOPER trademark. These are:

No. 76/485,353 filed on 27 January 2003; and

No. 78/272,231 filed on 9 July 2003.

TESS and TARR printouts for these applications are attached hereto as Exhibits D and E, respectively. Both of these applications are currently pending. Application No. 76/485,353 was published for opposition on 23 March 2004.

4. Opposer's trademark LEE COOPER functions as a house mark on a wide range of casual clothing and has become well known in many countries throughout the world, including the United States.

5. On 19 June 2002, Applicant, Trelise Cooper Limited, filed Trademark Application No. 76/423,167 to register a trademark consisting of the words TRELISE COOPER and a design element resembling a small letter "t". This application was based on a bona fide intent by applicant to use the mark in commerce. Opposer states, on information and belief, that Applicant has not used this trademark in commerce.

6. As published, Application No. 76/423,167 covers the following goods and services:

clothing; shirts, jumpers, skirts, blouses, coats, jackets, wind resistant jackets, tracksuits, slacks, trousers, shorts, overalls, dungarees, sweaters, T-shirts, sweaters, blousons, jeans, belts and braces, ties, scarves and gloves, hats, caps, berets, headbands, hoods

in International Class 25, and
clothing design services and fashion design services
in International Class 42.

7. Opposer's trademark and Applicant's trademark appear to be names of individuals, although Opposer's trademark is not the name of a particular living individual. As such, the marks share the common surname COOPER.

8. However, even if LEE COOPER and TRELISE COOPER are not considered to be the names of an individuals, both marks contain the common element COOPER.

9. In addition to the common element COOPER, the second vowel sound in TRELISE and the vowel sound in LEE are identical. Furthermore, it is likely that TRELISE would be accented on its second syllable. Thus, considering the trademarks themselves, the likelihood of confusion between LEE COOPER and TRELISE COOPER involves more than simply the identity of the "surname" element COOPER.

10. Prospective purchasers and other persons familiar with Opposer's trademark LEE COOPER and/or with products bearing the LEE COOPER trademark, would, upon coming in contact with Applicant's mark TRELISE COOPER, believe that Applicant's articles of clothing emanate from Opposer or have some association with Opposer.

11. Persons familiar with the design of Opposer's articles of clothing would, upon becoming aware of the design services covered in the application

herein opposed, believe that Applicant's services are associated with the design of Opposer's items of clothing.

12. Registration of the trademark TRELISE COOPER and Design to Applicant would diminish the commercial value of Opposer's trademark LEE COOPER and therefore would be a source of damage and injury to Opposer.

WHEREFORE, Opposer prays that this Opposition be sustained and the registration of Applicant's mark as set forth in Application No. 76/432,167 be denied.

Respectfully submitted,



Frederick H. Rabin
Attorney for Opposer

Date: 8 April 2004

FISH & RICHARDSON P.C.
45 Rockefeller Plaza, Suite 2800
New York, New York 10111
Telephone: (212) 765-5070
Facsimile: (212) 258-2291





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Typed Drawing

Word Mark LEE COOPER
Goods and Services IC 025. US 022 039. G & S: Shirts, [Jumpers, Skirts, Blouses, Jackets, Trews, Slacks, Trousers, Shorts,] and Jeans, All Being Articles of Clothing
Mark Drawing Code (1) TYPED DRAWING
Serial Number 73281215
Filing Date October 10, 1980
Current Filing Basis 44E
Original Filing Basis 44E
Published for Opposition April 13, 1982
Registration Number 1200502
Registration Date July 6, 1982
Owner (REGISTRANT) Lee Cooper Group Limited limited company UNITED KINGDOM 126-134 Baker St. London ENGLAND W1M 1FH

(LAST LISTED OWNER) VIVAT HOLDINGS LIMITED CORPORATION BY ASSIGNMENT ENGLAND 489 FIFTH AVENUE NEW YORK NEW YORK 10020

Assignment Recorded ASSIGNMENT RECORDED

Attorney of

Record FREDERICK H RABIN
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20030312.
Renewal 1ST RENEWAL 20030312
Other Data The name shown in the mark on the drawing is merely fanciful and does not identify a particular living individual.
Live/Dead Indicator LIVE

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Word Mark	LEE COOPER
Goods and Services	IC 025. US 022 039. G & S: ARTICLES OF WEARING APPAREL-NAMELY, SHIRTS, JUMPERS, [SKIRTS], BLOUSES, JACKETS, [SLACKS], TROUSERS, SHORTS, OVERALLS, DUNGAREES, SWEATERS, BLOUSONS, JEANS [AND BELTS]
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	260712 260721
Serial Number	73561566
Filing Date	October 4, 1985
Current Filing Basis	44E
Original Filing Basis	44D;44E
Published for Opposition	November 25, 1986
Registration Number	1502269
Registration	August 30, 1988

