

ESTTA Tracking number: **ESTTA210551**

Filing date: **05/10/2008**

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 party opposes registration of the indicated application.

Opposer Information

Name	PEI Licensing, Inc.
Granted to Date of previous extension	05/10/2008
Address	3000 NW 107 Avenue Miami, FL 33172 UNITED STATES

Attorney information	Kim Kolback, of Counsel Sarah Steinbaum, PA 44 West Flagler Street, Suite 2175 Miami, FL 33130 UNITED STATES kkolback@bellsouth.net Phone:305 858 2627
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Applicant Information

Application No	79038911	Publication date	03/11/2008
Opposition Filing Date	05/10/2008	Opposition Period Ends	05/10/2008
International Registration No.	0925247	International Registration Date	03/23/2007
Applicant	CHARLEX S.A. 390 rue Saint Honoré F-75001 PARIS FRANCE		

Goods/Services Affected by Opposition

Class 003. All goods and services in the class are opposed, namely: Perfumes, cosmetics, soaps, essential oils, hair lotions; shoe polish, creams for shoes and leather
Class 018. All goods and services in the class are opposed, namely: Unworked and semi-worked leather, trunks and valises, vanity cases sold empty, travelling trunks, leather key cases, purses not of precious metal, beach bags, briefcases, wallets, rucksacks, handbags, travel bags, attaché cases, travelling sets, namely, suitcases and duffel bags for travel, garment bags for travel, umbrellas, walking sticks, saddlery articles
Class 025. All goods and services in the class are opposed, namely: Clothing, namely, shirts, tops, pants, shorts, skirts, dresses, jackets, dressing gowns, ties, neckties, socks, scarves, gloves and belts ; footwear ; headgear, namely, hats, caps and visors

Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
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)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2940239	Application Date	08/26/2004
Registration Date	04/12/2005	Foreign Priority Date	NONE
Word Mark	PERRY ELLIS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1993/09/00 First Use In Commerce: 1993/09/00 Scarves, gloves, mittens and headwear, namely: hats, caps, earmuffs and headbands		

U.S. Registration No.	2834316	Application Date	09/06/2002
Registration Date	04/20/2004	Foreign Priority Date	NONE
Word Mark	PERRY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2002/08/01 First Use In Commerce: 2002/08/01 perfume, toilet water spray, hair wash, body wash, bath gel, shower gel, body tonic, personal deodorants, hand cream, body lotion, body tonic		

U.S. Registration No.	3023035	Application Date	03/01/2004
Registration Date	12/06/2005	Foreign Priority Date	NONE
Word Mark	PERRY ELLIS AMERICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 1990/00/00 First Use In Commerce: 1990/00/00 Watches		

U.S. Registration No.	2952953	Application Date	04/29/2002
Registration Date	05/17/2005	Foreign Priority Date	NONE
Word Mark	PERRY ELLIS COTTONS		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2004/08/00 First Use In Commerce: 2004/08/00 clothing, namely, pants, suits, slacks, shorts, t-shirts, knit and woven shirts, sweatshirts, sweatpants, sweaters, jackets, coats, wind-resistant jackets, vests, blouses, skirts, underwear, boxers, socks, swimwear, headwear and footwear

U.S. Registration No.	2612007	Application Date	01/23/2001
Registration Date	08/27/2002	Foreign Priority Date	NONE
Word Mark	PERRY ELLIS PORTFOLIO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2000/01/10 First Use In Commerce: 2000/01/10 Perfume, cologne and eau de toilette		

Attachments	78474026#TMSN.jpeg (1 page)(bytes) 78376462#TMSN.jpeg (1 page)(bytes) 76198049#TMSN.gif (1 page)(bytes) opposition statement.pdf (1 page)(21073 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	/s/ Kim Kolback/
Name	Kim Kolback, of Counsel
Date	05/10/2008

1. Since the mid-1970's, PEI Licensing, Inc. and its predecessor (hereafter collectively referred to as "Opposer") have engaged in the manufacture, sale, distribution and/or licensing of a famous line of products and services in International Classes 003, 009, 014, 018, 024, 025, 028 and 035 pursuant to a family of famous PERRY ELLIS word and design registered and common law trademarks used separately, together and in combination with other descriptive words.

2. Pursuant to U.S. Trademark Application Serial Number 79038911, Applicant seeks registration of the word mark MICHAEL PERRY in International Classes 003, 018 and 025.

3. Opposer will be damaged if Applicant is granted registration of the MICHAEL PERRY mark identified in Application Serial Number 79038911 in International Classes 003, 018 and 025 because such registrations will result in: infringement in violation of Federal Trademark Law 15 U.S.C. §1051, *et. seq.*; trademark dilution in violation of Federal Trademark Law 15 U.S.C. §1125(c); and, false designation of origin in violation of Federal Trademark Law 15 U.S.C. §1125 (a).