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January 12, 2009

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

Re: **Opposition to Application to Register "CELEBUTANTE"**
(Serial No. 77/409,585)

Dear TTAB:

Enclosed for filing is a Notice of Opposition (in duplicate) by Simso Tex Sublimation Printing & Finishing, Inc.

Please acknowledge receipt of the enclosed materials by stamping the enclosed self-addressed postcard with the filing date and returning it to the undersigned.

Enclosed please find a check payable to Director of the U.S. Patent and Trademark Office in the amount of \$300.00 in payment of the fees in connection with the enclosed Opposition.

Please address all correspondence and communications regarding the Opposition to the undersigned.

Sincerely,

Law Offices of Richard A. Stambul

By: 

Richard A. Stambul
Attorneys for Opposer,
Simso Tex Sublimation Printing &
Finishing, Inc.

Enclosures



01-15-2009

In the Matter of Application Serial No. 77/409,585
Simso Tex Sublimation Printing & Finishing, Inc. v. TB Solutions, Inc.
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to register the claimed mark "CELEBUTANTE" on the basis of Applicant's alleged use the mark in commerce for goods identified as follows: "dresses" in International Class 25. Applicant alleged that Applicant first used "CELEBUTANTE" at least as early as February 1, 2008, and first used "CELEBUTANTE" in commerce at least as early as February 28, 2008.

4. On July 9, 2008, Opposer filed Application Serial No. 77/517,914 to register the mark "CELEBUTANTE" ("Opposer's Mark") on the Principal Register on the basis of Opposer's use of the Opposer's Mark in commerce for goods and services identified as follows: "Jackets, Blouses, Bodysuits, Camisoles, Sweaters, Coats, Dresses, Tops, Jeans, Jumpsuits, Shirts, Overalls, Pants, Pantsuits, Polo Shirts, Sweatshirts, Shorts, Skirts, Sweatpants, T Shirts and Vests." Opposer first used the Opposer's Mark as early as January 4, 2008, and first used the Opposer's Mark in commerce as early as February 8, 2008.

5. Opposer owns all right, title and interest in and to Opposer's Mark based on its first use of the Opposer's Mark in commerce on a date prior to the alleged first use of the same mark by Applicant.

6. Opposer has expended significant amounts of money and resources in advertising and promoting Opposer's Mark in commerce. By virtue of the advertising and promotion of Opposer's Mark, and Opposer's use of Opposer's Mark in commerce, Opposer's Mark has acquired substantial and valuable goodwill.

7. Applicant's use of the Opposer's Mark is likely to cause consumers of the goods identified in the Opposed Application to believe mistakenly that those goods originate with, or

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are licensed, sponsored, or authorized by Opposer.

8. The mark shown in the Opposed Application is identical to Opposer's Mark and, accordingly, is likely, when used on or in connection with the goods identified in the Opposed Application, to cause confusion, to cause mistake, or to deceive, and is thus unregistrable by Applicant under Section 2(d) of the United States Trademark Act., 15 U.S.C. § 1052(d).

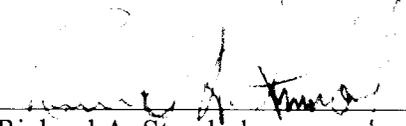
9. Opposer will be damaged by registration of the mark shown in the Opposed Application because registration will give Applicant prima facie evidence of its ownership of, and its exclusive nationwide right to use, a mark that is identical to Opposer's Mark, which was first used in commerce prior to Applicant's alleged date of first use and which has not been abandoned by Opposer.

WHEREFORE, Opposer prays for judgment sustaining this opposition and refusing registration to Applicant of the mark shown in the Opposed Application.

Please direct all correspondence in connection with this opposition to the undersigned.

Respectfully submitted,

LAW OFFICES OF RICHARD A. STAMBUL

By: 
Richard A. Stambul
Attorneys for Opposer
SIMSO TEX SUBLIMATION PRINTING
& FINISHING, INC.

DATE: January 12, 2009

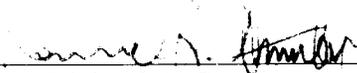
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CERTIFICATE OF SERVICE

I hereby certify that on JAN. 2, 2009, I served this Notice of Opposition on the Applicant by mailing a copy thereof by First Class Mail, postage prepaid, addressed to Applicant's correspondence address of record as follows:

TB SOLUTIONS, INC.
100 Jay Street, #16G
Brooklyn, NY 11201


Name: Richard A. Stambul