

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

In the Matter of Application Serial No. 76-298,204
filed August 13, 2001 for the mark LUCKY GIRL
Published in the Official Gazette of June 29, 2004 on Page TM 379

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LUCKY BRAND DUNGAREES, INC.,

Opposer,

v.

Opposition No.

CBR INCORPORATED,

Applicant.

-----x

NOTICE OF OPPOSITION

Opposer LUCKY BRAND DUNGAREES, INC., a Delaware corporation located and doing business at 5233 Alcoa Avenue, Vernon, California, 90058, believes that it will be damaged by registration of the mark shown in the above-mentioned application Serial No. 76-298,204 in Class 35 and hereby opposes the same. As grounds for this opposition, it is alleged that:

1. Opposer is now, and at all times pertinent hereto has been, engaged in the business of manufacturing, selling and licensing a wide variety of clothing, accessories, fragrances and toiletries for men, women and children as well as toys for children. In or about 1990, long prior to the filing date of Application Serial No. 75-607,280, opposer adopted and commenced to use in commerce the trademark LUCKY BRAND, and since 1990 opposer has adopted and used

numerous other trademarks including the word "LUCKY," in connection with the sale, offering for sale and advertising of its products in interstate commerce throughout the United States. Such use has been continuous through the present date.

2. In or about 1995, long prior to the filing date of Application Serial No. 76-298,204, opposer adopted and commenced to use in commerce the servicemark LUCKY BRAND for retail store services including the sale of clothing, clothing accessories, toys, perfume and gifts in interstate commerce throughout the United States. Such use has been continuous through the present date.

3. In or about 1996, long prior to the filing date of Application Serial No. 76-298,204, opposer adopted and commenced to use in commerce the servicemarks LUCKY BRAND BLUE JEANS and LUCKY BRAND DUNGAREES for retail store services including the sale of clothing, clothing accessories, toys, perfume and gifts in interstate commerce throughout the United States. Such use has been continuous through the present date.

4. In or about 1998, long before the priority date of Application Serial No. 75-607,280, opposer adopted and commenced to use in commerce the trademark LUCKY GIRLS in connection with the sale, offering for sale and advertising of its wearing apparel in interstate commerce throughout the United States. Such use has been continuous through the present date.

5. Opposer's "LUCKY" trademarks and servicemarks have been registered in the United States Patent and Trademark Office as follows:

<u>Trademark</u>	<u>Reg. No.</u>	<u>Reg. Dt.</u>
LUCKY BRAND	1,646,123	5/28/1991
LUCKY YOU	1,739,962	12/15/1992
LUCKY YOU & Design	1,886,118	3/28/1995
LUCKY BRAND DUNGAREES OF AMERICA, etc.	2,158,107	5/19/1998
LUCKY & Design	2,381,638	8/29/2000
LUCKY ME	2,469,997	7/17/2001
LUCKYVILLE	2,598,783	7/23/2002
LUCKY BRAND	2,655,004	11/26/2002
LUCKY GIRLS	2,659,819	12/10/2002
LUCKY BRAND DUNGAREES	2,686,829	2/11/2003
LUCKY BRAND BLUE JEANS	2,703,123	4/1/2003

Said registrations are valid and subsisting, and registrations No. 1,646,123, No. 1,739,962 and No. 1,886,118 are incontestable. Copies of printouts of said registrations are attached hereto as Exhibits A-K. Opposer hereby gives notice, in accordance with Trademark Rule 2.122(b), that it will rely thereon as evidence on its behalf in this proceeding, and status copies showing present title will be introduced into evidence during its testimony period.

All of the trademarks set forth in this paragraph 5 include the word "LUCKY" as a dominant feature thereof.

6. By virtue of opposer's extensive and continuous use of its many "LUCKY" trademarks in connection with goods sold throughout the United States and its extensive and continuous use of its "LUCKY" servicemarks in the rendering of retail store services throughout the United States, opposer's "LUCKY" marks have become distinctive of opposer's products and services as indicating opposer as the sole source or origin of said products and services to consumers and the trade.

