

ESTTA Tracking number: **ESTTA318107**

Filing date: **11/20/2009**

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 parties oppose registration of the indicated application.

Opposers Information

Name	J. Crew International, Inc.
Granted to Date of previous extension	11/29/2009
Address	802 West Street Suite 102 Wilmington, DE 19801 UNITED STATES

Name	J. Crew Inc.
Granted to Date of previous extension	11/29/2009
Address	770 Broadway New York, NY 10003 UNITED STATES

Attorney information	Joel Karni Schmidt Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES trademark@cll.com, jks@cll.com Phone:212-790-9200
----------------------	--

Applicant Information

Application No	76695558	Publication date	06/02/2009
Opposition Filing Date	11/20/2009	Opposition Period Ends	11/29/2009
Applicant	Sio, Carlos Rene Tse 2025 82nd St Brooklyn, NY 11214 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Clothing, namely, jeans, pants, polo shirts, t-shirts, shirts, sleeves, jackets, belts and shoes

Grounds for Opposition

Other	see attached pleading
-------	-----------------------

Attachments	royalcrewnoticeofopp.pdf (5 pages)(14720 bytes)
-------------	--

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	/Joel Karni Schmidt/
Name	Joel Karni Schmidt
Date	11/20/2009

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

In the Matter of Application Serial No. 76/695558
Filed: February 2, 2009
Published in the Official Gazette of June 2, 2009

-----X
J. CREW INTERNATIONAL, INC. :
and J. CREW INC. : **NOTICE OF OPPOSITION**

Opposers, : Opposition No.

v. :

CARLOS RENE TSE SIO, :

Applicant. :
-----X

Commissioner of Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

J. CREW INTERNATIONAL, INC., a Delaware corporation, and J. CREW INC., a New Jersey corporation and an affiliated company of J. Crew International, Inc., believe that they will be damaged by registration of the mark shown in Serial No. 76/695558 filed February 2, 2009 and hereby oppose the same.

As grounds for opposition, it is alleged that:

1. For many years, Opposers, their affiliates, and their predecessors (referred to as "Opposers") have engaged throughout the United States in the marketing of apparel, bags and accessories, as well as the provision of retail store, online store, factory store and mail order catalog services in these fields.

2. For many years, Opposers have used the J. CREW, J. CREW & DESIGN, CREW, CREWCUTS and CREWMUTTS names and/or marks (“Opposers’ CREW Marks”) in connection with their various goods and services.

3. Opposer J. Crew International, Inc. is the owner of the following federal registrations:

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>	<u>Products/Services</u>
J. CREW	1308888	12/11/84	Luggage, umbrellas, handbags, duffel bags, men’s and women’s shirts, sweaters, shoes, caps, hats, bandanas, shorts, sweatshirts, pants, belts, socks, jackets, slickers, skirts, blouses, dresses, retail catalog services in the field of clothing, luggage and clothing accessories
CREW	1348064	7/9/85	Dress shirts and shorts
CREW	2431701	2/27/01	Shirts, vests, pullovers, tops, skirts, dresses, jackets, coats, pants, jeans, trousers, shorts, sweaters, hats, caps, scarves, neckties, belts, parkas, ponchos, robes, pajamas, nightgowns, bras, panties, briefs, boxer shorts, swimwear, socks and footwear
J. CREW	2351667	5/23/00	Retail outlet and retail store services in the field of clothing and accessories
J. CREW	2,462,509	6/19/01	Necklaces, bracelets, earrings, rings
CREWCUTS	2929166	3/1/05	Children's shirts, sweaters, hats, jackets
CREWMUTTS	3606600	4/15/07	Products for dogs, namely, leashes, clothing, sweaters, dog beds, retail store services featuring products for dogs

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>	<u>Products/Services</u>
CREWMUTTS and Design	3606603	4/15/07	Products for dogs, namely, leashes, clothing, sweaters, dog beds, retail store services featuring products for dogs

Registration No. 1308888 and 1348064 have become incontestable.

4. Additionally, Opposers have informally come to be known as “Crew” by both the public and within the trade.

5. On February 2, 2009, Applicant CARLOS RENE TSE SIO filed an intent-to-use application in the United States Patent and Trademark Office, Serial No. 76/695558, for the registration on the Principal Register of ROYAL CREW in Class 25 for clothing, namely, jeans, pants, polo shirts, t- shirts, shirts, sleeves, jackets, belts and shoes.

6. Commencing long prior to February 2, 2009, the constructive first use date for Applicant, Opposers have extensively advertised and otherwise promoted the sale of their goods and services bearing Opposers’ CREW Marks and have sold such goods and rendered such services in interstate commerce.

7. Upon information and belief, Applicant made no use in commerce of the ROYAL CREW mark in connection with sales of the applied-for goods prior to its constructive first use date of February 2, 2009.

8. Upon information and belief, the Class 25 goods for which Applicant seeks to register the ROYAL CREW mark are identical to and/or closely related to the goods and services in connection with which Opposers have used Opposers’ CREW marks.

9. Applicant’s ROYAL CREW mark so resembles Opposers’ CREW Marks, as to be likely, when applied to goods of the Applicant, to cause confusion, or to cause mistake, or to

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing NOTICE OF OPPOSITION to be sent via first class, postage paid mail to:

Applicant:

Carlos Rene Tse Sio
2025 82nd Street
Brooklyn, NY 11214

and

Applicant's attorney:

Steven A. Hoffner
325 Broadway
Suite 505
New York, NY 10007