

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

IN THE MATTER OF :
Application No. : 78/320,150
Filed : October 29, 2003
By : Invest World A/S
Published : March 15, 2005
Trademark : POKER CHAMPS
Class No. : 025

NOTICE OF OPPOSITION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451



09-15-2005

U.S. Patent & TMO/TM Mail Rcpt Dt. #11

Dear Madam:

Attached hereto is a Notice of Opposition against the subject application, in International Class No. 025.

We attach our Check No. 006677, dated September 12, 2005, in the amount of \$300.00, covering the filing fee for the subject opposition. If any additional charges are incurred, please charge Deposit Account No. 12-0425.

Kindly acknowledge receipt of this Notice of Opposition by returning the attached postcard.

Respectfully submitted,

LADAS & PARRY LLP
Attorneys for Opposer

By: _____

Robert Alpert
Joseph J. Villapol
26 West 61st Street
New York, NY 10023
(212) 708-1800
(Our Ref: 050145)

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Dated: September 12, 2005

1. Opposer is the owner of the marks CHAMPS, CHAMPS SPORTS, and CHAMPSSPORTS.COM, including, respectively, U.S. Registration Nos. 1,407,127; 1,539,809; and 2,542,354, and of the good will associated with such marks (individually and collectively, the "CHAMPS Mark").

2. Opposer adopted and has continuously used the CHAMPS Mark in connection with retail footwear, clothing and sporting goods store services, including via an Internet website, since long prior to the filing of applicant's POKER CHAMPS application.

3. Opposer has extensively advertised, promoted and marketed its retail footwear, clothing and sporting goods store services, such that consumers have come to know and recognize the CHAMPS Mark as identifying products which originate with or are authorized by Opposer.

4. Applicant's use of the mark POKER CHAMPS for "clothing, namely, shirts, t-shirts, polo shirts, vests, jackets, pullovers, cardigans, shorts, socks, belts; hats; [and] caps" constitutes use of a mark confusingly similar to Opposer's CHAMPS Mark. Applicant's mark is similar, both visually and phonetically, to Opposer's CHAMPS Mark. The commercial impression of Applicant's POKER CHAMPS Mark is confusingly similar to that of Opposer's CHAMPS Mark and, Applicant's POKER CHAMPS Mark is likely to be perceived by purchasers as a variation, or another, of Opposer's CHAMPS Marks. Moreover, the goods covered by Applicant's POKER

CHAMPS application are closely related to the retail footwear, clothing and sporting goods store services marketed by Opposer under its CHAMPS Mark.

5. Applicant's POKER CHAMPS Mark is likely to be confused with Opposer's CHAMPS Mark, such that the average retail or trade consumer is likely to be confused and deceived into believing that Applicant's products also originate or are in some way associated with, or are connected, sponsored or authorized by, Opposer.

6. Opposer's CHAMPS Mark is famous for retail footwear, clothing and sporting goods store services, and such mark became famous prior to the October 29, 2003 filing date of Applicant's POKER CHAMPS application.

7. Applicant's POKER CHAMPS Mark causes dilution of the distinctive quality of opposer's CHAMPS Mark.

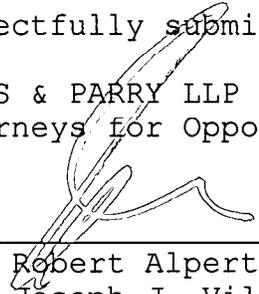
WHEREFORE, Opposer requests that the opposition be sustained and Application No. 78/320,150 be refused registration.

Respectfully submitted,

LADAS & PARRY LLP
Attorneys for Opposer

Dated: September 12, 2005

By: _____


Robert Alpert
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CERTIFICATE OF MAILING

I, Adam Ludman, hereby certify that the foregoing **NOTICE OF OPPOSITION** has been deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed as follows:

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dated: September 12, 2005



Adam Ludman

CERTIFICATE OF SERVICE

I, Adam Ludman, hereby certify that the foregoing **NOTICE OF OPPOSITION** was served today on the person(s) listed below by first class mail, postage prepaid:

Keith E. Danish, Esq.
KIRKPATRICK & LOCKHART
NICHOLSON GRAHAM, LLP
599 Lexington Avenue
New York, NY 10022-6030

Dated: September 12, 2005



Adam Ludman