7. The retail store services for which applicant seeks registration of the mark LUCKY GIRL are in the same class and retail the same or similar goods as those to which opposer has applied its servicemarks LUCKY BRAND, LUCKY BRAND BLUE JEANS and LUCKY BRAND DUNGAREES. In addition, the goods identified in the application opposed herein and to be sold in applicant's retail stores are the same or similar to those which opposer sells to the consumer through conventional retail outlets and which it sells in its own stores under its LUCKY trademarks.

8. Applicant's servicemark LUCKY GIRL opposed herein is so similar in sound, appearance and connotation to opposer's servicemarks LUCKY BRAND, LUCKY BRAND BLUE JEANS and LUCKY BRAND DUNGAREES and to the several LUCKY trademarks owned by opposer including opposer's essentially identical mark LUCKY GIRLS, previously used and registered by opposer for goods and services that it is likely that when applicant's said mark is applied to the services of applicant, confusion or mistake among purchasers or potential purchasers and the trade will result. Moreover, because opposer has used its family of "LUCKY" trademarks in connection with hundreds of millions of dollars worth of products

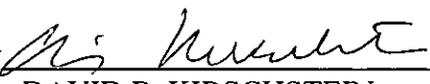
sold throughout the United States through conventional retail channels and through its own stores and has extensively advertised said products, consumers and the trade are likely to believe that applicant's services are rendered by, associated with or sponsored by opposer.

9. Because of the confusion, mistake and deception which is likely to result from the concurrent use of opposer's "LUCKY" trademarks, particularly the mark LUCKY GIRLS, and opposer's "LUCKY" servicemarks, on the one hand, and applicant's confusingly similar servicemark LUCKY GIRL, on the other hand, in connection with the same or similar services and the sale of the same or similar goods, opposer's business and reputation will be seriously damaged and its rights under its aforesaid trademarks and servicemarks will be impaired by registration of the mark published.

10. As shown by the file history of the opposed application, an Office Action was issued on September 21, 2001 citing a potentially conflicting application and making requirements as to the recitation of services. Response to this Office was due on March 21, 2002. On April 1, 2002 applicant's attorney wrote to the Examining Attorney stating that she realized that the response was beyond the six months time limit and stating that applicant desired to amend the recitation of services. The letter also stated that applicant did not wish to abandon the application. Although the application should have been abandoned, in which case the applicant could have petitioned for revival, the Examining Attorney simply issued a Notice of Suspension. No petition to revive was filed. Accordingly, the opposed application was, in fact, abandoned and should not have been published. This is another ground on which this opposition should be sustained.

WHEREFORE, opposer demands judgment sustaining this opposition and adjudging that the applicant is not entitled to the registration of the trademark for which it has filed Application Serial No. 76-298,204.

LUCKY BRAND DUNGAREES, INC.

By 
DAVID B. KIRSCHSTEIN

KIRSCHSTEIN, OTTINGER,
ISRAEL & SCHIFFMILLER, P.C.
Attorneys for Opposer
489 Fifth Avenue
New York, New York 10017-6105
(212) 697-3750

Dated: New York, New York
September 30, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States
Postal Service as first class mail, postage prepaid, in an envelope addressed:

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

on this 30th day of September, 2003.



