

ESTTA Tracking number: **ESTTA109716**

Filing date: **11/15/2006**

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	Nine West Development Corporation
Granted to Date of previous extension	11/22/2006
Address	1007 Orange Street, Ste. 225 Wilmington, DE 19801 UNITED STATES

Correspondence information	Laurie Gentile Associate General Counsel 1129 Westchester Avenue White Plains, NY 10604 UNITED STATES Laurie_Gentile@jny.com Phone:914 640-6423
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Applicant Information

Application No	78752473	Publication date	07/25/2006
Opposition Filing Date	11/15/2006	Opposition Period Ends	11/22/2006
Applicant	ENZOANI 9311 Shadwell Drive Huntington Beach, CA 92646 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Formalwear clothing, namely, bridal gowns, bridesmaid dresses, flower girl dresses, mother of the bride dresses, prom dresses, cocktail dresses, evening gowns, tuxedos, and shoes

Attachments	enzoani noo.pdf (4 pages)(147285 bytes)
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Signature	/laurie gentile/
Name	Laurie Gentile
Date	11/15/2006

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

In the matter of Application Serial No. 78/752,473
Published in the Official Gazette of July 25, 2006

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NINE WEST DEVELOPMENT CORPORATION,	:	
	:	
Opposer,	:	
	:	
-Against-	:	<u>NOTICE OF</u>
	:	<u>OPPOSITION</u>
	:	
ENZOANI,	:	
	:	
Applicant.	:	

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Nine West Development Corporation (“Opposer”), a corporation organized and existing under the laws of the state of Delaware, with its principal place of business at 1007 Orange Street, Suite 225 Wilmington, Delaware, 19801, hereby opposes the application of ENZOANI (“Applicant”), for registration of the trademark ENZOANI, Serial No. 78/752,473 in International Class 25, published in the Official Gazette on July 25, 2006.

Opposer believes that it will be damaged by registration of the mark shown in Serial No. 78/752,473 and opposes such registration of the following grounds:

1. Opposer is a wholly owned subsidiary of Jones Apparel Group, Inc. (“Jones”). Jones, founded in 1970, has for many years been engaged in the national and international manufacture, production and distribution of a wide variety of high quality women’s clothing, accessories and footwear. For more than thirty years, Jones has manufactured, promoted and distributed merchandise under and in connection with a variety of well-known names and marks, including, among others, marks owned by Opposer.
2. Opposer, through its affiliates and licensees, is a leading designer, developer, manufacturer and marketer of quality, fashionable women’s footwear and accessories. Its internationally recognized brands include, among others, the trademarks ENZO ANGIOLINI, BANDOLINO, NINE WEST and EASY SPIRIT. Opposer is the owner of the following United States trademark registrations and applications for the mark ENZO ANGIOLINI and related marks (“the ENZO ANGIOLINI Marks”):

Mark	Reg. No.	Reg. Date	Goods	Int. Class
ENZO ANGIOLINI	1,356,882	Aug. 17, 1985	Shoes	25
ENZO ANGIOLINI	2,431,116	Feb. 27, 2001	Socks	25
ENZO ANGIOLINI	2,794,901	Dec. 16, 2003	Outerwear, namely coats, jackets and raincoats	25
ENZO	2,451,270	May 15. 2001	Handbags, purses and small leather goods, namely, clutch purses, key cases, credit card cases, cosmetic cases sold empty, change purses, wallets, business card cases, passport cases, agenda cases and lipstick holders	18
ENZO ANGIOLINI	2,309,300	Jan. 18, 2000	Retail store services in the fields of footwear, jewelry, hair accessories, apparel, leather goods, scarves and shoe care	35
ENZO ANGIOLINI	2,798,225	Dec. 23, 2003	Jewelry and watches	14
ENZO ANGIOLINI	1,852,811	Sept. 6, 1994	Purses and handbags; retail store	18, 42

			services for purses, handbags and footwear	
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3. The ENZO ANGIOLINI Marks are valid and subsisting, and are prima facie evidence of the validity thereof and of Opposer's exclusive right to use each mark in commerce in connection with the goods and services described above, without condition or limitation, and are constructive notice of Opposer's claim of ownership of each mark, all as provided in Sections 7(b), 22 and 33(a) of the Trademark Act of 1946.
4. Since as early as 1984, Opposer or its predecessors in interest, directly or through its licensees, have vigorously marketed, advertised, sold and distributed goods under the ENZO ANGIOLINI Marks. As a result, the ENZO ANGIOLINI Marks are well-known in the footwear and apparel field and among the purchasing public. In fact, a search on the YAHOO search engine for "ENZO ANGIOLINI shoes, clothing, accessories" turned up 38,000 hits. A copy of the first page of the YAHOO search results is attached hereto as Exhibit 1.
5. As a result of such advertising, promotional activities and sales, the ENZO ANGIOLINI Marks have become exceptionally well-known and recognized by purchasers and prospective purchasers as originating only with Opposer.
6. Applicant filed its intent to use Application Serial No. 78/752,473 for ENZOANI ("Applicant's Mark") on November 11, 2005 for formal wear clothing, namely, bridal gowns, bridesmaid dresses, flower girl dresses, mother of the bride dresses, prom dresses, cocktail dresses, evening gowns, tuxedos and shoes in Class 25.
7. Opposer and/or its predecessors have used its ENZO ANGIOLINI Marks long prior to the constructive date of first use of Applicant's Mark.
8. The goods in Class 25 intended to be used by Applicant in connection with Applicant's mark are the same or related to the goods on which Opposer's ENZO ANGIOLINI Marks are used.
9. Applicant's Mark so resembles Opposer's ENZO ANGIOLINI Marks as to be likely, when used on or in connection with the goods in Application Serial No. 78/752,473, to cause confusion, or to cause mistake or to deceive, to falsely suggest a connection or association with Opposer, and to damage, dilute and interfere with Opposer's valuable good will in its ENZO ANGIOLINI Marks. As such, Applicant's Mark is not entitled to registration pursuant to 15 U.S.C. § 1052(d).
10. This opposition is timely filed. Opposer received an extension to file an opposition through and including November 22, 2006.
11. This Notice of Opposition is being filed electronically, along with a filing fee of \$600.00.

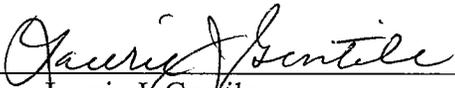
WHEREFORE, Opposer believes that it would be seriously damaged by the registration of Applicant's ENZOANI mark, and therefore, by its undersigned

attorneys, respectfully request that its opposition be sustained and that the application for registration be denied.

Dated: New York, New York

November 15, 2006

NINE WEST DEVELOPMENT CORPORATION

By: 

Laurie J. Gentile
Associate General Counsel

Please address all correspondence to:

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