

ESTTA Tracking number: **ESTTA117102**

Filing date: **12/28/2006**

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	Newport News Holdings Corp.
Granted to Date of previous extension	12/30/2006
Address	711 Third Avenue New York, NY 10017 UNITED STATES
Attorney information	Edward Weisz Cohen Pontani Lieberman & Pavane LLP 551 Fifth Avenue New York, NY 10176 UNITED STATES eweisz@cplplaw.com, docket@cplplaw.com, dbadanes@cplplaw.com Phone:212-687-2770

Applicant Information

Application No	78815011	Publication date	10/31/2006
Opposition Filing Date	12/28/2006	Opposition Period Ends	12/30/2006
Applicant	Bagir Co. (1961) Ltd. 44 Israel Pollack Road Kiryat Gat, 82101 ISRAEL		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Clothing, namely, suits for man and woman; jackets, shirts, pants, skirts, coats, underwear, headgear
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Attachments	Notice of Opposition to Application Serial No. 78 815011.pdf (11 pages) (308108 bytes)
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Signature	/David Badanes/
Name	David Badanes
Date	12/28/2006

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

In the Matter of Application Serial No. 78/815011
For the Mark: SHAPERFECT (stylized)

Published in the Official Gazette on October 31, 2006

Newport News Holdings Corp.,)	
)	
Opposer,)	
)	
v.)	OPPOSITION NO.
)	
Bagir Co. Ltd.,)	
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

Newport News Holdings Corp. ("Opposer"), a corporation organized and existing under the laws of the State of Delaware, and having its principal place of business at 711 Third Avenue, New York, New York, believes it would be damaged by the registration of the mark shown in Application Serial No. 78/815011 in International Class 025, and hereby opposes the same.

As grounds of opposition, it is alleged that:

1. Applicant Bagir Co. Ltd. ("Applicant") seeks to register a stylized "SHAPERFECT" as a trademark for clothing in International Class 025, as demonstrated by the publication of the mark in the Official Gazette on October 31, 2006. See copy of United States Patent and Trademark Office record from www.uspto.gov, attached as Exhibit A.

2. The thirty (30) day opposition period was extended to December 30, 2006 as a result of Opposer's filing of a First 30 Day Request for Extension of Time to Oppose, which Opposer filed on November 14, 2006.

3. Applicant's application serial No. 78/815011 is based on its alleged use of the mark in commerce as a trademark for clothing, namely suits for men and women; jackets, shirts, pants, skirts, coats, underwear, and headgear.

4. Opposer is the owner of U.S. Trademark Registration No. 2,598,557 for the mark SHAPE FX used in connection with clothing, namely, pants, shorts, dresses, shirts, blouses, coats, swimsuits and cover-ups issued on July 23, 2002 and is the owner of U.S. Trademark Registration No. 2,398,811 (collectively, the "SHAPE FX Marks") for a section of a catalog featuring clothing issued on October 24, 2000. A copy of Opposer's U.S. Trademark Registration Nos. 2,598,557 and 2,398,811 are attached hereto as Exhibit B.

5. Applicant's application for the mark SHAPERFECT is without Opposer's permission or consent.

6. The dominant word in Applicant's proposed mark and Opposer's registered SHAPE FX Mark is SHAPE. The pronunciation of Applicant's proposed mark and the pronunciation of Opposer's registered SHAPE FX Mark is remarkably similar. The commercial impressions created by Applicant's proposed mark and Opposer's registered SHAPE FX Marks are substantially similar and will likely cause confusion in the trade and public. Moreover, the goods marketed under Applicant's proposed mark and Opposer's registered SHAPE FX Marks -- clothing -- are identical and, upon information and belief, are marketed in the same channels of trade.

7. Applicant's proposed mark, comprising a stylized "SHAPERFECT", so resembles Opposer's federally registered SHAPE FX Marks as to be likely to cause confusion, mistake, or deception.

8. Opposer has expended significant resources in advertising, promoting and selling clothing under its SHAPE FX Marks. As a result, the SHAPE FX Marks are widely recognized, and highly respected, and the trade and general public have come to know, recognize and identify clothing using the SHAPE FX Marks as emanating from a single source.

9. If Applicant is permitted to register its proposed mark for clothing, it will likely result in confusion in the trade and among the consuming public, resulting in damage and injury to Opposer.

WHEREFORE, Opposer requests that Application Serial No. 78/815011 be rejected, and that registration of the mark therein for the goods therein specified in International Class 025 be denied and refused.

Dated: December 28, 2006

Respectfully submitted,

COHEN PONTANI LIEBERMAN & PAVANE LLP
Attorneys for Opposer

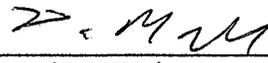
By: 
Edward M. Weisz
David P. Badanes
551 Fifth Avenue
New York, New York 10176
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EXHIBIT A



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Word Mark	SHAPERFECT
Goods and Services	IC 025. US 022 039. G & S: Clothing, namely, suits for man and woman; jackets, shirts, pants, skirts, coats, underwear, headgear
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	02.03.02 - Silhouettes (women); Women, shadows or silhouettes of women 02.11.09 - Bodies, human (without hands or feet); Dummies, (without hands or feet); Human bodies or dummies without heads or feet; Mannequins (without hands or feet); Torso, human 27.03.02 - Humans forming letters or numerals; Humans forming punctuation
Serial Number	78815011
Filing Date	February 15, 2006
Current Filing Basis	1B
Original Filing Basis	1B
Published for Opposition	October 31, 2006
Owner	(APPLICANT) Bagir Co. (1961) Ltd. CORPORATION ISRAEL 44 Israel Pollack Road Kiryat Gat ISRAEL 82101
Attorney of Record	A. Tally Eitan
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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EXHIBIT B



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Typed Drawing

Word Mark	SHAPE FX
Goods and Services	IC 025. US 022 039. G & S: CLOTHING, NAMELY, PANTS, SHORTS, DRESSES, SHIRTS, BLOUSES, COATS, SWIMSUITS AND COVER-UPS. FIRST USE: 20000721. FIRST USE IN COMMERCE: 20000721
Mark Drawing Code	(1) TYPED DRAWING
Design Search Code	
Serial Number	75810448
Filing Date	October 21, 1999
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	October 24, 2000
Registration Number	2598557
Registration Date	July 23, 2002
Owner	(REGISTRANT) Newport News, Inc. CORPORATION DELAWARE 711 Third Avenue New York NEW YORK 10017 (LAST LISTED OWNER) NEWPORT NEWS HOLDINGS CORPORATION CORPORATION DELAWARE 711 THIRD AVENUE NEW YORK NEW YORK 10017
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	DANIEL R HARPER
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead	LIVE

Indicator

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Typed Drawing

Word Mark SHAPE FX
Goods and Services IC 016. US 002 005 022 023 029 037 038 050. G & S: section of a catalog featuring clothing. FIRST USE: 19981023. FIRST USE IN COMMERCE: 19981023
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 75725951
Filing Date June 10, 1999
Current Filing Basis 1A
Original Filing Basis 1A
Supplemental Register Date April 10, 2000
Registration Number 2398811
Registration Date October 24, 2000
Owner (REGISTRANT) Newport News, Inc. CORPORATION DELAWARE 711 3rd Avenue New York NEW YORK 10017

(LAST LISTED OWNER) NEWPORT NEWS HOLDINGS CORPORATION CORPORATION DELAWARE 711 THIRD AVENUE NEW YORK NEW YORK 10017
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Angelo J. Bufalino
Type of Mark TRADEMARK
Register SUPPLEMENTAL
Live/Dead Indicator LIVE

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