

ESTTA Tracking number: **ESTTA197868**

Filing date: **03/12/2008**

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 parties oppose registration of the indicated application.

Opposers Information

Name	Maggy Boutique, Ltd.
Granted to Date of previous extension	03/12/2008
Address	530 Seventh Avenue New York, NY 10018 UNITED STATES

Name	Maggy London International, Ltd.
Granted to Date of previous extension	03/12/2008
Address	530 Seventh Avenue New York, NY 10018 UNITED STATES
Party who filed Extension of time to oppose	Maggie London International, Ltd.
Relationship to party who filed Extension of time to oppose	The name of the potential opposer was misspelled when the extension of time was filed. Also, Maggy London International, Ltd. is in privity with Maggy Boutique, Ltd. as they are commonly-owned entities.

Attorney information	Thomas M. Furth Kudman Trachten Aloe LLP 350 Fifth Avenue, Suite 4400 New York, NY 10118 UNITED STATES tfurth@kudmanlaw.com Phone:212 868-1010
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Applicant Information

Application No	76668032	Publication date	11/13/2007
Opposition Filing Date	03/12/2008	Opposition Period Ends	03/12/2008
Applicant	MAGGIE MATERNITY, LLC 20717 Prairie Street Chatsworth, CA 91311 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: CLOTHING, NAMELY, SKIRTS, PANTS,

JACKETS, TOPS, DRESSES, SWEATERS AND SHORTS

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	77160064	Application Date	04/18/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MAGGY BOUTIQUE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1982/11/25 First Use In Commerce: 1982/11/25 Dresses		

U.S. Application No.	77072930	Application Date	12/28/2006
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MAGGY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: Women's clothing, namely, dresses, blouses, tops, pants, skirts, jackets, suits and belts		

U.S. Registration No.	1512801	Application Date	02/04/1988
Registration Date	11/15/1988	Foreign Priority Date	NONE
Word Mark	MAGGY LONDON		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1979/10/25 First Use In Commerce: 1979/10/25 ONE-PIECE DRESSES, TWO PIECE DRESSES, BLOUSES, PANTS, SKIRTS, JACKETS OF MISSY AND PETITE SIZES		

U.S. Registration No.	1488568	Application Date	06/01/1987
Registration Date	05/17/1988	Foreign Priority Date	NONE
Word Mark	MAGGY LONDON SPORT		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 025. First use: First Use: 1987/01/02 First Use In Commerce: 1987/01/02 COORDINATED BLOUSES, PANTS, SKIRTS AND JACKETS

U.S. Registration No.	1488567	Application Date	06/01/1987
Registration Date	05/17/1988	Foreign Priority Date	NONE
Word Mark	MAGGY LONDON PETITES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1981/09/20 First Use In Commerce: 1981/09/20 ONE-PIECE AND TWO-PIECE DRESSES IN PETITE SIZES		

U.S. Registration No.	2714222	Application Date	01/08/2001
Registration Date	05/06/2003	Foreign Priority Date	NONE
Word Mark	MAGGY L		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2000/05/00 First Use In Commerce: 2000/05/00 Women's clothing, namely, dresses, blouses, pants, skirts, and jackets		

U.S. Registration No.	2686264	Application Date	04/25/2002
Registration Date	02/11/2003	Foreign Priority Date	NONE
Word Mark	MAGGY STUDIO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1997/08/22 First Use In Commerce: 1997/08/22 Women's apparel, namely, pants, jackets, blouses, dresses, skirts and shoes		

U.S. Registration No.	2748343	Application Date	11/07/2001
Registration Date	08/05/2003	Foreign Priority Date	NONE
Word Mark	ADDRESS MAGGY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2002/02/01 First Use In Commerce: 2002/02/01 Women's apparel, namely, pants, jackets, blouses, dresses and skirts		

Attachments	77160064#TMSN.jpeg (1 page)(bytes) 77072930#TMSN.jpeg (1 page)(bytes) 76190127#TMSN.gif (1 page)(bytes) 76399973#TMSN.gif (1 page)(bytes) 76335114#TMSN.gif (1 page)(bytes) MAGGIE MATERNITY.OPP.pdf (7 pages)(160401 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	/tmfurth/
Name	Thomas M. Furth
Date	03/12/2008

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

In the matter of Trademark
application Serial No. 76/668,032 (MAGGIE MATERNITY)

Published in the *Official Gazette*
on November 13, 2007

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Maggy Boutique, Ltd. and	:	
Maggy London International, Ltd.,	:	
Opposers,	:	Opposition No.
v.	:	
	:	
Maggie Maternity, LLC ,	:	
	:	
Applicant.	:	
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NOTICE OF OPPOSITION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

In the matter of trademark application Serial No. 76/688,032 for the
trademark MAGGIE MATERNITY for Clothing, namely skirts, pants, jackets, tops,
dresses, sweaters and shorts in International Class 25 filed October 25, 2006 and
published in the Official Gazette on November 13, 2007.

Maggy Boutique, Ltd., a New York corporation having a place of business at

530 Seventh Avenue, New York, New York 10018 believes it will be damaged by registration of the mark shown in the above identified application and hereby opposes the same.

Maggy London International, Ltd., a New York corporation having a place of business at 530 Seventh Avenue, New York, New York 10018 believes it will be damaged by registration of the mark shown in the above identified application and hereby opposes the same.

