

ESTTA Tracking number: **ESTTA374090**

Filing date: **10/19/2010**

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	Levi Strauss & Co.
Granted to Date of previous extension	10/23/2010
Address	1155 Battery Street San Francisco, CA 94111 UNITED STATES

Attorney information	Marie C. Seibel, Esq. Townsend and Townsend and Crew LLP Two Embarcadero Center, 8th Floor San Francisco, CA 94111-3834 UNITED STATES m2s@townsend.com, mmm@townsend.com, leh@townsend.com Phone:415-576-0200
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Applicant Information

Application No	77948283	Publication date	08/24/2010
Opposition Filing Date	10/19/2010	Opposition Period Ends	10/23/2010
Applicant	Coach Services, Inc. 516 West 34th Street New York, NY 10001 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 003. All goods and services in the class are opposed, namely: AFTER SHAVE LOTIONS; BODY SPRAYS; COLOGNE; COSMETICS; HAND LOTIONS; MAKE-UP; PERFUME; SKIN LOTIONS; SKIN MOISTURIZER</p>
<p>Class 018. All goods and services in the class are opposed, namely: SUITCASES; LUGGAGE; BAGS, NAMELY, GARMENT BAGS FOR TRAVEL, RUCKSACKS, SATCHELS, HANDBAGS, KNAPSACKS, TOTE BAGS, BEACH BAGS, REUSABLE SHOPPING BAGS, CARRY-ALL BAGS, SHOULDER BAGS, CLUTCH BAGS, BELT BAGS AND FANNY PACKS, PURSES, WRISTLET BAGS; HAT BOXES FOR TRAVEL NOT OF PAPER OR CARDBOARD; HAT BOXES OF LEATHER; VANITY CASES SOLD EMPTY; COSMETICS CASES SOLD EMPTY; BRIEFCASE TYPE PORTFOLIOS; BRIEFCASES; LEATHER POUCHES; WALLETS; CHANGE PURSES; KEY CASES; BUSINESS CARD CASES; UMBRELLAS; PARASOLS; DOG COLLARS AND LEASHES</p>
<p>Class 025. All goods and services in the class are opposed, namely: HATS; SCARVES; GLOVES; BELTS; SHIRTS; COATS; JACKETS AND BLAZERS; SWEATERS; CARDIGANS; SHOES; BOOTS; SNEAKERS; SPORT SHOES; SLIPPERS; TROUSERS; SHORTS; SKIRTS; BRACES FOR</p>

TROUSERS; TIGHTS; BATHING SUITS; TIES

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.	1552985	Application Date	10/24/1988
Registration Date	08/22/1989	Foreign Priority Date	NONE
Word Mark	501		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1969/12/31 First Use In Commerce: 1969/12/31 JEANS		

U.S. Registration No.	1313554	Application Date	08/22/1983
Registration Date	01/08/1985	Foreign Priority Date	NONE
Word Mark	505		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1983/06/27 First Use In Commerce: 1983/06/27 Pants		

U.S. Registration No.	1319462	Application Date	08/22/1983
Registration Date	02/12/1985	Foreign Priority Date	NONE
Word Mark	517		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1983/06/27 First Use In Commerce: 1983/06/27 Pants		

U.S. Registration No.	2503976	Application Date	10/17/2000
Registration Date	11/06/2001	Foreign Priority Date	NONE
Word Mark	569		

Design Mark	569
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1998/05/00 First Use In Commerce: 1998/05/00 Jeans and pants

Attachments	76150442#TMSN.gif (1 page)(bytes) 10-19-10_TTAB Notice of Opposition_Coach (510 mark) - WorkSite Acrobat Integration.pdf (11 pages)(269244 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	/Marie C. Seibel/
Name	Marie C. Seibel, Esq.
Date	10/19/2010

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

In re Application No. 77/948,283
Filed: March 2, 2010
Published: August 24, 2010, in the *Official Gazette*
For: **510**

LEVI STRAUSS & CO.,

Opposer,

vs.

