

ESTTA Tracking number: **ESTTA375842**

Filing date: **10/29/2010**

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	Werner Christ GmbH		
Entity	Corporation	Citizenship	Germany
Address	Schonecker Strasse 40 Gondershausen, 56283 GERMANY		

Attorney information	Patrick J. Jennings Pillsbury Winthrop Shaw Pittman, LLP 2300 N Street, N.W. Washington, DC 20037 UNITED STATES dctm@pillsburylaw.com Phone:2026638000		
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### Applicant Information

Application No	85033616	Publication date	10/05/2010
Opposition Filing Date	10/29/2010	Opposition Period Ends	11/04/2010
Applicant	Tara Subkoff 4003 Cumberland Ave. Los Angeles, CA 90027 UNITED STATES		

### Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Clothing and accessories, namely, jackets, blazers, ties, slacks, shoes, dresses, skirts, blouses, sweaters, pants, jeans, t-shirts, shirts, coats, rain coats, hats, belts and gloves
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### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2766011	Application Date	11/10/1999
Registration Date	09/23/2003	Foreign Priority Date	NONE
Word Mark	CHRIST		

Design Mark	<b>CHRIST</b>
Description of Mark	NONE
Goods/Services	<p>Class 001. First use: Chemical impregnating agents for leather</p> <p>Class 003. First use: Cleaners and conditioners for leather, fur, fur velour and leather</p> <p>Class 018. First use: Leather goods, namely, suitcases; travel bags; cosmetic bags sold empty; hat boxes for travel; attache cases; rucksacks; bags, namely, duffel bags, carry-on bags, hand bags, shoulder bags, belt bags; briefcase-type portfolios; college satchels; all-purpose sport-bags; school-bags; briefcases; satchels; and small leather goods, namely, wallets, purses, note cases, key cases and key tags</p> <p>Class 025. First use: Clothing, namely, coats, jackets, vests, pants, skirts, headwear, hats, baseball caps, peaked caps, gloves, clothing belts, footwear, boots, shoes and slippers all made of leather, fur velour, fur or textile</p>

Attachments	75846192#TMSN.gif ( 1 page )( bytes ) Imitation of Christ Opposition.pdf ( 9 pages )(66218 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	/Pat Jennings/
Name	Patrick J. Jennings
Date	10/29/2010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Werner Christ GmbH,	)	
	)	
Opposer,	)	
	)	
v.	)	
	)	Ser. No. 85/033,616
Tara Subkoff,	)	Opp. No. _____
	)	
	)	
Applicant.	)	

**NOTICE OF OPPOSITION**

Opposer Werner Christ GmbH (“Opposer”) is or will be damaged by the registration of the mark IMITATION OF CHRIST and hereby opposes the registration of the same under 37 C.F.R. § 2.101(b). Allegations with respect to Opposer are based on actual knowledge. All other allegations are based on information and belief. As grounds for the opposition, Opposer, by its attorneys, aver as follows:

**Opposer and its Federally Registered CHRIST Mark**

1. Founded in 1954, Opposer is a corporation organized and existing under the laws of Germany, with an address of Schonecker Strasse 40, 56283 Gondershausen, Germany.
2. Opposer owns a statutorily incontestable registration on the Principal Register for the trademark CHRIST (Reg. No. 2,766,011). Issued on September 23, 2003, the registration covers “clothing, namely, coats, jackets, vests, headwear, hats, gloves, clothing belts, all made of leather, fur velour, fur or textile” in International Class 25.
3. Opposer’s CHRIST mark has been in continuous use in commerce on clothing made of textiles and leather since at least as early as August 1992.

4. Opposer's registration is valid and subsisting and *prima facie* evidence of the validity and registration of the mark, Opposer's ownership of the mark, and Opposer's exclusive right to use the mark in commerce on or in connection with the goods specified in the registration. A printout from the United States Patent and Trademark Office's TARR System showing the status of the registration is attached as Exhibit A.

**Applicant and its IMITATION OF CHRIST Mark**

5. Tara Subkoff ("Applicant") is a citizen of the United States with an address of 4003 Cumberland Ave., Los Angeles, California 90027.

6. On May 8, 2010, Applicant filed an intent to use application to register the mark IMITATION OF CHRIST in the United States Patent and Trademark Office for use in connection with "clothing and accessories, namely, jackets, blazers, ties, slacks, shoes, dresses, skirts, blouses, sweaters, pants, jeans, t-shirts, shirts, coats, rain coats, hats, belts and gloves" in International Class 25.

7. The United States Patent and Trademark Office published the IMITATION OF CHRIST application for opposition on October 5, 2010.

**Count One**  
**Likelihood of Confusion, 15 U.S.C. § 1052(d)**

8. Opposer repeats and re-alleges each and every allegation set forth in Paragraphs 1 through 7.

9. The IMITATION OF CHRIST mark, when used in connection with the goods in Applicant's published trademark application, so resembles Opposer's CHRIST mark as to be likely to cause confusion, cause mistake, and deceive under 15 U.S.C. § 1052(d).

