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LADAS & PARRY LLP NY

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**LADAS & PARRY LLP**  
INTELLECTUAL PROPERTY LAW



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October 18, 2005

**VIA FACSIMILE**

Mr. Harold Ross  
Paralegal  
United States Patent and Trademark Office  
P.O. Box 1451  
Alexandria, VA 22313-1451

Fax No. (571) 273-4301  
No. of Pages: 6

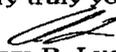
Re: Foot Locker Retail, Inc. v. Invest World A/S - Opposition No. 91,166,816  
(Our Ref: 050145)

Dear Mr. Ross:

Further to our telephone conversation, enclosed is a complete copy of the Notice of Opposition filed by Foot Locker Retail, Inc. on September 12, 2005 against POKER CHAMPS Application No. 78/320,150. As mentioned, in the Board transmittal dated October 8, 2005, the first page of the Notice of Opposition was not included.

Please do not hesitate to contact me if you require any additional information. I can be reached at (212) 708-1898.

Very truly yours,

  
Adam B. Ludman  
Paralegal

ABL: pr  
Enclosure

224 South Michigan Avenue, Chicago, IL 60604 • 5670 Wilshire Boulevard, Los Angeles, CA 90036  
52-54 High Holborn, London WC1V 6RR, England • Dachauerstrasse 37, 80335 Munich, Germany

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

Dear Madam:

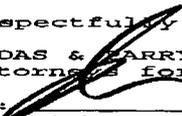
Attached hereto is a Notice of Opposition against the subject application, in International Class No. 025.

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

Dated: September 12, 2005

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

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

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FOOT LOCKER RETAIL, INC.,           :
                                     :
                               Opposer, :
                                     :
                               v.       :
INVEST WORLD A/S,                   :
                                     :
                               Applicant. :
-----X

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Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**

In the matter of Application Serial No. 78/320,150, filed on October 29, 2003 by Invest World A/S, a Danish company with an office at Frederiksberg Alle 15-17 Frederiksberg C, Dk-1820, Denmark, in three classes, including International Class 25 seeking registration on the Principal Register of the trademark POKER CHAMPS in connection with "clothing, namely, shirts, t-shirts, polo shirts, vests, jackets, pullovers, cardigans, shorts, socks, belts; hats; [and] caps," which application was published for opposition on March 15, 2005, with an extension of time granted until September 11, 2005;

Opposer, Foot Locker Retail, Inc., a New York corporation with an office at 112 West 34<sup>th</sup> Street, New York, New York, believes that it is or will be damaged by registration of Application No. 78/320,150 and hereby opposes registration of said application on the following grounds:

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  
Joseph J. Villapol  
26 West 61st Street  
New York, NY 10023  
(212) 708-1860

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

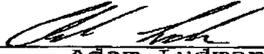
  
Adam Ludman

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