The grounds for the opposition are as follows:

1. Opposer Maggy Boutique, Ltd. has adopted and used in interstate commerce the trademark MAGGY BOUTIQUE continuously since at least as early as November 1982. It is the owner of U.S. Trademark Application Serial No. 77160064 for dresses in Class 25.

2. Applicant's above identified mark MAGGIE MATERNITY is likely, when used on or in connection with Applicant's intended goods, to cause confusion, or to cause mistake, or to deceive due to its similarity to MAGGY BOUTIQUE and its use on goods similar to the goods sold by Maggy Boutique, Ltd. under its MAGGY BOUTIQUE mark, and on goods which travel in the same channels of trade as goods sold under the MAGGY BOUTIQUE mark.

3. Opposer Maggy Boutique, Ltd. has adopted and used in interstate commerce the trademark MAGGY continuously since at least as early as January 2008. It is the owner of U.S. Trademark Application Serial No. 77072930 for women's clothing, namely, dresses, blouses, tops, pants, skirts, jackets, suits and belts in Class 25.

4. Applicant's above identified mark MAGGIE MATERNITY is likely, when used on or in connection with Applicant's intended goods, to cause confusion, or to cause mistake, or to deceive due to its similarity to MAGGY and its use on goods similar to the goods sold by Maggy Boutique, Ltd. under its MAGGY mark, and on goods which travel in the same channels of trade as goods sold under the MAGGY mark.

5. Opposer Maggy London International, Ltd. has adopted and used in interstate commerce the trademark MAGGY LONDON continuously since at least as early as November 1988. It owns U.S. Trademark Registration No. 1,512,801 for the mark in Class 25.

6. Opposer Maggy London International, Ltd. has adopted and used in interstate commerce the trademark MAGGY LONDON SPORT continuously since at least as early as January 1987. It owns U.S. Trademark Registration No. 1,488,568 for the mark in Class 25.

7. Opposer Maggy London International, Ltd. has adopted and used in interstate commerce the trademark MAGGY LONDON PETITES continuously since

at least as early as September 1981. It owns U.S. Trademark Registration No. 1,488,567 for the mark in Class 25.

8. Opposer Maggy London International, Ltd. has adopted and used in interstate commerce the trademark MAGGY L continuously since at least as early as May 2000. It owns U.S. Trademark Registration No. 2,714,222 for the mark in Class 25.

9. Opposer Maggy London International, Ltd. has adopted and used in interstate commerce the trademark MAGGY STUDIO continuously since at least as early as August 1997. It owns U.S. Trademark Registration No. 2,686,264 for the mark in Class 25.

10. Opposer Maggy London International, Ltd. has adopted and used in interstate commerce the trademark ADDRESS MAGGY continuously since at least as early as February 2002. It owns U.S. Trademark Registration No. 2,748,343 for the mark in Class 25.

11. Applicant's above identified mark MAGGIE MATERNITY is likely, when used on or in connection with Applicant's intended goods, to cause confusion, or to cause mistake, or to deceive due to its similarity to Opposer Maggy London International Ltd.'s above identified marks, MAGGY LONDON, MAGGY LONDON SPORT, MAGGY LONDON PETITES, MAGGY L, MAGGY STUDIO and ADDRESS MAGGY and its use on goods similar to the goods sold by Maggy London International, Ltd. under its marks, and on goods which travel in the same channels

of trade as goods sold under its marks.

12. Opposers' use of their marks has created a family of marks, each beginning with or including the distinctive "Maggy" name, which, when used as it has by Opposers, results in a recognition by consumers that the commonality of the marks is indicative of a common origin for Opposers' goods.

13. Applicant's mark consists of the term "Maggie," followed by the descriptive and disclaimed term "Maternity." Since "Maggie," the only non-descriptive portion of the mark, is identical in sound as the initial term in Opposers' "Maggy" marks, the likelihood of confusion is enhanced. Further, "Maggie" and "Maggy" are merely alternative spellings of a woman's first name, and are thus likely to be perceived by consumers as the same mark.

14. Applicant's mark is not registrable under Section 2(d) of the Lanham Act in view of Opposers' prior, continuous, ongoing and current use of their marks in interstate commerce.

15. Opposers' marks are famous marks within the meaning of Section 43(c) of the Lanham Act. Registration of the confusingly similar mark by Applicant will lessen the capacity of Opposers' marks to identify and distinguish the goods and services of Opposers, diluting the distinctive quality of Opposers' marks.

WHEREFORE, Opposers believe that they will be damaged by registration of said mark and pray that this opposition be sustained.

Dated: New York, New York
March 12, 2008

KUDMAN TRACHTEN ALOE LLP

Attorneys for Opposers

By: 
Thomas M. Furth
350 Fifth Avenue, Suite 4400
New York, New York 10168
(212) 868-1010

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing NOTICE OF OPPOSITION has been served by First Class Mail, postage prepaid, on counsel for Applicant on this 12th day of March 2008, by addressing the same as follows:

Mark Moktarian, Esq.
1801 Century Park E Suite 2400
Los Angeles, CA 90067-2326

A handwritten signature in black ink, appearing to read 'Thomas M. Furth', written over a horizontal line.

Thomas M. Furth