

ESTTA Tracking number: **ESTTA91244**

Filing date: **07/24/2006**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Richemont International S.A.
Granted to Date of previous extension	07/23/2006
Address	Route des Biches Villars-sur-Glane, 10-CH 1752 SWITZERLAND
Attorney information	Jeffrey Dalton Martin Richemont North America 645 Fifth Avenue New York, NY 10022 UNITED STATES jeffrey.martin@richemont.com Phone:1-212-917-3939

Applicant Information

Application No	78485388	Publication date	01/24/2006
Opposition Filing Date	07/24/2006	Opposition Period Ends	07/23/2006
Applicant	Kip Information Network 500 Elk Street Buffalo, NY 14210 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Operator interface system, namely, kiosks, interactive client transaction terminal systems comprised of a computer, including hard drive and/or thin-client chipset, processor, memory, video and sound card, and software, and display systems comprised of a monitor with touch-screen capabilities, all for use in conducting retail transactions, namely, for conducting product searches, obtaining product information and specifications, selecting and purchasing retail goods

Attachments	Notice of Opposition Kip Information.pdf (8 pages)(803361 bytes)
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Signature	/Jeffrey Dalton Martin/
Name	Jeffrey Dalton Martin
Date	07/24/2006

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RICHEMONT INTERNATIONAL, S.A.)
)
 Opposer,)
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 -v-)
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 KIP INFORMATION NETWORK)
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 Applicant,)
)
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)

Opposition No. _____

NOTICE OF OPPOSITION

Commissioner for Trademarks

Commissioner:

In the matter of Serial No. 78/485388 filed on September 17, 2004 by Kip Info Network (“Applicant”) to register the mark PIAGET INTERFACE for “operator interface system, namely, kiosks interactive client transaction terminal systems comprised of a computer including hard drive and/or thin-client chipset, processor, memory, video and sound card, and software, and display systems comprised of a monitor with touch-screen capabilities, all for use in conducting retail transactions, namely, for conducting product searches, obtaining product information and specifications, selecting and purchasing retail goods” in International Class 9, (“Applicant’s Goods”), which were published in the Official Gazette on January 24, 2006. Richemont International S.A. (“Opposer”) of Villars-sur-Glane Switzerland believes it will be damaged by the registration of the PIAGET INTERFACE mark and opposes same.

The grounds for this opposition are as follows:

1. Upon information and belief, Applicant is a corporation organized under the laws of New York and having the address 500 Elk Street, Buffalo, New York. Applicant filed Serial No. 78/485,388 for the mark PIAGET INTERFACE for Applicant's goods on the basis of intent-to-use.
2. Applicant's filing of Application Serial No. 78/485,388 for PIAGET INTERFACE is without license, authorization or permission from Opposer.
3. Commencing long prior to the filing date of the subject application, Opposer has been continuously engaged and is now engaged in the manufacture and sale of a wide variety of goods.
4. Opposer is the owner of, and relies upon, the following Federal trademark registrations, as well as the common law rights it has obtained through long prior and continuous use of the mark PIAGET marks in commerce:

Reg. No. 679,984, PIAGET, for complete watches, watch movements, dials, watch cases, large clocks, pendulums, and church tower clocks.

Reg. No. 742,354, PAIGET (stylized), for watches, watch parts and watch movements.

Reg. No. 968,969, PIAGET, for jewelry of precious metals, namely, bracelets, watch bracelets, pendants, clips, brooches, rings, cufflinks, tie clips, necklaces, money clips, and earrings.

Reg. No. 1,144,100, PIAGET EMPERADOR, for watches.

Reg. No. 1,794,644, PIAGET, for key chains made of non-precious metal in International Class 6; and leather and paper notebooks in International Class 16.

Reg. No. 1,795,057, PIAGET, for clothing, namely, shirts, neck ties, scarves, and ladies blouses.

Reg. No. 2,857,121, PIAGET (stylized), for eyeglasses, sunglasses, eyeglass frames and cases, and magnifying glasses.

Reg. No. 2,464,407, PIAGET ALTIPLANO, for watches, clocks and chronometers in International Class 14.

