

ESTTA Tracking number: **ESTTA124545**

Filing date: **02/12/2007**

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	Guess?, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	1444 South Alameda Street Los Angeles, CA 90021 UNITED STATES		
Attorney information	Gary J. Nelson Christie, Parker & Hale, LLP PO Box 7068 Pasadena, CA 91109-7068 UNITED STATES pto@cph.com Phone:626-795-9900		

Applicant Information

Application No	78891392	Publication date	01/23/2007
Opposition Filing Date	02/12/2007	Opposition Period Ends	02/22/2007
International Registration No.	NONE	International Registration Date	NONE
Applicant	New World A-Ju Zipper Co., Ltd 57-4, Chungshin-Dong, Chongro-ku Seoul, KOREA, REPUBLIC OF		

Goods/Services Affected by Opposition

Class 026. All goods and services in the class are opposed, namely: (Based on Section 1(b) only) Shoe ornaments not of precious metal, shoe eyelets, eyes for clothing, eyelets for clothing, hooks for clothing (Based on Sections 1(b) and 44(e)) Leather and textile shoe fasteners, shoe hooks, shoe laces, shoe buckles, buttons, hook and pile fastening tapes, slide fasteners, zippers, press buttons
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Attachments	G440.pdf (3 pages)(90096 bytes)
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Signature	/Gary J. Nelson/
Name	Gary J. Nelson
Date	02/12/2007

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

In the matter of Application Serial No. 78/891,392 filed May 24, 2006 for the mark YES in Class 026, as published in the Trademark Official Gazette on page TM 688 of the January 23, 2007 issue.

GUESS?, INC.	
	Opposer,
v.	
NEW WORLD A-JU ZIPPER CO., LTD.	
	Applicant.

Opposition No.

NOTICE OF OPPOSITION

Mark: YES
Serial No. 78/891,392
Filed: May 24, 2006

Guess?, Inc. ("Guess?" or "Opposer"), a Delaware corporation having a place of business at 1444 South Alameda Street, Los Angeles, California 90021, believes it will be damaged by the registration of the mark shown in Application Serial No. 78/891,392 in International Class 026 and hereby opposes its registration.

As grounds for opposition, Opposer alleges:

1. Applicant New World A-Ju Zipper Co., Ltd. ("New World Zipper" or "Applicant"), a corporation organized under the laws of the Republic of Korea (aka South Korea), having a place of business at 57-4 Chungshin-Dong, Chongro-Ku, Seoul, Republic of Korea, owns United States Trademark Application Serial No. 78/891,392 filed on May 24, 2006, and seeks to register YES as a trademark for SHOE ORNAMENTS NOT OF PRECIOUS METAL, SHOE EYELETS, EYES FOR CLOTHING, EYELETS FOR CLOTHING, HOOKS FOR CLOTHING, LEATHER AND TEXTILE SHOE FASTENERS, SHOE HOOKS, SHOE LACES, SHOE BUCKLES, BUTTONS, HOOK AND PILE FASTENING TAPES, SLIDE FASTENERS, ZIPPERS, PRESS BUTTONS in International Class 026, as evidenced by the

publication of the mark on page TM 688 of the January 23, 2007 issue of the Official Gazette ("the '392 Application").

2. Opposer is the owner of United States Trademark Registration No. 1,734,931 for its YES trademark for MEN'S, WOMEN'S AND CHILDREN'S SPORTSWEAR, NAMELY, TOPS, SHIRTS, T-SHIRTS, PANTS, TROUSERS, JACKETS, SWEATSHIRTS, SHORTS, LEGGINGS, JEANS, BLAZERS, VESTS, BOLEROS, ROMPERS, JUMPSUITS, JUMPERS, DRESSES, SKIRT SUITS, PANT SUITS, SWEATERS, TENNIS SHOES, BELTS AND HEADBANDS in International Class 025, filed on May 21, 1991, with a date of first use at least as early as February 1, 1985 ("the '931 YES Registration").

3. The designation Applicant seeks to register, YES, is identical to Opposer's YES trademark in visual appearance, pronunciation, commercial impression and connotation.

4. All of the goods identified in the '392 Application are related to the goods identified in Opposer's '931 YES Registration.

5. The marketing scheme and channels of trade associated with the goods identified in the '392 Application are related to the marketing scheme and channels of trade within which Opposer sells and markets the goods listed in the Opposer's '931 YES Registration.

6. Opposer's rights in its YES trademark precede any rights Applicant may have in its YES designation. The '931 YES Registration issued on November 24, 1992, a date preceding the date on which Applicant filed the '392 Application (i.e., May 24, 2006).

7. Any use and/or the registration of Applicant's YES designation by Applicant for the goods identified in the '392 Application would create a likelihood of confusion with Opposer's YES trademark. Registration of Applicant's YES designation would be inconsistent with the rights of the Opposer.

Docket No. 110.2*77/G440

WHEREFORE, Opposer prays that this Opposition be sustained, Application Serial No. 78/891,392 be rejected, and that the YES designation be refused registration.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

Date

2/12/2007

By

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