Date**Owner** (REGISTRANT) LEE COOPER GROUP PLC PUBLIC LIMITED COMPANY UNITED KINGDOM 9 CORK STREET LONDON ENGLAND W1X 1PB(LAST LISTED OWNER) **VIVAT HOLDINGS** PLC CORPORATION ASSIGNEE OF UNITED KINGDOM DENMARK HOUSE, THE BROADWAY WEST HENDON LONDON UNITED KINGDOM NW9 7BU**Assignment Recorded** ASSIGNMENT RECORDED**Attorney of Record** FREDERICK H. RABIN**Description of Mark** THE DRAWING IS LINED TO SHOW THE COLOR RED.**Type of Mark** TRADEMARK**Register** PRINCIPAL**Affidavit Text** SECT 8 (6-YR).**Live/Dead Indicator** LIVE

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Word Mark LEE COOPER

Goods and Services IC 025. US 022 039. G & S: clothing, namely, shirts,[jumpers, skirts, blouses, coats, jackets, wind resistant jackets, tracksuits, slacks, trousers, shorts, overalls, dungarees, sweaters, T-shirts, sweatshirts, blousons,] jeans,[belts, suspenders, ties, scarves, gloves, hats, caps, berets, hosiery, tights, socks, stockings, headbands and hoods; articles of footwear, namely, shoes, boots, sandals, slippers, athletic shoes and sneakers]

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 260701 260721

Serial Number 74557415

Filing Date August 4, 1994

Current Filing Basis 44E

Original Filing Basis 44D

Published for Opposition May 6, 1997

Registration 2082731

Number
Registration Date July 29, 1997
Owner (REGISTRANT) VIVAT HOLDINGS LIMITED CORPORATION UNITED KINGDOM LEE COOPER HOUSE 17 BATH ROAD SLOUGH, BERKSHIRE, ENGLAND UNITED KINGDOM SL1 3UF
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record FREDERICK H RABIN
Priority Date March 31, 1994
Prior Registrations 1200502;1502269
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Other Data "LEE COOPER" does not represent any particular living individual.
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark LEE COOPER

Goods and Services IC 025. US 022 039. G & S: Articles of clothing, namely-- shirts, jumpers, skirts, blouses, coats, jackets, wind resistant jackets, tracksuits, slacks, trousers, shorts, overalls, dungarees, sweat shirts, t-shirts, sweaters, blousons, jeans, belts, suspenders, ties, scarves and gloves, hats, caps, berets, headbands, hoods, shoes, boots, sandals, slippers, sneakers, sports shoes, hosiery, tights, socks and stockings

Mark Drawing Code (1) TYPED DRAWING

Serial Number 76485353

Filing Date January 27, 2003

Current Filing Basis 44E

Original Filing Basis 44E

Published for Opposition March 23, 2004

Owner (APPLICANT) **Vivat Holdings** Limited COMPANY UNITED KINGDOM 17 Bath Road Slough Berkshire SL1 3UF UNITED KINGDOM

Attorney of Record Frederick H. Rabin

Prior Registrations 1200502;1502269;2082731;2161623;2178021;AND OTHERS

Type of Mark TRADEMARK

Register PRINCIPAL

Other Data The name "LEE COOPER" does not identify a living individual.

**Live/Dead
Indicator** LIVE

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Serial Number: 76485353

Registration Number: (NOT AVAILABLE)

Mark (words only): LEE COOPER

Standard Character claim: No

Current Status: Application has been published for opposition.

Date of Status: 2004-03-23

Filing Date: 2003-01-27

The Information will be/was published in the Official Gazette on 2004-03-23

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 108

Attorney Assigned:
LEE DOUGLAS M Employee Location

Current Location: 650 -Publication And Issue Section

Date In Location: 2004-02-12

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Vivat Holdings Limited

Address:
Vivat Holdings Limited
17 Bath Road Slough
Berkshire SL1 3UF
United Kingdom

Legal Entity Type: Company
State or Country Where Organized: United Kingdom

GOODS AND/OR SERVICES

Articles of clothing, namely-- shirts, jumpers, skirts, blouses, coats, jackets, wind resistant jackets, tracksuits, slacks, trousers, shorts, overalls, dungarees, sweat shirts, t-shirts, sweaters, blousons, jeans, belts, suspenders, ties, scarves and gloves, hats, caps, berets, headbands, hoods, shoes, boots, sandals, slippers, sneakers, sports shoes, hosiery, tights, socks and stockings

International Class: 025

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

Basis: 44(e)

ADDITIONAL INFORMATION

Name Portrait Consent: The name "LEE COOPER" does not identify a living individual.

