

ESTTA Tracking number: **ESTTA296867**

Filing date: **07/22/2009**

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	Mathew Knowles
Granted to Date of previous extension	07/22/2009
Address	1505 Hadley Street Houston, TX 77002 UNITED STATES
Party who filed Extension of time to oppose	MathewKnowles
Relationship to party who filed Extension of time to oppose	(space added between opposer's first and last name)

Attorney information	Larry W. McFarland KEATS MCFARLAND & WILSON LLP 9720 Wilshire Boulevard; Penthouse Suite Beverly Hills, CA 90212 UNITED STATES lmcfarland@kmdl.com, cdowell@kmdl.com, acaviles@kmdl.com Phone:310-248-3830
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Applicant Information

Application No	77284068	Publication date	03/24/2009
Opposition Filing Date	07/22/2009	Opposition Period Ends	07/22/2009
Applicants	Garfio, Leticia 1331 S 50th Ct Floor 2 Cicero, IL 60804 UNITED STATES Garfio, Araceli 1331 S 50th Ct, Floor 2 Cicero, IL 60804 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. All goods and services in the class are opposed, namely: Entertainment namely, live performances by a musical band
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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. Registration No.	2349500	Application Date	08/31/1998
Registration Date	05/16/2000	Foreign Priority Date	NONE
Word Mark	DESTINY'S CHILD		
Design Mark	DESTINY'S CHILD		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1998/01/07 First Use In Commerce: 1998/01/07 series of musical sound recordings Class 041. First use: First Use: 1997/05/27 First Use In Commerce: 1997/05/27 entertainment services in the nature of live performances by a musical group		

U.S. Registration No.	2433281	Application Date	12/01/1999
Registration Date	03/06/2001	Foreign Priority Date	NONE
Word Mark	DESTINY'S CHILD		
Design Mark	DESTINY'S CHILD		
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1998/04/29 First Use In Commerce: 1998/05/02 posters and mounted and unmounted photographs Class 025. First use: First Use: 1998/04/29 First Use In Commerce: 1998/05/02 clothing, namely, shirts and hats		

Attachments	75544762#TMSN.gif (1 page)(bytes) 75861885#TMSN.gif (1 page)(bytes) Opp DESTINADAS.pdf (5 pages)(147429 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	/Larry W. McFarland/
Name	Larry W. McFarland
Date	07/22/2009

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

In the Matter of Application Serial No. 77/284068

Mathew Knowles)	
)	Opposition No. _____
Opposer,)	
)	
v.)	NOTICE OF OPPOSITION
)	
Leticia Garfio and Araceli Garfio)	
)	
Applicants.)	
_____)	

Commissioner for Trademarks
TTAB – BOX FEE
P.O. Box 1451
Alexandria, Virginia 22313-1451

NOTICE OF OPPOSITION

Mathew Knowles (“Opposer”), an individual, having his principal place of business at 1505 Hadley Street, Houston, Texas, 77002, submits that he will be damaged by the registration of the mark DESTINADAS (Serial No. 77/284068) (hereinafter the “Application”) filed by Leticia Garfio and Araceli Garfio (“Applicants”), on September 19, 2007, for use in connection with “entertainment namely, live performances by a musical band” in international class 041. All goods and services in the Application are being opposed.

As grounds for opposition to the Application, Opposer states as follows:

1. Opposer believes that it will be damaged by the registration of the Application.
2. Opposer owns the U.S. Trademark Reg. No. 2,349,500 for the trademark

DESTINY’S CHILD, registered May 16, 2000, in international class 009 for “series of musical recordings” with a stated first use date of January 7, 1998; and in international class 041 for

“entertainment services in the nature of live performances by a musical group” with a stated first use date of May 27, 1997.

3. Opposer owns the U.S. Trademark Reg. No. 2,433,281 for the trademark DESTINY’S CHILD, registered March 6, 2001, in international class 016 for “posters and mounted and unmounted photographs” with a stated first use date of May 2, 1998; and in international class 025 for “clothing, namely, shirts and hats” with a stated first date of April 29, 1998.

4. Opposer, since at least as early as 1997, has been and is now using the mark DESTINY’S CHILD in commerce and otherwise in connection with entertainment services in the nature of live and recorded performances by a musical group, among other uses. The use has been valid and continuous and has not been abandoned. Extensive good will and consumer recognition has been built up by Opposer through substantial amounts of time and effort in advertising and promotion.

5. The public has come to associate the DESTINY’S CHILD mark with Opposer for and relating to the world-famous DESTINY’S CHILD musical group well prior to the filing of the Application. Accordingly, Opposer’s DESTINY’S CHILD mark has become famous throughout the world and Opposer’s goods and services have acquired distinctiveness and/or secondary meaning.

6. Significantly, Applicants filed their Application over *ten (10) years after* Opposer’s first use of its widely recognized DESTINY’S CHILD mark in connection with performances by a musical group.

7. Applicants’ proposed use of DESTINADAS is confusingly similar to Opposer’s DESTINY’S CHILD trademark. In fact, Applicants’ standard character word mark looks

virtually identical to Opposer's standard character word mark with only the addition of the word CHILD to Opposer's mark. In view of the similarity of Applicants' mark with Opposer's mark, and the *identical* services, it is alleged that Applicants' mark so resembles Opposer's mark as to be likely to cause consumer confusion, and/or to cause mistake as to source, sponsorship, or affiliation, or to disparage and deceive.

8. The registration of Applicants' mark will also dilute the distinctiveness of Opposer's mark and trade on the good will associated with Opposer's mark, with consequent injury to Opposer, to the trade, and to the public.

9. If Applicants were granted the registration herein opposed, they would thereby obtain at least prima facie exclusive right to the use of their mark. Such registration would be a source of damage and injury to Opposer.

10. The registration of Applicants' Application herein, would give color of exclusive statutory rights to Applicant in violation and derogation of the long-standing, prior, superior and exclusive rights of Opposer, and would support and assist Applicants in confusing and misleading the purchasing public.

WHEREFORE, Opposer believes that he will be damaged by the registration of Applicants' Application Serial No. 77/284068 and prays that Applicants' Application to register be denied and refused.

Opposer's attorney, Larry W. McFarland, of KEATS, McFARLAND & WILSON LLP, has been appointed with full power of attorney, substitution and revocation to prosecute this Opposition Proceeding and to transact all business in the United States Patent and Trademark Office before the Trademark Trial and Appeal Board connected herewith.

Please address all communications to Larry W. McFarland at the following address:

KEATS, McFARLAND & WILSON LLP, 9720 Wilshire Boulevard, Penthouse Suite, Beverly Hills, California 90212, telephone (310) 248-3830.

This Notice of Opposition and the statutory filing fee in the amount of \$300.00 for the single class in the Application being opposed are being submitted concurrently herewith. See 37 C.F.R. 2.6(a)(17).

Respectfully submitted,

Dated: July 22, 2009



Larry W. McFarland
Keats McFarland & Wilson LLP
Attorneys for Opposer
Mathew Knowles
9720 Wilshire Blvd., Penthouse Suite
Beverly Hills, CA 90212
Telephone: (310) 248-3830

CERTIFICATE OF SERVICE

I, Angelina Caviles, hereby certify that a true and correct copy of the foregoing **NOTICE OF OPPOSITION** was served upon:

Leticia Garfio
Araceli Garfio
1331 S 50th Ct Floor 2
Cicero, IL 60804

Salvador A. Cicero
1328 West 18th Street
Chicago, IL 60608

by First Class Mail on July 22, 2009.



Angelina Caviles