Reg. No. 2,447,681, PIAGET (stylized), for perfumes, face cream in International Class 3; metal key holders, key rings and money clips, object d'art in common metals and bronze, namely, medals, sculptures and figurines in International Class 6; kitchen knives, forks and spoons, penknives in International Class 8; diaries; writing instruments in International Class 16; wallets, purses, credit card holders, pouches, all those being made of leather or imitation leather, attaché cases, handbags, traveling bags and cases in International Class 18; looking glasses, namely, mirrors; picture frames in International Class 20; beverage glassware; porcelain and earthenware for the table and home, namely, plates, dishes, cups; and objects d'art made from glass, porcelain and earthenware, namely, vases, sculptures, figurines in International Class 21; shirts; tee-shirts; sweaters; belts; scarves; shawls; neckties; boots; shoes in International Class 25; toy and sports articles, namely, stuffed toy animals, golf clubs, golf bags in International Class 28; wines, champagnes and distilled spirits in International Class 33; and tobacco; cigarettes, cigarillos and cigars;

Reg. No. 2,442,605, MAGIC GARDENS OF PIAGET, for cuff-links made of precious metals or coated therewith; jewelry, precious gemstones; chronometers, watches and clocks.

Reg. No. 2,590,461, THE MAGIC WORLD OF PIAGET, for cuff-links made of precious metals or coated therewith; jewelry, precious gemstones; chronometers, watches and clocks.

The goods identified in the foregoing registrations are hereinafter referred to collectively as "Opposer's Goods."

Opposer's registrations are not limited by channels of trade or classes of purchasers.

All of the foregoing registrations are valid, subsisting and incontestable pursuant to 15 U.S.C. Section 1065 (except for Reg. No. 2,857,121, which is valid and subsisting)

and are conclusive evidence of the validity of the registered trademarks, the registrations of the marks, Opposer's ownership of the marks, and Opposer's exclusive rights to use its mark in connection with those goods specified in the above registrations. The above marks as used and registered are hereinafter collectively referred to as "Opposer's PIAGET Marks."

5. Commencing long prior to Applicant's filing date of the subject application, Opposer has used, and is now using Opposer's PIAGET Marks in connection with a wide variety of goods.
6. Since its initial use of Opposer's PIAGET Marks, Opposer has made a substantial investment in the advertising and promotion of Opposer's Goods under Opposer's PIAGET Marks. Opposer has extensively used, advertised, promoted, and offered Opposer's Goods bearing Opposer's PIAGET Marks to the public through various channels of trade in commerce, with the result that Opposer's customers and the public in general have come to know and recognize Opposer's PIAGET Marks and associate same with Opposer and/or Opposer's Goods. Opposer has built extensive fame and goodwill in connection with the sale of a wide variety of products under Opposer's PIAGET Marks.

**FIRST GROUND FOR OPPOSITION
(LIKELIHOOD OF CONFUSION – COMMON LAW)**

7. Opposer re-alleges the allegations contained in paragraphs 1 through 6 of this Notice of Opposition.
8. Applicant's PIAGET INTERFACE mark is a simulation and colorable imitation of, and so resembles Opposer's PIAGET Marks as to be likely, when applied to the goods

of the Applicant, to cause confusion or mistake or to deceive customers resulting in damage and detriment to Opposer and its reputation.

9. Applicant has filed PIAGET INTERFACE as an intent-to-use application. Thus, it appears, as such, that priority is not an issue in this proceeding.
10. Opposer's and Applicant's Goods are related in such a way that registration of the Applicant's Mark is likely to lead to confusion in the marketplace with Opposer's Marks.
11. Opposer's customers, and the public in general, are likely to be confused, mistaken or deceived as to the origin, affiliation and sponsorship of Applicant's Goods sold and marketed under Applicant's PIAGET INTERFACE mark and misled into believing that such goods are sold by, emanate from, or are in some way associated with Opposer, to the damage and detriment of Opposer and its reputation.
12. Opposer will be damaged by the registration by Applicant of the PIAGET INTERFACE mark as set forth in Application Serial No. 78/485,388, in that the mark is substantially similar to Opposer's PIAGET marks and Opposer's common law rights to the PIAGET Marks, and that the PIAGET INTERFACE mark is being used in connection with goods in such a way as to create a likelihood of confusion with Opposer's Goods.
13. Applicant's registration of the PIAGET INTERFACE mark would be contrary to 15 U.S.C. Section 1052 (d) and would violate and diminish the prior and superior rights of Opposer in Opposer's PIAGET Marks.