DAVID B. KIRSCHSTEIN

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2004-09-30 16:36:27 ET

Serial Number: 74082798 Assignment Information

Registration Number: 1646123 Assignment Information

Mark (words only): LUCKY BRAND

Standard Character claim: No

Current Status: Registered And Renewed

Date of Status: 2001-07-03

Filing Date: 1990-07-30

Transformed into a National Application: No

Registration Date: 1991-05-28

Register: Principal

Law Office Assigned: LAW OFFICE 15

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2003-10-31

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

1. Lucky Brand Dungarees, Inc.

Address:

Lucky Brand Dungarees, Inc.
4529 District Boulevard
Vernon, CA 90058
United States

Legal Entity Type: Corporation

State or Country of Incorporation: California

GOODS AND/OR SERVICES

International Class: 025
men's jeans and shirts

First Use Date: 1990-06-05

First Use in Commerce Date: 1990-06-05

Basis: 1(a)

ADDITIONAL INFORMATION

Disclaimer: "BRAND"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

- 2001-07-03 - Registered And Renewed (First Renewal - 10 Yrs)
- 2001-07-03 - Registered - Sec. 8 (10-Yr) Accepted/Sec. 9 Granted
- 2001-04-06 - Registered - Combined Section 8 (10-Yr) & Sec. 9 Filed
- 2000-11-09 - Opposition Terminated No. 999999
- 2000-11-09 - Opposition Dismissed No. 999999
- 1996-10-04 - Registered - Sec. 8 (6-Yr) Accepted & Sec. 15 Ack.
- 1996-07-15 - Registered - Sec. 8 (6-Yr) & Sec. 15 Filed
- 1991-05-28 - Registered-Principal Register
- 1991-03-05 - Published For Opposition
- 1991-02-01 - Notice Of Publication
- 1990-12-17 - Approved For Pub - Principal Register
- 1990-12-06 - Examiner's Amendment Mailed
- 1990-11-21 - Assigned To Examiner

CONTACT INFORMATION

Correspondent

DAVID B. KIRSCHSTEIN (Attorney of record)

DAVID B. KIRSCHSTEIN
KIRSCHSTIN, OTTINGER, ISRAEL ETC.

489 FIFTH AVENUE
17TH FLOOR
NEW YORK, NY 10017-6105

Thank you for your request. Here are the latest results from the TARR web server.

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Serial Number: 74267253 Assignment Information

Registration Number: 1739962 Assignment Information

Mark (words only): LUCKY YOU

Standard Character claim: No

Current Status: Registered And Renewed

Date of Status: 2003-03-22

Filing Date: 1992-04-20

Transformed into a National Application: No

Registration Date: 1992-12-15

Register: Principal

Law Office Assigned: LAW OFFICE 15

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2003-03-27

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

1. LUCKY BRAND DUNGAREES, INC.

Address:
LUCKY BRAND DUNGAREES, INC.
5233 ALCOA AVENUE
VERNON, CA 90058
United States
Legal Entity Type: Corporation
State or Country of Incorporation: California

GOODS AND/OR SERVICES

International Class: 025
jeans

First Use Date: 1990-12-07

First Use in Commerce Date: 1990-12-07

Basis: 1(a)

ADDITIONAL INFORMATION

Prior Registration Number(s):

1646123

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2003-03-22 - Registered And Renewed (First Renewal - 10 Yrs)

2003-03-22 - Registered - Sec. 8 (10-Yr) Accepted/Sec. 9 Granted

2003-01-09 - Registered - Combined Section 8 (10-Yr) & Sec. 9 Filed

2003-01-09 - TEAS Section 8 & 9 Received

1999-04-21 - Registered - Sec. 8 (6-Yr) Accepted & Sec. 15 Ack.

1998-12-07 - Registered - Sec. 8 (6-Yr) & Sec. 15 Filed

1992-12-15 - Registered-Principal Register

1992-09-22 - Published For Opposition

1992-08-21 - Notice Of Publication

1992-06-26 - Approved For Pub - Principal Register

CONTACT INFORMATION

Correspondent

DAVID B. KIRSCHSTEIN (Attorney of record)

DAVID B. KIRSCHSTEIN
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489 FIFTH AVE, 17TH FLOOR
NEW YORK NY 10017-6105

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Serial Number: 74384152 Assignment Information