COACH SERVICES, INC.,

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

P.O. Box 1451

Alexandria, Virginia 22313-1451

Sir or Madam:

Levi Strauss & Co. (“Opposer” or “LS&Co.”) believes it will be damaged by the registration of the 510 mark covered by Application Serial No. 77/948,283, filed on March 2, 2010, by Coach Services, Inc. (hereinafter “Applicant’s mark”), and hereby opposes such registration.

LS&Co. is a Delaware corporation with its headquarters and principal place of business at Levi’s Plaza, 1155 Battery Street, San Francisco, California 94111. Applicant is, upon information and belief, a Maryland corporation with principal place of business at 516 West 34th

Street, New York, New York 10001. This Notice of Opposition has been timely filed. As grounds of opposition, LS&Co. alleges as follows:

1. As illustrated in the Official Gazette dated August 24, 2010, Applicant seeks to register the 510 mark that is the subject of Application Serial No. 77/948,283 in International Classes 3, 18 and 25.

2. LS&Co. is the owner of the distinctive trademarks 501®, 505®, 517®, and 569® (collectively the “500 Trademarks”), as reflected in the representative registrations issued on the Principal Register, which presently are in full force and effect:

<u>Trademark</u>	<u>Registration No.</u>	<u>Registration Date</u>	<u>First Use Date</u>
501	1,552,985	August 22, 1989	December 31, 1969
505	1,313,554	January 8, 1985	June 27, 1983
517	1,319,462	February 12, 1985	June 27, 1983
569	2,503,976	November 6, 2001	May 1, 1998

The above registrations are incontestable under 15 U.S.C. § 1065, as shown by the records of the United States Patent and Trademark Office. True and correct copies of these Registrations are attached as Exhibit A. Since at least as early as the first use dates listed above, LS&Co. continuously has used its 500 Trademarks on jeans and pants. In addition, LS&Co. has -- without registration of each individual mark it has used -- used many other three digit, 500 series marks within its family of 500 Trademarks to identify other styles of its casual apparel products.

3. LS&Co.'s 500 Trademarks and other uses of 500 series trademarks are all undisputedly prior to the 510 mark proposed by Applicant. LS&Co.'s first uses all long precede the date of Applicant's intent to use application for the 510 mark and Applicant's date of first use, if any.

4. Since adoption and first use of LS&Co.'s 500 Trademarks, LS&Co. continuously has marketed and presently is marketing its goods nationwide. LS&Co.'s goods are identified as originating from LS&Co. through the display and advertising -- by LS&Co. and retailers selling its products -- of LS&Co.'s 500 Trademarks. LS&Co. has expended and continues to expend substantial time, money, and effort promoting its 500 Trademarks to identify LS&Co. as the source of the goods displaying the marks. As a result, the public has come to recognize LS&Co. as the source of goods displaying the 500 Trademarks.

5. By virtue of its long use and promotion of the 500 Trademarks and the high quality of its goods, LS&Co. has gained a valuable reputation for its 500 Trademarks and has developed exceedingly valuable goodwill with respect to those marks.

6. Registration of Applicant's mark will lead the public to conclude, incorrectly, that Applicant is or has been, and Applicant's goods displaying the mark are or have been, authorized, sponsored, or licensed by LS&Co. Issuance of any registration to Applicant for the mark at issue is therefore contrary to the provisions of 15 U.S.C. § 1052(a) and will result in damage to LS&Co. and the public.

7. Applicant's mark is deceptively similar to LS&Co.'s 500 Trademarks so as to cause confusion, or to cause mistake or to deceive the public as to the origin of Applicant's goods bearing that trademark. Therefore, registration of Applicant's mark is prohibited by 15 U.S.C. § 1052(d).

8. Because Applicant's mark is not associated with Opposer and creates the same, or essentially the same, commercial impression as LS&Co.'s 500 Trademarks, registration of Applicant's mark is likely to cause confusion, or to cause mistake or to deceive the public as to the source of Applicant's goods, to the harm and damage of LS&Co. and the public. Therefore, registration of Applicant's mark is prohibited by 15 U.S.C. § 1052(d).

9. LS&Co.'s 500 Trademarks are distinctive and famous within the meaning of 15 U.S.C. § 1125(c). Applicant's mark has or is likely to cause dilution of the distinctive quality of LS&Co.'s 500 Trademarks, in violation of 15 U.S.C. § 1125(c), to the harm and damage of LS&Co. and the public. Therefore, registration of Applicant's mark may be refused under 15 U.S.C. §§ 1052 and 1063(a).

10. Registration of Applicant's mark would constitute prima facie evidence of the validity of such registration, Applicant's ownership of the mark, and Applicant's exclusive right to use the mark pursuant to the provisions of 15 U.S.C. § 1057(b). Such registration would be a source of damage and injury to LS&Co. and the public, and would be contrary to the principles of registration set out in 15 U.S.C. §§ 1051 *et seq.*

WHEREFORE, LS&Co. prays that this Opposition be sustained, and that registration to Applicant for the 510 mark covered by Application Serial No. 77/948,283 be denied.

Please charge any necessary fee regarding this Opposition to the Deposit Account of Townsend and Townsend and Crew LLP, No. 20-1430, and credit any overpayment to such deposit account.

Please direct all notices, pleadings and process regarding this matter to:

Marie C. Seibel, Esq.
TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111-3834
Telephone: (415) 576-0200
Facsimile: (415) 576-0300
Email: mcseibel@townsend.com

Respectfully submitted,

TOWNSEND *and* TOWNSEND *and* CREW LLP

Dated: October 18, 2010

By: 

Marie C. Seibel
Attorneys for Opposer
Levi Strauss & Co.

Townsend and Townsend and Crew LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111-3834
Telephone: (415) 576-0200
Facsimile: (415) 576-0300

CERTIFICATE OF SERVICE

I hereby certify that on October 19, 2010, I served the foregoing **NOTICE OF OPPOSITION** on the parties in said action by depositing a true copy thereof with the United States Postal Service as first class mail, postage prepaid, at San Francisco, California, enclosed in a sealed envelope addressed as follows:

Norman H. Zivin
Cooper & Dunham LLP
30 Rockefeller Plaza, Fl. 20
New York, NY 10112-0077

Dated: October 19, 2010

By: Masha M. Martinenko
Masha M. Martinenko

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EXHIBIT A

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office **Reg. No. 1,552,985**
Registered Aug. 22, 1989

**TRADEMARK
PRINCIPAL REGISTER**

501

LEVI STRAUSS & CO. (DELAWARE CORPO-
RATION)
1155 BATTERY STREET
SAN FRANCISCO, CA 94111

FIRST USE 12-31-1969; IN COMMERCE
12-31-1969.

SER. NO. 768,165, FILED 10-24-1988.

FOR: JEANS, IN CLASS 25 (U.S. CL. 39).

CHRIS A. F. PEDERSEN, EXAMINING ATTOR-
NEY

Int. Cl.: 25

Prior U.S. Cl.: 39

Reg. No. 1,313,554

United States Patent and Trademark Office

Registered Jan. 8, 1985

TRADEMARK
Principal Register

505

Levi Strauss & Co. (Delaware corporation)
1155 Battery St.
San Francisco, Calif. 94106

For: PANTS, in CLASS 25 (U.S. Cl. 39).
First use Jun. 27, 1983; in commerce Jun. 27, 1983.

Ser. No. 440,370, filed Aug. 22, 1983.

STEWART J. BELLUS, Examining Attorney

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office

Reg. No. 1,319,462

Registered Feb. 12, 1985

TRADEMARK
Principal Register

517

Levi Strauss & Co. (Delaware corporation)
1155 Battery St.
San Francisco, Calif. 94106

For: PANTS, in CLASS 25 (U.S. Cl. 39).
First use Jun. 27, 1983; in commerce Jun. 27, 1983.

Ser. No. 440,371, filed Aug. 22, 1983.

LUCY A. MARINO, Examining Attorney

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 2,503,976

Registered Nov. 6, 2001

**TRADEMARK
PRINCIPAL REGISTER**

569

**LEVI STRAUSS & CO. (DELAWARE CORPORATION)
1155 BATTERY STREET
SAN FRANCISCO, CA 94111**

FIRST USE 5-0-1998; IN COMMERCE 5-0-1998.

SER. NO. 76-150,442, FILED 10-17-2000.

FOR: JEANS AND PANTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

BILL DAWE, EXAMINING ATTORNEY