

ESTTA Tracking number: **ESTTA183270**

Filing date: **12/26/2007**

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	Blufin, S.p.A.
Granted to Date of previous extension	12/23/2007
Address	13-15-15/A Via Galileo Ferraris Carpi - Modena, ITALY

Attorney information	Kathleen A. Costigan HEDMAN & COSTIGAN, P.C. 1185 Avenue of the Americas New York, NY 10036 UNITED STATES ipdocket@hgcpatent.com, KCostigan@hgcpatent.com Phone:212-302-8989
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**Applicant Information**

Application No	77059406	Publication date	06/26/2007
Opposition Filing Date	12/26/2007	Opposition Period Ends	12/23/2007
Applicant	Molnari, Inc. Suite 200 6101 W. Plano Parkway Plano, TX 75093 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 009. All goods and services in the class are opposed, namely: Eyewear accessories, namely, straps, neck cords and head straps which restrain eyewear from movement on a wearer; Helmets for motorcyclists; Motorcycle goggles; Motorcycle helmets; Mouse pads; Protective eyewear and component parts thereof; Protective face-shields for protective helmets; Protective helmets; Safety eyewear
Class 025. All goods and services in the class are opposed, namely: Bandanas; Beanies; Gloves; Gloves including those made of skin, hide or fur; Jogging suits; Motorcycle gloves; Polo shirts; Riding gloves; Rugby tops; Shirts; Short-sleeved or long-sleeved t-shirts; Ski gloves; Snowboard gloves; Sweat shirts; T-shirts

**Grounds for Opposition**

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Other	On information and belief, Opposer will be injured and damaged by the registration of the mark shown in the application, because such mark, when applied to the goods of the Applicant is likely to cause confusion, or to cause mistake, or to deceive (Trademark Act Section 2(d), 15 USC 1052(d).
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### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1621908	Application Date	10/19/1989
Registration Date	11/13/1990	Foreign Priority Date	NONE
Word Mark	ANNA MOLINARI		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 003. First use: TOILETRIES, NAMELY, SOAPS, PERFUMES, ESSENTIAL OILS, FOR PERSONAL USE; HAIR LOTIONS; AND DENTIFRICES</p> <p>Class 009. First use: SPECTACLES AND SUNGLASSES</p> <p>Class 014. First use: JEWELRY; PRECIOUS STONES; COSTUME IMITATION JEWELS; HOROLOGICAL AND CHRONOMETRIC INSTRUMENTS, NAMELY CLOCKS AND WATCHES</p> <p>Class 018. First use: [LEATHER SOLD IN BULK; IMITATION LEATHER SOLD IN BULK; ]TRUNKS AND BAGS FOR TRAVELLING; HAND BAGS; BRIEFCASES; UMBRELLAS; PARASOLS; AND WALKING STICKS</p> <p>Class 019. First use: WALL AND FLOOR TILES MADE OF CLAY, GLASS, CERAMIC, GYPSUM, EARTHENWARE OR MARBLE</p> <p>Class 023. First use: YARNS AND THREADS OF ANY NATURAL, ARTIFICIAL, OR SYNTHETIC ORIGIN FOR TEXTILE USE</p> <p>Class 024. First use: KITCHEN, TABLE AND BED LINEN; BED AND TABLE COVERS</p> <p>Class 025. First use: CLOTHING, NAMELY, SHIRTS, JACKETS, TROUSERS, OVERCOATS, RAINCOATS, BOOTS, SHOES, SLIPPERS, UNDERWEAR, FUR COATS, KNITWEAR, DRESSES, TAILLEURS (COSTUMES) AND GOWNS</p>		

U.S. Application No.	76673787	Application Date	03/08/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ANNA MOLINARI		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 003. First use: Soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices
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Attachments	76673787#TMSN.gif ( 1 page )( bytes ) 1011-X-961 Not. of Opposition0001.pdf ( 11 pages )(285303 bytes )
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### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Kathleen A. Costigan/
Name	Kathleen A. Costigan
Date	12/26/2007

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

In the matter of Application Serial No.: 77/059,406  
Filed: December 7, 2006  
For the Mark: "MOLNARI" and design  
Published in the Official Gazette on June 26, 2007

BLUFIN, S.p.A.	:	
	:	
Opposer,	:	
v.	:	Opposition No. _____
	:	
MOLNARI, INC.	:	
	:	
Applicant.	:	
	:	

**NOTICE OF OPPOSITION**

Opposer, BLUFIN, S.p.A., ("Opposer") pursuant to 15 U.S.C. §§1063 and 1068, and 37 CFR §2.101, hereby files its Notice of Opposition to U.S. Trademark Application Serial No. 77/059,406 ("the Application") filed by MOLNARI, INC., ("Applicant"). Opposer believes that it will be damaged by registration of the above-identified application, and hereby opposes same.