Registration Number: 1886118 Assignment Information

Mark



(words only): LUCKY YOU

Standard Character claim: No

Current Status: Registered And Renewed

Date of Status: 2004-06-25

Filing Date: 1993-04-29

Transformed into a National Application: No

Registration Date: 1995-03-28

Register: Principal

Law Office Assigned: LAW OFFICE 15

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2004-07-06

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

1. LUCKY BRAND DUNGAREES, INC.

Address:
LUCKY BRAND DUNGAREES, INC.
5233 ALCOA AVE

VERNON, CA 90058

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 025

jeans

First Use Date: 1990-12-00

First Use in Commerce Date: 1990-12-00

Basis: 1(a)

ADDITIONAL INFORMATION

Description of Mark: The design portion of the mark consists of a rectangular cloth label sewn and positioned vertically on the inside of the front fly of a pair of pants and two four leaf clovers. The broken lines in the drawing are not a part of the mark and no claim is made to them. They serve only to show the position of the mark.

Prior Registration Number(s):

1646123

1739962

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2004-06-25 - Registered And Renewed (First Renewal - 10 Yrs)

2004-06-25 - Registered - Sec. 8 (10-Yr) Accepted/Sec. 9 Granted

2004-03-31 - Registered - Combined Section 8 (10-Yr) & Sec. 9 Filed

2004-03-31 - TEAS Section 8 & 9 Received

2001-03-29 - Registered - Sec. 8 (6-Yr) Accepted & Sec. 15 Ack.

2000-12-06 - Registered - Sec. 8 (6-Yr) & Sec. 15 Filed

1995-03-28 - Registered-Principal Register

1994-04-26 - Extension Of Time To Oppose Received At TTAB

1994-03-29 - Published For Opposition

1994-02-25 - Notice Of Publication

1994-01-13 - Approved For Pub - Principal Register

1993-08-18 - Assigned To Examiner

1993-08-06 - Assigned To Examiner

CONTACT INFORMATION

Correspondent

DAVID B. KIRSCHSTEIN (Attorney of record)

DAVID B. KIRSCHSTEIN
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489 FIFTH AVENUE
17TH FLOOR
NEW YORK, NY 10017-6105

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Serial Number: 75118448 Assignment Information

Registration Number: 2158107 Assignment Information

Mark



(words only): LUCKY BRAND DUNGAREES OF AMERICA TOO TOUGH TO DIE

Standard Character claim: No

Current Status: Section 8 & 15-Accepted And Acknowledged

Date of Status: 2004-06-28

Filing Date: 1996-06-13

Transformed into a National Application: No

Registration Date: 1998-05-19

Register: Principal

Law Office Assigned: LAW OFFICE 109

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2004-06-30

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

1. Lucky Brand Dungarees, Inc.

Address:

Lucky Brand Dungarees, Inc.
5233 Alcoa Avenue

Vernon, CA 90058

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 025

clothing, namely, pants, jeans, shorts, bottoms, dresses, skirts, jumpsuits, overalls, jackets, shirts and hats

First Use Date: 1991-01-00

First Use in Commerce Date: 1991-01-00

Basis: 1(a)

ADDITIONAL INFORMATION

Disclaimer: "BRAND" and "DUNGAREES OF AMERICA"

Prior Registration Number(s):

1646123

1739962

1886118

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2004-06-28 - Registered - Sec. 8 (6-Yr) Accepted & Sec. 15 Ack.