Prior Registration Number(s):

1200502

1502269

2082731

2161623

2178021

Foreign Registration Number: 000183335

Foreign Registration Date: 1999-02-02

Country: Erpn Cmnty TM Ofc

Foreign Expiration Date: 2006-04-01

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2004-03-23 - Published for opposition

2004-03-03 - Notice of publication

2003-12-22 - Approved for Pub - Principal Register (Initial exam)

2003-11-06 - Communication received from applicant

2003-11-06 - PAPER RECEIVED

2003-07-23 - Non-final action mailed

2003-07-22 - Case file assigned to examining attorney

CONTACT INFORMATION

Correspondent (Owner)

Frédéric H. Rabin (Attorney of record)

FREDERICK H. RABIN
FISH & RICHARDSON P.C.
45 ROCKEFELLER PLAZA, SUITE 2800
NEW YORK, NEW YORK 10111

Phone Number: 212 765-5070

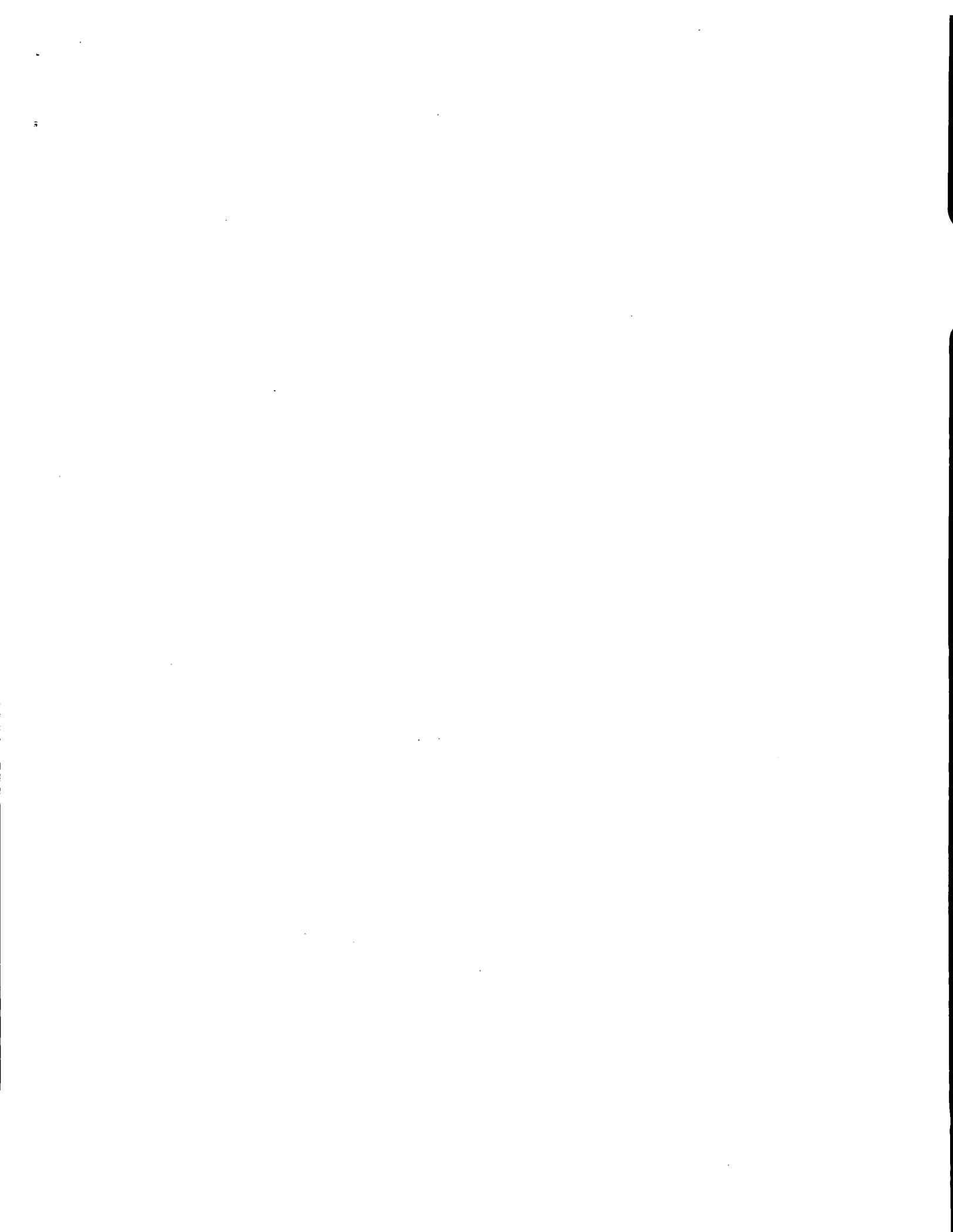
Fax Number: 212 258-2291

Domestic Representative

Frederick H. Rabin

Phone Number: 212 765-5070

Fax Number: 212 258-2291





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Word Mark LEECOOPER

Goods and Services IC 025. US 022 039. G & S: Articles of clothing, namely-- shirts, jumpers, skirts, blouses, coats, jackets, wind resistant jackets, tracksuits, slacks, trousers, shorts, overalls, dungarees, sweaters, T-shirts, sweatshirts, blousons, hosiery, tights, jeans, belts, suspenders, ties, scarves, gloves, hats, caps, berets, headbands and hoods; articles of footwear, namely-- shoes, boots, sandals, sneakers, sports shoes, socks and stockings

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 260701 260721

Serial Number 78272231

Filing Date July 9, 2003

Current Filing Basis 44E

Original Filing Basis 44E

Owner (APPLICANT) Vivat Holdings Limited CORPORATION UNITED KINGDOM Lee Cooper House
17 Bath Road Slough, Berkshire UNITED KINGDOM SL1 3UF

Prior Registrations 1200502;1502269;2082731
Type of Mark TRADEMARK
Register PRINCIPAL
Other Data The name "Lee Cooper" does not identify a living individual.
Live/Dead Indicator LIVE

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Serial Number: 78272231

Registration Number: (NOT AVAILABLE)

Mark



(words only): LEECOOPER

Standard Character claim: No

Current Status: A non-final action has been mailed. This is a letter from the examining attorney requesting additional information and/or making an initial refusal. However, no final determination as to the registrability of the mark has been made.

Date of Status: 2004-02-05

Filing Date: 2003-07-09

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 113

Attorney Assigned:
LINCOSKI JR JOHN T Employee Location

Current Location: M4R -TMO Law Office 113 - Review And Amendment

Date In Location: 2004-03-26

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Vivat Holdings Limited

Address:

Vivat Holdings Limited
Lee Cooper House 17 Bath Road
Slough, Berkshire SL1 3UF
United Kingdom

Legal Entity Type: Corporation

State or Country of Incorporation: United Kingdom

GOODS AND/OR SERVICES

Articles of clothing, namely-- shirts, jumpers, skirts, blouses, coats, jackets, wind resistant jackets, tracksuits, slacks, trousers, shorts, overalls, dungarees, sweaters, T-shirts, sweatshirts, blousons, hosiery, tights, jeans, belts, suspenders, ties, scarves, gloves, hats, caps, berets, headbands and hoods; articles of footwear, namely-- shoes, boots, sandals, sneakers, sports shoes, socks and stockings

International Class: 025

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

Basis: 44(e)

ADDITIONAL INFORMATION

Name Portrait Consent: The name "Lee Cooper" does not identify a living individual.

Prior Registration Number(s):

1200502

1502269

2082731

Foreign Registration Number: 1567415

Foreign Registration Date: 1994-03-31

Country: United Kingdom

Foreign Expiration Date: 2004-03-31

Foreign Renewal Number: 1567415

Foreign Renewal Date: 2011-03-31

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2004-03-22 - Communication received from applicant

2004-03-22 - PAPER RECEIVED

2004-02-05 - Non-final action mailed

2004-01-22 - Case file assigned to examining attorney

CONTACT INFORMATION

Correspondent (Owner)

Frederick H. Rabin
Fish & Richardson P.C.
45 Rockefeller Plaza Suite 2800
New York, NY 10111

Phone Number: (212) 765-5070

Fax Number: (212) 258-2291

Domestic Representative

Frederick H. Rabin
Phone Number: (212) 765-5070
Fax Number: (212) 258-2291

TAB

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

Applicant : Trelise Cooper Limited
Serial No. : 76/423,167
Filed : 19 June 2002
Mark : TRELISE COOPER & Design



04-12-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #74

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

TRANSMITTAL OF NOTICE OF OPPOSITION

Transmitted herewith are the following:

1. Notice of Opposition to Application Serial No. 76/423,167.
2. Our check in the amount of \$600 in payment of the fee required by 37 C.F.R. § 2.6(a)(17).

Any additional charges or credits should be applied to Deposit Account No. 06-1050.

Respectfully submitted,

Frederick H. Rabin
Attorney for Opposer

Date: 8 April 2004

FISH & RICHARDSON P.C.
45 Rockefeller Plaza, Suite 2800
New York, New York 10111
Telephone: (212) 765-5070
Facsimile: (212) 258-2291

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

April 8, 2004

Date of Deposit

Signature

Maryann White

Typed or Printed Name of Person Signing Certificate