

ESTTA Tracking number: **ESTTA234623**

Filing date: **09/04/2008**

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	Holder Suisse, SA		
Entity	Corporation	Citizenship	Switzerland
Address	2, Rue Saint-Leger Geneva, 1204 SWITZERLAND		

Attorney information	Dwayne K. Goetzel Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. P.O. Box 398 Austin, TX 78767-0398 UNITED STATES dkgpto@intprop.com Phone:512-853-8800
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Applicant Information

Application No	77395849	Publication date	08/12/2008
Opposition Filing Date	09/04/2008	Opposition Period Ends	09/11/2008
Applicants	Paule Koumetz 9665 Wilshire Boulevard, Ninth Floor Beverly Hills, CA 90212 UNITED STATES Gerard Koumetz 9665 Wilshire Boulevard, Ninth Floor Beverly Hills, CA 90212 UNITED STATES		

Goods/Services Affected by Opposition

Class 030. First Use: 2007/09/05 First Use In Commerce: 2007/09/05 All goods and services in the class are opposed, namely: Bakery goods
Class 035. First Use: 2007/09/05 First Use In Commerce: 2007/09/05 All goods and services in the class are opposed, namely: Retail bakery shops

Grounds for Opposition

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

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2282436	Application Date	03/07/1997
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Registration Date	10/05/1999	Foreign Priority Date	NONE
Word Mark	PAUL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and breakfast cereal, processed cereal, and candy, bread, pastry; ices; honey, treacle; yeast, baking powder, salt, mustard; vinegar, sauces (except salad dressings); spices; ice Class 042. First use: restaurant, cafeteria and take out restaurant services		

Related Proceedings	Opposition Nos. 91181892 and 91181896
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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	/Dwayne K. Goetzel/
Name	Dwayne K. Goetzel
Date	09/04/2008

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

In the Matter of the Trademark Application Serial No. 77/395,849 for
the mark "PAULETTE" (stylized) filed by Paule and Gerard Koumetz and Published in the
Official Gazette on August 12, 2008

Holder Suisse, SA)	
)	
Opposer)	
)	
v.)	Opposition No.: _____
)	
Paule and Gerard Koumetz)	
)	
Applicants)	
)	

NOTICE OF OPPOSITION

Holder Suisse, SA, having an address of 2, Rue Saint-Leger, 1204 Geneva, Switzerland ("Opposer"), believes that it will be damaged by the registration of the stylized mark "PAULETTE" (the "Mark") shown in the above-identified application filed by Paule and Gerard Koumetz ("Applicants"), and hereby opposes the registration of the Mark.

The grounds for opposition are as follows:

1. Applicants seek to register "PAULETTE" as a trademark for use in connection with "bakery goods" in International Class 30, and "retail bakery shops" in International Class 35, as evidenced by the publication of the Mark in the Official Gazette of August 12, 2008.
2. Applicants filed a use-based application on February 13, 2008 with respect to the Mark, claiming a first use date of September 5, 2007.
3. On March 7, 1997, Opposer filed a trademark application under section 44E of the trademark act for the mark PAUL, which is used in connection with various food items and

bakery goods in class 30, including breads and pastries. Opposer's application also indicated use of the PAUL mark in connection with "restaurant, cafeteria and take out restaurant services," in International Class 42.

4. Opposer's PAUL mark is distinctive, and was registered on October 5, 1999. The registration for the PAUL mark is valid, subsisting and in full force and effect.

5. Opposer's use and registration of the PAUL mark is well prior to the filing date of Applicants' application.

6. Prior to Applicants' filing date, Opposer dedicated significant amounts of time, money and effort in advertising, promoting and popularizing Opposer's trademarks, including PAUL, and in preserving the goodwill associated therewith.

7. Opposer's goods and services offered under the PAUL mark have been the subject of significant media attention, including The Miami Herald, Modern Baking, Nation's Restaurant News, The South Florida Business Journal, Aventura News, Ocean Drive, CityShore, Cosmopolitan Florida, Shopping Center Today, and various other printed publications, as well as television news coverage.

8. As a result of Opposer's substantial effort and investment on behalf of its brand, the goodwill inherent in the registered PAUL mark is an enormously valuable asset of Opposer.

9. As a result of Opposer's substantial efforts and investment, and the media attention garnered for Opposer and its PAUL mark, the trade and purchasing public has come to know Opposer's PAUL mark and recognize that any goods or services so marked originate with Opposer.

10. As a result of Opposer's substantial efforts, investment, and the widespread media coverage and publicity obtained for Opposer's registered PAUL mark, Opposer's PAUL mark

has become famous, and became famous prior to Applicant's filing date.

11. Applicants seek to register PAULETTE, which is confusingly similar to Opposer's registered PAUL mark. The respective marks share similarities with respect to, *inter alia*, sight, sound and meaning (*e.g.*, the word "Paulette" is a feminine form of the word "Paul").

12. In light of the foregoing allegations, the registration of Applicants' Mark is likely to cause confusion, dilution, irreparable damage, and injury to Opposer. In the event of registration of Applicants' Mark, Opposer may be damaged by a loss of revenue and sales of its goods/services marketed under Opposer's PAUL trademark. Opposer may suffer other potential injuries such as damage to its reputation.

13. If Applicants' Mark is registered, Applicants may obtain at least a *prima facie* exclusive right to use Applicants' Mark in connection with the specified goods or services. Such continued registration may be a source of confusion, dilution, irreparable damage and injury to the Opposer, for the reasons set forth above.

14. The Patent and Trademark Office should refuse to register Applicants' Mark in light of Opposer's prior use and registration of the PAUL mark.

WHEREFORE, Opposer prays that U.S. Serial No. 77/395,849 for the stylized mark "PAULETTE" filed by Paule and Gerard Koumetz be refused registration.

Respectfully submitted,

By:


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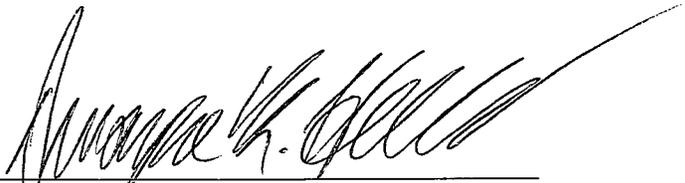
**ATTORNEYS FOR OPPOSER
HOLDER SUISSE, SA**

CERTIFICATE OF SERVICE

This certifies that a true and correct copy of Opposer's *Notice of Opposition* has been sent by email and first class U.S. mail, postage prepaid, to Applicant's attorney of record as follows:

Laurent C. Vonderweidt
Vonderweidt & Johnson
11900 West Olympic Blvd., Suite 580
Los Angeles, California 90064

on this 4th day of September 2008.


Dwayne K. Goetzel