2004-05-24 - Registered - Sec. 8 (6-Yr) & Sec. 15 Filed

2004-05-24 - TEAS Section 8 & 15 Received

1998-05-19 - Registered-Principal Register

1998-02-24 - Published For Opposition

1998-01-23 - Notice Of Publication

1997-12-15 - Approved For Pub - Principal Register

1997-05-30 - Letter Of Suspension Mailed

1997-05-01 - Correspondence Received In Law Office

1996-10-28 - Non-Final Action Mailed

1996-09-24 - Assigned To Examiner

1996-09-20 - Assigned To Examiner

CONTACT INFORMATION

Correspondent

DAVID B. KIRSCHSTEIN (Attorney of record)

DAVID B. KIRSCHSTEIN
KIRSCHSTEIN, OTTINGER, ISRAEL & ET AL
489 FIFTH AVE., 17TH FLOOR
NEW YORK, NY 10017-6105

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This page was generated by the TARR system on 2004-09-30 16:38:13 ET

Serial Number: 75849333

Registration Number: 2381638

Mark



(words only): LUCKY

Standard Character claim: No

Current Status: Registered

Date of Status: 2000-08-29

Filing Date: 1999-11-10

Transformed into a National Application: No

Registration Date: 2000-08-29

Register: Principal

Law Office Assigned: LAW OFFICE 108

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2000-09-05

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

1. Lucky Brand Dungarees, Inc.

Address:

Lucky Brand Dungarees, Inc.
4599 District Boulevard

. *

Gary J. Nelson (Attorney of record)

GARY J NELSON
CHRISTIE PARKER & HALE LLP
PO BOX 7068
PASADENA CA 91109-7068

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Serial Number: 75450495 Assignment Information

Registration Number: 2469997 Assignment Information

Mark (words only): LUCKY ME

Standard Character claim: No

Current Status: Registered

Date of Status: 2001-07-17

Filing Date: 1998-03-16

Transformed into a National Application: No

Registration Date: 2001-07-17

Register: Principal

Law Office Assigned: LAW OFFICE 114

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2001-08-16

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

1. Lucky Brand Dungarees, Inc.

Address:

Lucky Brand Dungarees, Inc.
4599 District Boulevard
Vernon, CA 90058
United States

Legal Entity Type: Corporation

State or Country of Incorporation: California

GOODS AND/OR SERVICES

International Class: 025

CLOTHING, NAMELY, SHIRTS, BLOUSES, T-SHIRTS, TANK TOPS, TOPS, VESTS,

SWEATERS, DRESSES, SKIRTS, JUMPERS, JUMP SUITS, ROMPERS, OVERALLS, JACKETS, BLAZERS, SPORT COATS, BOXER SHORTS, PANTS, JEANS, SHORTS, LEGGINGS, BOTTOMS, SWEATSHIRTS, SWEAT PANTS, SWEAT SUITS, JOGGING SUITS, SUITS, SLEEP WEAR, SOCKS, LEOTARDS, BODY SUITS, TIES, BANDANNAS, SWIM WEAR, HEADBANDS, SUSPENDERS, SCARVES, HATS, CAPS, VISORS, BELTS, SHOES, SNEAKERS, SANDALS, BOOTS AND SLIPPERS

First Use Date: 1998-05-00

First Use in Commerce Date: 1998-05-00

Basis: 1(a)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2001-07-17 - Registered-Principal Register
2001-03-12 - Allowed Principal Register - SOU Accepted
2001-02-27 - Statement Of Use Processing Complete
2001-01-05 - Use Amendment Filed
2000-09-05 - Extension 1 Granted
2000-07-10 - Extension 1 Filed
2000-01-11 - Notice Of Allowance-Mailed
1999-10-19 - Published For Opposition
1999-09-17 - Notice Of Publication
1999-06-23 - Approved For Pub - Principal Register
1999-04-09 - Correspondence Received In Law Office
1998-10-29 - Non-Final Action Mailed
1998-10-26 - Assigned To Examiner
1998-09-30 - Assigned To Examiner

1998-09-24 - Assigned To Examiner

CONTACT INFORMATION

Correspondent

DAVID B. KIRSCHSTEIN (Attorney of record)

DAVID B KIRSCHSTEIN
KIRSCHSTEIN, OTTINGER, ISRAEL P.C.
489 FIFTH AVENUE
NEW YORK, NY 10017-6105

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This page was generated by the TARR system on 2004-09-30 16:39:05 ET