In support thereof, Opposer states as follows:

1. Opposer, is a Limited Liability Company organized and existing under the laws of Italy, with offices located at Via G. Ferraris 13, 15, 15/A Carpi, Italy, 1-41012.

2. On Information and belief, Applicant is a corporation organized and existing under the laws of Delaware, with offices at Suite 200, 6101 W. Plano Parkway, Plano, TX, 75093, United States.
3. Opposer has standing to oppose the published application based on its rights in its trademarks ANNA MOLINARI and MOLINARI. Since at least as early as 1989, Opposer has continuously used in interstate commerce marks consisting solely or in part of the mark ANNA MOLINARI, as its trademark in connection with the sales of various goods including clothing, footwear, sunglasses, and spectacles.
4. Opposer is owner of a number of United States Trademark Registrations including No. 1,621,908 for its trademark, ANNA MOLINARI, for use on goods in classes 9, 18 and 25. The trademark was filed on October 19, 1989 and registered on November 13, 1990. A copy of the registration is attached as Opposer's Exhibit A.
5. Opposer is owner of United States Trademark Application No. 76/673,787 for its trademark, ANNA MOLINARI, for use on goods in class 3. The application was filed on March 8, 2007. A copy of the application is attached as Opposer's Exhibit B.
6. On information and belief, Applicant, is the owner of United States Trademark Application Serial No. 77/059,406 for MOLNARI and design

for use on various goods in International Classes 9 and 25<sup>1</sup> (“the Application”). The Application was filed on December 7, 2006 under Section 1(b). The Application was published in the United States Patent and Trademark Office Official Gazette on June 26, 2007.

7. Opposer has promoted and sold its goods in interstate and intrastate commerce, and around the world, under its marks since at least as early as October 19, 1989 and long prior to any alleged use by Applicant of the mark shown in the Application.

8. As a result of the use, promotion, and advertising of Opposer’s marks, said marks have become well known to the trade and to the public, and has accordingly acquired significant goodwill. Opposer’s trademark identifies and distinguishes Opposer’s goods from the goods of others, and identifies the source and origin thereof to both the trade and the public.

9. Prior to Applicant’s use of its mark in connection with the listed goods, if any, Opposer’s marks have been used and promoted in such a way as to create a public perception of the ANNA MOLINARI marks as an indication of source of goods in many industries including the clothing industry, footwear industry, sunglasses industry, and spectacles industry. Opposer’s marks continue to be used and promoted in such a way.

10. Upon information and belief, Applicant has made no use of the mark shown in the Application, nor of any word, letter or design

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<sup>1</sup> Opposer notes that the Application was filed in seven (7) classes, however, Opposer only opposes the registration of the Applicant’s mark in connection with

confusingly similar thereto, as a trademark or service mark, prior to the date of first use of the marks of Opposer. Applicant's registration and use of its mark will cause dilution of Opposer's marks.

11. Opposer's mark ANNA MOLINARI is the name of a famous designer who is commonly referred to by her last name MOLINARI.

12. Applicant's registration and use of the mark shown in the Application is likely to cause confusion in the minds of the trade and of the public that Applicant's goods emanate from or are licensed, sponsored or otherwise authorized by Opposer, whereas, in fact, they are not.

13. The mark shown in the Application so resembles Opposer's mark previously used in the United States by Opposer and not abandoned, as to be likely, when applied to Applicant's goods, to cause confusion or to cause mistake or to deceive, and is an attempt to deceive the public and to benefit from the reputation and goodwill developed by Opposer.

14. Opposer will be injured and damaged by the registration of the mark shown in the Application, because such mark, when applied to the goods of Applicant:

- a) is likely to cause confusion, or to cause mistake, or to deceive;
- b) falsely suggests a connection with Opposer; and
- c) will damage Opposer's valuable goodwill in its trademarks.

15. By reason of the foregoing, Applicant is not entitled to the

registration of the mark shown in the Application.

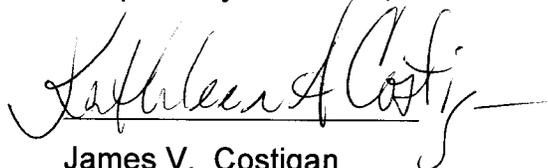
**REQUEST FOR RELIEF**

Wherefore, Opposer requests that the Opposition be sustained and that registration of the mark shown in the Application be refused as to the goods identified in International Classes 9 and 25.