10. Opposer's rights in its CHRIST mark predate any rights Applicant could assert in the IMITATION OF CHRIST mark.

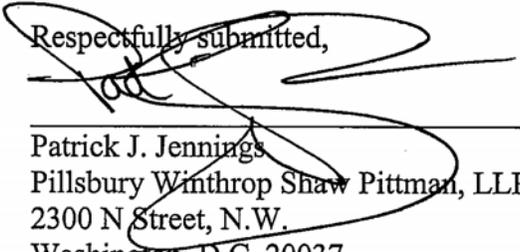
11. Applicant's IMITATION OF CHRIST mark contains all of Opposer's CHRIST mark.

12. Applicant's IMITATION OF CHRIST mark covers goods that are closely related, and in some instances, identical to the goods in Opposer's CHRIST registration.

13. Consumers are likely to believe that Applicant's goods are imitations of Opposer's goods.

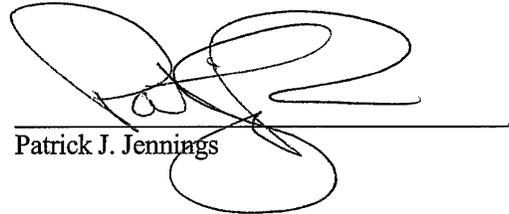
WHEREFORE, Opposer respectfully requests that the Trademark Trial and Appeal Board refuse to register Applicant's IMITATION OF CHRIST mark and sustain this opposition.

Respectfully submitted,

  
Patrick J. Jennings  
Pillsbury Winthrop Shaw Pittman, LLP  
2300 N Street, N.W.  
Washington, D.C. 20037  
Phone: 202-663-8000

## CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing "NOTICE OF OPPOSITION" has been served on G. Roxanne Elings, with an address of Greenberg Traurig, LLP, 200 Park Ave., Floor 34, New York, New York 10166-0005, via first class mail, postage prepaid, this 29<sup>th</sup> day of October 2010.



Patrick J. Jennings

# **EXHIBIT A**

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2010-10-29 09:30:10 ET

Serial Number: 75846192 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 2766011

Mark (words only): CHRIST

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2009-10-01

Filing Date: 1999-11-10

Transformed into a National Application: No

Registration Date: 2003-09-23

Register: Principal

Law Office Assigned: LAW OFFICE 115

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)

Current Location: M60 -TMO Law Office 115

Date In Location: 2009-10-01

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#### LAST APPLICANT(S)/OWNER(S) OF RECORD

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1. [Werner Christ GmbH](#)

**Address:**

[Werner Christ GmbH](#)  
[Schonecker Strasse 40 56283 Gondershausen](#)  
[Fed Rep Germany](#)

**Legal Entity Type:** [Corporation](#)

**State or Country of Incorporation:** [Fed Rep Germany](#)

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#### GOODS AND/OR SERVICES

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**International Class:** [001](#)

**Class Status:** [Active](#)

[Chemical impregnating agents for leather](#)

**Basis:** 44(e)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

**International Class:** 003

**Class Status:** Active

Cleaners and conditioners for leather, fur, fur velour and leather

**Basis:** 44(e)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

**International Class:** 018

**Class Status:** Active

Leather goods, namely, suitcases; travel bags; cosmetic bags sold empty; hat boxes for travel; attache cases; rucksacks; bags, namely, duffel bags, carry-on bags, hand bags, shoulder bags, belt bags; briefcase-type portfolios; college satchels; all-purpose sport-bags; school-bags; briefcases; satchels; and small leather goods, namely, wallets, purses, note cases, key cases and key tags

**Basis:** 44(e)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

**International Class:** 025

**Class Status:** Active

Clothing, namely, coats, jackets, vests, pants, skirts, headwear, hats, baseball caps, peaked caps, gloves, clothing belts, footwear, boots, shoes and slippers all made of leather, fur velour, fur or textile

**Basis:** 44(e)

**First Use Date:** (DATE NOT AVAILABLE)

**First Use in Commerce Date:** (DATE NOT AVAILABLE)

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#### ADDITIONAL INFORMATION

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**Foreign Registration Number:** 1109641

**Foreign Registration Date:** 1996-01-07

**Country:** Fed Rep Germany

**Foreign Expiration Date:** 2006-06-30

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#### MADRID PROTOCOL INFORMATION

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(NOT AVAILABLE)

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#### PROSECUTION HISTORY

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**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-08-18 - TEAS Change Of Correspondence Received

2009-10-01 - Section 8 (6-year) accepted & Section 15 acknowledged

2009-10-01 - Case Assigned To Post Registration Paralegal  
2009-09-18 - TEAS Section 8 & 15 Received  
2008-07-22 - Case File In TICRS  
2003-09-23 - Registered - Principal Register  
2003-07-01 - Published for opposition  
2003-06-11 - Notice of publication  
2003-04-15 - Approved for Pub - Principal Register (Initial exam)  
2003-04-10 - Sec. 1(B) Claim Deleted  
2003-03-17 - Communication received from applicant  
2003-03-17 - PAPER RECEIVED  
2003-01-16 - Non-final action mailed  
2002-10-31 - Communication received from applicant  
2002-10-31 - PAPER RECEIVED  
2001-03-05 - Letter of suspension mailed  
2000-11-30 - Communication received from applicant  
2000-06-01 - Non-final action mailed  
2000-04-14 - Assigned To Examiner

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**ATTORNEY/CORRESPONDENT INFORMATION**

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**Attorney of Record**

Patrick J. Jennings

**Correspondent**

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Washington DC 20037

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**Domestic Representative**

Pillsbury Madison &amp; Sutro LLP