Serial Number: 75981666

Registration Number: 2598783

Mark (words only): LUCKYVILLE

Standard Character claim: No

Current Status: Registered

Date of Status: 2002-07-23

Filing Date: 1998-03-16

Transformed into a National Application: No

Registration Date: 2002-07-23

Register: Principal

Law Office Assigned: LAW OFFICE 114

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2002-08-19

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

1. Lucky Brand Dungarees, Inc.

Address:

Lucky Brand Dungarees, Inc.
5233 Alcoa Avenue
Vernon, CA 90058
United States

Legal Entity Type: Corporation

State or Country of Incorporation: California

GOODS AND/OR SERVICES

International Class: 025

CLOTHING, namely, shirts, T-shirts, tank tops, tops

. .

First Use Date: 1999-03-00

First Use in Commerce Date:

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This page was generated by the TARR system on 2004-09-30 16:39:26 ET

Serial Number: 76282385

Registration Number: 2655004

Mark (words only): LUCKY BRAND

Standard Character claim: No

Current Status: Registered

Date of Status: 2002-11-26

Filing Date: 2001-07-11

Transformed into a National Application: No

Registration Date: 2002-11-26

Register: Principal

Law Office Assigned: LAW OFFICE 104

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2003-02-10

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

1. LUCKY BRAND DUNGAREES, INC.

Address:

LUCKY BRAND DUNGAREES, INC.
4599 District Blvd.
Vernon, CA 90058
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 035

RETAIL STORE SERVICES FEATURING CLOTHING, CLOTHING ACCESSORIES, TOYS,

PERFUME AND GIFTS

First Use Date: 1995-06-01

First Use in Commerce Date: 1995-06-01

Basis: 1(a)

ADDITIONAL INFORMATION

Prior Registration Number(s):

1646123

2158107

2174252

2330052

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2002-11-26 - Registered-Principal Register

2002-09-23 - Allowed Principal Register - SOU Accepted

2002-09-10 - Statement Of Use Processing Complete

2002-07-25 - Use Amendment Filed

2002-07-25 - Paper Received

2002-06-18 - Notice Of Allowance-Mailed

2002-03-26 - Published For Opposition

2002-03-06 - Notice Of Publication

2001-10-22 - Approved For Pub - Principal Register

2001-09-27 - Examiner's Amendment Mailed

2001-08-23 - Assigned To Examiner

2001-08-20 - Assigned To Examiner

CONTACT INFORMATION

Correspondent

DAVID B. KIRSCHSTEIN (Attorney of record)

DAVID B. KIRSCHSTEIN
KIRSCHSTEIN OTTINGER ISRAEL ET AL
489 5TH AVE
NEW YORK NY 10017-6105

Phone Number: (212) 697-3750

Fax Number: (212) 949-1690

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Serial Number: 75542838 Assignment Information

Registration Number: 2659819 Assignment Information

Mark (words only): LUCKY GIRLS

Standard Character claim: No

Current Status: Registered

Date of Status: 2002-12-10

Filing Date: 1998-08-26

Transformed into a National Application: No

Registration Date: 2002-12-10

Register: Principal

Law Office Assigned: LAW OFFICE 109

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2003-01-28

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

1. LUCK BRAND DUNGAREES, INC.

Address:

LUCK BRAND DUNGAREES, INC.
4599 DISTRICT BOULEVARD
VERNON, CA 90058
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 025

clothing, namely, shirts, blouses, T-shirts, tank tops, tops, vests, sweaters, dresses, skirts, jumpers,

jumpsuits, rompers, overalls, jackets, blazers, sport coats, boxer shorts, pants, jean shorts, leggings, bottoms, sweatshirts, sweat pants, sweat suits, jogging suits, suits, sleepwear, socks, leotards, bodysuits, ties, bandannas, swimwear, headbands, suspenders, scarves, hats, caps, visors, belts, shoes, sneakers, sandals, boots and slippers