**SECOND GROUND FOR OPPOSITION
(LIKELIHOOD OF CONFUSION – FEDERAL)**

14. Opposer realleges the allegations contained in paragraphs 1 through 13 of this Notice of Opposition

15. Applicant's PIAGET INTERFACE mark is a simulation and colorable imitation of, and so resembles Opposer's PIAGET Marks as registered as to be likely, when applied to the goods of Applicant, to cause confusion or mistake or to deceive customers resulting in damage and detriment to Opposer and its reputation.

16. Applicant's has not given a date of first use anywhere for the mark as used in connection with Applicant's Goods. As such, priority does not appear to be an issue in this proceeding.

17. Opposer's and Applicant's Goods are related in such a way that purchasers that they would be encountered by the same class of purchasers.

18. Opposer's customers, and the public in general, are likely to be confused, mistaken or deceived as to the origin, affiliation and sponsorship of Applicant's Goods sold and marketed under Applicant's PIAGET INTERFACE mark and misled into believing that such goods are sold by, emanate from, or are in some way associated with Opposer, to the damage and detriment of Opposer and its reputation.

19. Opposer will be damaged by the registration by Applicant of the PIAGET INTERFACE mark as set forth in Application Serial No. 78/485,388, in that the mark is substantially similar to Opposer's PIAGET Marks and Opposer's Federal rights to the PIAGET Marks, and that the PIAGET INTERFACE mark is being used with goods that are related to the sale and purchase of Opposer's Goods.
20. Applicant's registration of the PIAGET INTERFACE mark would be contrary to 15 U.S.C. Section 1052 (d) and would violate and diminish the prior and superior rights of Opposer in Opposer's PIAGET Marks.

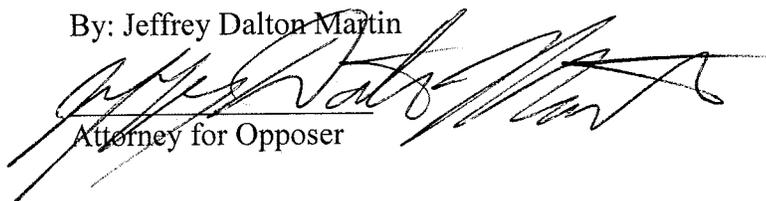
**THIRD GROUND FOR OPPOSITION
(DILUTION)**

21. Opposer re-alleges the allegations contained in paragraphs 1 through 20 of this Notice of Opposition.
22. Opposer's PIAGET Marks, as aforesaid, are distinctive and famous, and are inherently distinctive, or in the alternative had acquired distinctiveness, and had acquired fame, prior to the filing date of Applicant's Serial No. 78/485,388.
23. Opposer, upon information and belief, avers it will be damaged by Applicant's registration of the PIAGET INTERFACE mark as set forth in Application Serial No. 78/485,388, in that the mark causes dilution of the distinctive quality of Opposer's PIAGET Marks as unique indicators of source in connection with the wide variety of goods offered to the public by the Opposer.

24. Opposer would be damaged if Application Serial No. 78/485,388 is granted because Applicant will obtain statutory rights in the PIAGET INTERFACE mark in violation and derogation of the established prior rights of Opposer in Opposer's PIAGET Marks.

Wherefore, Opposer prays that its Opposition be sustained, that Application Serial No. 78/485,388 be rejected and that the registration of PIAGET INTERFACE as a trademark to Applicant be refused, and for such other relief as may be deemed just, and proper.

By: Jeffrey Dalton Martin



Attorney for Opposer

Date: July 24, 2006