Opposer authorizes the Commissioner for Trademarks to charge the fee of \$600 to Deposit Account 08 -1540 for filing this Notice of Opposition. Opposer believes that no additional fees are now due; however, the Commissioner for Trademarks is authorized to debit Deposit Account 08 -1540 for any additional fees which may be due.

Date: 12/26/07

Respectfully submitted,



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Attorneys for Opposer  
BLUFIN S.P.A.

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

In the matter of Application Serial No.: 77/059,406

Filed: December 7, 2006

For the Mark: "MOLNARI" and design

Published in the Official Gazette on June 26, 2007

BLUFIN, S.p.A.

Opposer,

v.

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

MOLNARI, INC.

Applicant.

OPPOSER'S EXHIBIT A



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**Typed Drawing**

<b>Word Mark</b>	ANNA MOLINARI
<b>Goods and Services</b>	<p>IC 025. US 039. G &amp; S: CLOTHING, NAMELY, SHIRTS, JACKETS, TROUSERS, OVERCOATS, RAINCOATS, BOOTS, SHOES, SLIPPERS, UNDERWEAR, FUR COATS, KNITWEAR, DRESSES, TAILLEURS (COSTUMES) AND GOWNS</p> <p>IC 009. US 026. G &amp; S: SPECTACLES AND SUNGLASSES</p> <p>(CANCELLED) IC 019. US 012. G &amp; S: WALL AND FLOOR TILES MADE OF CLAY, GLASS, CERAMIC, GYPSUM, EARTHENWARE OR MARBLE</p> <p>(CANCELLED) IC 003. US 051 052. G &amp; S: TOILETRIES, NAMELY, SOAPS, PERFUMES, ESSENTIAL OILS, FOR PERSONAL USE; HAIR LOTIONS; AND DENTIFRICES</p> <p>(CANCELLED) IC 023. US 043. G &amp; S: YARNS AND THREADS OF ANY NATURAL, ARTIFICIAL, OR SYNTHETIC ORIGIN FOR TEXTILE USE</p> <p>IC 018. US 001 002 003 022 041. G &amp; S: [LEATHER SOLD IN BULK; IMITATION LEATHER SOLD IN BULK; ]TRUNKS AND BAGS FOR TRAVELLING; HAND BAGS; BRIEFCASES; UMBRELLAS; PARASOLS; AND WALKING STICKS</p> <p>(CANCELLED) IC 024. US 042. G &amp; S: KITCHEN, TABLE AND BED LINEN; BED AND TABLE COVERS</p> <p>(CANCELLED) IC 014. US 027 028. G &amp; S: JEWELRY; PRECIOUS STONES; COSTUME IMITATION JEWELS; HOROLOGICAL AND CHRONOMETRIC INSTRUMENTS, NAMELY CLOCKS AND WATCHES</p>
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	73834147
<b>Filing Date</b>	October 19, 1989
<b>Current Filing Basis</b>	44E

**Original Filing Basis** 44E  
**Published for Opposition** August 21, 1990  
**Change In Registration** CHANGE IN REGISTRATION HAS OCCURRED  
**Registration Number** 1621908  
**Registration Date** November 13, 1990  
**Owner** (REGISTRANT) BLUFIN S.P.A. CORPORATION ITALY 13-15/A, VIA GALILEO FERRARIS CARPI, PROVINCE OF MODENA ITALY  
**Attorney of Record** MARY A FRANCIS  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. PARTIAL SECT 8 (6-YR). SECTION 8(10-YR) 20011023.  
**Renewal** 1ST RENEWAL 20011023  
**Other Data** THE NAME "ANNA MOLINARI" IDENTIFIES A PARTICULAR LIVING INDIVIDUAL WHOSE CONSENT IS OF RECORD.  
**Live/Dead Indicator** LIVE

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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BLUFIN, S.p.A.

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OPPOSER'S EXHIBIT B



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# ANNA MOLINARI

<b>Word Mark</b>	ANNA MOLINARI
<b>Goods and Services</b>	IC 003. US 001 004 006 050 051 052. G & S: Soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	<b>76673787</b>
<b>Filing Date</b>	March 8, 2007
<b>Current Filing Basis</b>	1B
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	November 27, 2007
<b>Owner</b>	(APPLICANT) Blufin S.p.A. LIMITED COMPANY ITALY Via G. Ferraris 13, 15, 15/A Carpi ITALY 1-41012
<b>Attorney of Record</b>	Thomas S. Baker, Jr.
<b>Prior Registrations</b>	1621908
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Other Data</b>	The name ANNA MOLINARI identifies a living individual whose consent is of record.
<b>Live/Dead Indicator</b>	LIVE

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