First Use Date: 1995-12-00

First Use in Commerce Date: 1995-12-00

Basis: 1(a)

ADDITIONAL INFORMATION

Section 2(f)

Prior Registration Number(s):

1646123

1886118

2176036

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2002-12-10 - Registered-Principal Register

2002-09-27 - Allowed Principal Register - SOU Accepted

2002-09-12 - Correspondence Received In Law Office

2002-09-12 - Paper Received

2002-08-23 - Letter Of Suspension Mailed

2002-07-26 - Correspondence Received In Law Office

2002-07-26 - Paper Received

2002-04-16 - Non-Final Action Mailed

2002-03-07 - Correspondence Received In Law Office

2002-03-07 - Paper Received

2001-09-14 - Non-Final Action Mailed

2001-08-21 - Assigned To Examiner

2001-08-15 - Statement Of Use Processing Complete

2001-08-02 - Use Amendment Filed
2001-04-10 - Notice Of Allowance-Mailed
2001-01-16 - Published For Opposition
2000-12-15 - Notice Of Publication
2000-10-23 - Approved For Pub - Principal Register
2000-03-29 - Letter Of Suspension Mailed
2000-03-28 - Assigned To Examiner
1999-03-19 - Non-Final Action Mailed
1999-03-04 - Assigned To Examiner
1999-03-02 - Assigned To Examiner

CONTACT INFORMATION

Correspondent

DAVID B KIRSCHSTEIN (Attorney of record)

DAVID B KIRSCHSTEIN
KIRSCHSTEIN OTTINGER ISRAEL ET AL
489 5TH AVE 17TH FL
NEW YORK NY 10017-6105

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This page was generated by the TARR system on 2004-09-30 16:41:02 ET

Serial Number: 75030041 Assignment Information

Registration Number: 2686829 Assignment Information

Mark (words only): LUCKY BRAND DUNGAREES

Standard Character claim: No

Current Status: Registered

Date of Status: 2003-02-11

Filing Date: 1995-12-08

Transformed into a National Application: No

Registration Date: 2003-02-11

Register: Principal

Law Office Assigned: LAW OFFICE 107

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2004-01-20

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

1. Lucky Brand Dungarees, Inc.

Address:

Lucky Brand Dungarees, Inc.
4529 District Boulevard
Vernon, CA 90058
United States

Legal Entity Type: Corporation

State or Country of Incorporation: California

GOODS AND/OR SERVICES

International Class: 035

retail store services, other than supermarkets, convenience stores, drug stores and combination

supermarket/drug stores, featuring a variety of goods including clothing, clothing accessories, headgear, footwear, general merchandise, gift items, jewelry, accessories, luggage, bags, wallets, cases, purses, handbags, sunglasses and cases therefor, sunglass cords and chains, toys, stationery, fragrances, personal care products, cosmetics, towels, blankets, bedding, housewares, artwork, food and beverages

First Use Date: 1995-06-01

First Use in Commerce Date: 1996-08-30

Basis: 1(a)

ADDITIONAL INFORMATION

Disclaimer: "BRAND DUNGAREES"

Prior Registration Number(s):
1646123

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2003-02-11 - Registered-Principal Register

2002-11-25 - Allowed Principal Register - SOU Accepted

2002-11-25 - Assigned To Examiner

2002-11-21 - Statement Of Use Processing Complete

2002-10-04 - Use Amendment Filed

2002-10-03 - TEAS Statement Of Use Received

2002-04-09 - Notice Of Allowance-Mailed

2002-02-21 - Opposition Terminated No. 999999

1999-10-21 - Opposition Instituted No. 999999

1998-02-03 - Extension Of Time To Oppose Received At TTAB

1998-01-06 - Published For Opposition

1997-12-05 - Notice Of Publication

1997-11-03 - Approved For Pub - Principal Register

1997-10-30 - Examiner's Amendment Mailed

. . .

