

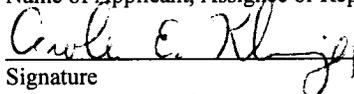
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application Serial No. : 78/320850
 Mark : ENYCE
 International Class : 12
 Applicant : Cary Berman
 Filed : October 30, 2003
 Published : August 24, 2004

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 L.C. Licensing, Inc., :
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 Opposer, :
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 v. : Opposition No.
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 Cary Berman, :
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 Applicant. :
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited in the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514, Attn: Trademark Trial and Appeal Board on September 22, 2004.

Carole E. Klinger
 Name of Applicant, Assignee or Representative

 Signature
September 22, 2004
 Date of Signature

NOTICE OF OPPOSITION

L.C. Licensing, Inc., a corporation organized under the laws of the State of Delaware, located and doing business at 1441 Broadway, New York, New York 10018 (hereinafter "Opposer"), and owner by assignment from Enyce, L.L.C. of the registered marks set forth in Paragraphs 1-3 below (a copy of the assignment, which has been filed with the

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 KL3:2364062.1



09-24-2004

Trademark Office for recordation of same, is attached hereto as Exhibit A), believes that it would be damaged by a grant of a registration to Cary Berman, an individual residing at 1917 Lafayette Road, Gladwyne, PA 19035 (hereinafter "Applicant"), Applicant for Application Serial No. 78/320,850 for the mark ENYCE filed in International Class 12 on October 30, 2003 and published for opposition on August 24, 2004 (hereinafter the "Application"), and hereby opposes said Application.

The grounds for opposition are:

1. Opposer is the owner of Federal Registration No. 2093751, for the mark ENYCE issued September 2, 1997 for "apparel and headwear for men, women and children, namely, hats, caps, visors, headbands, shirts, jackets, jogging suits, pants, coats, T-shirts, shorts, tanktops, skirts, warm-up suits, sweatshirts and sweatpants", in International Class 25. This registration claims a date of first use and date of first use in commerce at least as early as August 31, 1996. A true copy of this registration is attached as Exhibit B.

2. Opposer is the owner of Federal Registration No. 2,351,411, issued May 23, 2000 for the mark ENYCE & Design for "apparel and headwear for men, women and children, namely hats, caps, visors, headbands, shirts, jackets, jogging suits, pants, coats, t-shirts, shorts, tank tops, skirts, warm up suits, sweatshirts and sweatpants", in International Class 25. This registration claims a date of first use and date of first use in commerce at least as early as August 1996. A true copy of this registration is attached as Exhibit C.

3. Opposer is the owner of Federal Registration No. 2,338,404, for the mark LADY ENYCE issued April 4, 2000 for "women's clothing, namely, shirts, tops, bottoms, pants, jackets, coats, jogging suits, warm-up suits, T-shirts, polo shirts, tank tops, skirts, shorts, denim shirts, denim pants, denim tops, denim bottoms, denim shorts, denim skirts, sweat shirts, sweat pants, sweat shorts, headwear, caps, hats", in International Class 25. This registration claims a date of

first use and date of first use in commerce at least as early as July 1998. A true copy of this registration is attached at Exhibit D.

4. The above-referenced marks, namely, ENYCE, ENYCE & Design and LADY ENYCE, are hereinafter referred to collectively as "Opposer's Marks".

5. Opposer's Marks identify Opposer as a source of a variety of urban streetwear fashion consumer goods.

6. Opposer's Marks and products have been the subject of extensive press and media coverage.

7. In part due to the media attention given to Opposer's Marks, and in part due to Opposer's extensive use of Opposer's Marks, they have acquired enormous value and good will and have become extremely well-known and famous.

8. The Application seeks registration of Opposer's highly distinctive, identical mark -- ENYCE -- for "custom automotive accessories, namely, fitted car covers, shift knobs, brake pads and wheels for land vehicles, license plate holders and spoilers for vehicles", in International Class 12.

9. Given the highly unique nature of Opposer's Marks, there is a strong likelihood that consumers, viewing the mark ENYCE in respect of the goods for which registration is sought, are likely to believe that such goods derive from the same source as the goods sold under Opposer's Marks, or are affiliated, connected, associated, sponsored, approved or authorized by Opposer. Accordingly, issuance of a registration of the ENYCE mark to Applicant would seriously damage Opposer in that it would be likely to cause confusion, deception or mistake among consumers and dilute the distinctiveness of Opposer's Marks.

WHEREFORE, Opposer prays that this opposition be sustained and that Application Serial No. 78/320,850 for the proposed mark ENYCE be refused registration.

This Notice is being filed in duplicate and the amount of \$300.00 is hereby authorized to be charged to Deposit Account No. 50-0540 to cover the requisite filing fee. Please charge any additional fees and/or credit any overpayments to Deposit Account No. 50-0540.

Please direct all communications regarding this Opposition proceeding to Opposer's counsel at the address shown below.

KRAMER LEVIN NAFTALIS & FRANKEL LLP
Attorneys for Opposer

Date: September 22, 2004

By: Carole E. Klinger
Carole E. Klinger, Esq.
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New York, New York 10022
(212) 715-9357 (telephone)
(212) 715-8000 (fax)
cklinger@kramerlevin.com

Opposer L.C. Licensing, Inc.
Opposition to Appln. Serial No. 78/320850
L.C. Licensing, Inc. v. Cary Berman

EXHIBIT A

ASSIGNMENT

WHEREAS, Enyce, L.L.C., a Delaware limited liability company, located at 40 East 34th Street, New York, New York 10016 (“Assignor”), is the owner of the U.S. trademarks set forth below (the “Marks”) and is the record owner of the trademark registrations for the Marks (the “Registrations”) also set forth below as follows:

- (1) ENYCE, U.S. Reg. No. 2,093,751, registered on September 2, 1997;
- (2) LADY ENYCE, U.S. Reg. No. 2,338,404, registered on April 4, 2000;
- (3) ENYCE & Design, U.S. Reg. No. 2,351, 411, registered on May 23, 2000; and
- (4) Miscellaneous Design, U.S. Reg. No. 2,393,046, registered on October 10, 2000; and

WHEREAS, L.C. Licensing, Inc., a Delaware corporation, located at 1441 Broadway, New York, New York 10018 (“Assignee”), is desirous of acquiring all title, right and interest in and to said Marks and Registrations, together with the good will of the business and confirmation of the same;

NOW, THEREFORE, Assignor, for consideration the sufficiency of which is acknowledged by the parties, does hereby, without reservation assign unto Assignee, and confirm assignment unto Assignee all right, title and interest in and to the Marks and Registrations, together with the good will appurtenant thereto.

The effective date of this Assignment is April 1, 2004.

ENYCE, L.L.C.

By: _____

Name: Nicholas Rubino

Title: Vice President – Deputy General Counsel

Date: September 21, 2004

Opposer L.C. Licensing, Inc.
Opposition to Appln. Serial No. 78/320850
L.C. Licensing, Inc. v. Cary Berman

EXHIBIT B

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 2,093,751

United States Patent and Trademark Office

Registered Sep. 2, 1997

**TRADEMARK
PRINCIPAL REGISTER**

ENYCE

FILA U.S.A., INC. (DELAWARE CORPORATION)
11350 MCCORMICK ROAD
HUNT VALLEY, MD 21031

FOR: APPAREL AND HEADWEAR FOR
MEN, WOMEN AND CHILDREN, NAMELY,
HATS, CAPS, VISORS, HEADBANDS, SHIRTS,
JACKETS, JOGGING SUITS, PANTS, COATS, T-
SHIRTS, SHORTS, TANKTOPS, SKIRTS,

WARM-UP SUITS, SWEATSHIRTS AND
SWEATPANTS, IN CLASS 25 (U.S. CLS. 22 AND
39).

FIRST USE 8-31-1996; IN COMMERCE
8-31-1996.

SN 75-976,355, FILED 6-24-1996.

CARYN HINES, EXAMINING ATTORNEY

Opposer L.C. Licensing, Inc.
Opposition to Appln. Serial No. 78/320850
L.C. Licensing, Inc. v. Cary Berman

EXHIBIT C

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 2,351,411

United States Patent and Trademark Office

Registered May 23, 2000

**TRADEMARK
PRINCIPAL REGISTER**



ENYCE, INC. (DELAWARE CORPORATION)
8 WEST 40TH STREET
THIRD FLOOR
NEW YORK, NY 10018

TANK TOPS, SKIRTS, WARM-UP SUITS,
SWEATSHIRTS AND SWEATPANTS, IN CLASS 25
(U.S. CLS. 22 AND 39).

FIRST USE 8-0-1996; IN COMMERCE 8-0-1996.

FOR: APPAREL AND HEADWEAR FOR MEN,
WOMEN AND CHILDREN, NAMELY HATS, CAPS,
VISORS, HEADBANDS, SHIRTS, JACKETS, JOG-
GING SUITS, PANTS, COATS, T-SHIRTS, SHORTS.

SER. NO. 75-579,695, FILED 10-30-1998.

JANEL PERNELL, EXAMINING ATTORNEY

Opposer L.C. Licensing, Inc.
Opposition to Appln. Serial No. 78/320850
L.C. Licensing, Inc. v. Cary Berman

EXHIBIT D

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 2,338,404

United States Patent and Trademark Office

Registered Apr. 4, 2000

**TRADEMARK
PRINCIPAL REGISTER**

LADY ENYCE

ENYCE, INC. (DELAWARE CORPORATION)
8 WEST 40TH STREET, THIRD FLOOR
NEW YORK, NY 10018

FOR: WOMEN'S CLOTHING, NAMELY,
SHIRTS, TOPS, BOTTOMS, PANTS, JACKETS,
COATS, JOGGING SUITS, WARM-UP SUITS, T-
SHIRTS, POLO SHIRTS, TANK TOPS, SKIRTS,
SHORTS, DENIM SHIRTS, DENIM PANTS,
DENIM TOPS, DENIM BOTTOMS, DENIM
SHORTS, DENIM SKIRTS, SWEAT SHIRTS,
SWEAT PANTS, SWEAT SHORTS, HEAD-

WEAR, CAPS, HATS, IN CLASS 25 (U.S. CLS. 22
AND 39).

FIRST USE 7-0-1998; IN COMMERCE
7-0-1998.

OWNER OF U.S. REG. NO. 2,093,751.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "LADY", APART FROM THE
MARK AS SHOWN.

SER. NO. 75-694,719, FILED 4-30-1999.

JANEL PERNELL, EXAMINING ATTORNEY

TTAB

KRAMER LEVIN NAFTALIS & FRANKEL LLP

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FRANCE

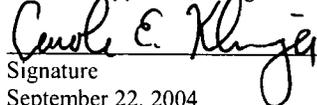
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Carole E. Klinger

Name of Applicant, Assignee or Representative



Signature

September 22, 2004

Date of Signature

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
Attention: Trademark Trial and Appeal Board

Re: Notice of Opposition to Registration of
Application Serial No. 78/320,850
for the Mark ENYCE
Our File No.: 019200-00142

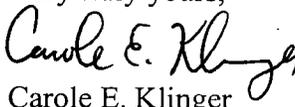
Dear Sir:

Enclosed (in duplicate) please find a Notice of Opposition to the application for registration of Application Serial No. 78/320,850 for the mark ENYCE, filed on October 30, 2003 by Cary Berman and published for opposition on August 24, 2004.

Please charge the requisite \$300 filing fee to Deposit Account 50-0540. Additionally, kindly charge any additional fees or credit any overpayment such Deposit Account.

Please acknowledge receipt on the enclosed postcard.

Very truly yours,



Carole E. Klinger

Enclosure