1997-02-25 - Letter Of Suspension Mailed

1997-01-13 - Correspondence Received In Law Office

1996-07-09 - Non-Final Action Mailed

1996-06-19 - Assigned To Examiner

1996-06-14 - Assigned To Examiner

1996-06-13 - Assigned To Examiner

CONTACT INFORMATION

Correspondent

DAVID B. KIRSCHSTEIN (Attorney of record)

DAVID B. KIRSCHSTEIN
KIRSCHSTEIN OTTINGER ISRAEL ET AL
489 5TH AVE
NEW YORK NY 10017-6109

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Serial Number: 76282386

Registration Number: 2703123

Mark (words only): LUCKY BRAND BLUE JEANS

Standard Character claim: No

Current Status: Registered

Date of Status: 2003-04-01

Filing Date: 2001-07-11

Transformed into a National Application: No

Registration Date: 2003-04-01

Register: Principal

Law Office Assigned: LAW OFFICE 114

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2003-04-08

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

1. LUCKY BRAND DUNGAREES, INC.

Address:

LUCKY BRAND DUNGAREES, INC.
4599 District Blvd.
Vernon, CA 90058
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 035

RETAIL STORE SERVICES FEATURING CLOTHING, CLOTHING ACCESSORIES, TOYS,

* * *

CONTACT INFORMATION

Correspondent

David B. Kirschstein (Attorney of record)

DAVID B. KIRSCHSTEIN
KIRSCHSTEIN OTTINGER ISRAEL ET AL
489 5TH AVE
NEW YORK NY 10017-6105

Phone Number: (212) 697-3750

Fax Number: (212) 949-1690

PERFUME AND GIFTS

First Use Date: 1996-12-00

First Use in Commerce Date: 1996-12-00

Basis: 1(a)

ADDITIONAL INFORMATION

Disclaimer: "BLUE JEANS"

Prior Registration Number(s):

1646123

2158107

2174252

2330052

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2003-04-01 - Registered-Principal Register

2003-02-07 - Allowed Principal Register - SOU Accepted

2003-02-06 - Assigned To Examiner

2003-02-05 - Statement Of Use Processing Complete

2002-11-21 - Use Amendment Filed

2002-11-21 - Paper Received

2002-06-11 - Notice Of Allowance-Mailed

2002-03-19 - Published For Opposition

2002-02-27 - Notice Of Publication

2001-10-22 - Approved For Pub - Principal Register

2001-09-27 - Examiner's Amendment Mailed

2001-08-23 - Assigned To Examiner

2001-08-20 - Assigned To Examiner

KIRSCHSTEIN, OTTINGER, ISRAEL & SCHIFFMILLER, P.C.

ATTORNEYS AT LAW
PATENT, TRADEMARK AND COPYRIGHT CAUSES

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WRITER'S E-MAIL: DBK@KIRSCHSTEINLAW.COM

MORRIS KIRSCHSTEIN
(1918-1978)
BERTRAM OTTINGER
(1937-1986)

September 30, 2004

TTAB

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Attention: Clerk, TTAB

Re: Trademark: LUCKY GIRL
Ser. No.: 76-298,204
Published: June 29, 2004
Applicant: CBR Incorporated
Class: 25

Dear Sir or Madam:

Enclosed herewith please find the original and two copies of an Opposition to registration of the above application to be filed on behalf of our client, Lucky Brand Dungarees, Inc. Also enclosed is our check in the amount of \$300 to cover the filing fee with respect thereto. Please file the same.

If any additional fees are required, it is respectfully requested that they be charged to the undersigned's Deposit Account, No. 11-1145.

Very truly yours,


DAVID B. KIRSCHSTEIN

DBK:dge
enclosures



10-12-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #72