

ESTTA Tracking number: **ESTTA418200**

Filing date: **07/06/2011**

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	Coach Services, Inc.
Granted to Date of previous extension	07/06/2011
Address	516 West 34th Street New York, NY 10001 UNITED STATES

Attorney information	Suzanne White Coach Services, Inc. 516 West 34th Street New York, NY 10001 UNITED STATES swhite@coach.com Phone:212 629 2217
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Applicant Information

Application No	85133569	Publication date	03/08/2011
Opposition Filing Date	07/06/2011	Opposition Period Ends	07/06/2011
Applicant	Coachella Music Festival, LLC 5750 Wilshire Boulevard, Suite 501 Los Angeles, CA 90036 UNITED STATES		

Goods/Services Affected by Opposition

Class 016. First Use: 1999/10/00 First Use In Commerce: 1999/10/00 All goods and services in the class are opposed, namely: Posters
Class 025. First Use: 1999/10/00 First Use In Commerce: 1999/10/00 All goods and services in the class are opposed, namely: Halter tops; Hooded sweat shirts; Long-sleeved shirts; Scarves; Shirts; T-shirts; Tank tops

Grounds for Opposition

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

U.S. Registration No.	1846801	Application Date	02/26/1993
Registration Date	07/26/1994	Foreign Priority Date	NONE
Word Mark	COACH		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1992/10/31 First Use In Commerce: 1992/10/31 men's and women's coats and jackets

U.S. Registration No.	2061826	Application Date	09/15/1994
Registration Date	05/13/1997	Foreign Priority Date	NONE
Word Mark	COACH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 012. First use: First Use: 1996/04/01 First Use In Commerce: 1996/04/01 seat covers and seat cushions for automobiles		

U.S. Registration No.	2074972	Application Date	08/16/1995
Registration Date	07/01/1997	Foreign Priority Date	NONE
Word Mark	COACH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1992/10/31 First Use In Commerce: 1992/10/31 leather cleaning and moisturizing preparations Class 021. First use: First Use: 1992/10/31 First Use In Commerce: 1992/10/31 shoe brushes and cleaning cloths for wiping or dusting of leather products		

U.S. Registration No.	2088706	Application Date	12/26/1995
Registration Date	08/19/1997	Foreign Priority Date	NONE
Word Mark	COACH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 006. First use: First Use: 1995/10/01 First Use In Commerce: 1995/10/01 key fobs of metal, metal money clips Class 009. First use: First Use: 1995/04/30 First Use In Commerce: 1995/04/30 eyeglass cases, cellular phone cases, computer cases and computer accessory cases Class 016. First use: First Use: 1990/05/31 First Use In Commerce: 1990/05/31 desk pads, desk file trays, memo boxes, pencil cups, business card holders, paperweights, planning diaries, daily business planners, checkbook covers Class 018. First use: First Use: 1986/10/31 First Use In Commerce: 1986/10/31 attache cases, briefcases, satchels, tote bags, duffle bags, key cases and leather key fobs, men's clutches, coin cases, credit card cases, waist pouches, water bottle carriers, passport covers, cosmetic cases sold empty, toiletry cases		

	<p>sold empty, and identification tags for luggage, luggage, garment bags, back packs</p> <p>Class 020. First use: First Use: 1990/05/31 First Use In Commerce: 1990/05/31 picture frames, jewelry cases not of precious metal, non-metal money clips</p> <p>Class 025. First use: First Use: 1986/05/31 First Use In Commerce: 1986/05/31 hats, caps and gloves</p>
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U.S. Registration No.	2231001	Application Date	09/15/1994
Registration Date	03/09/1999	Foreign Priority Date	NONE
Word Mark	COACH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1976/00/00 First Use In Commerce: 1976/00/00 clothing for men, women and children, namely, coats, jackets, vests, shirts, overcoats, raincoats[, socks,] scarves, [ties, suspenders,] shoes, [slippers,] and belts		

U.S. Registration No.	2291341	Application Date	02/11/1997
Registration Date	11/09/1999	Foreign Priority Date	NONE
Word Mark	COACH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 1998/04/01 First Use In Commerce: 1998/04/01 [clocks and] watches		

U.S. Registration No.	2446607	Application Date	04/14/1994
Registration Date	04/24/2001	Foreign Priority Date	NONE
Word Mark	COACH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1999/10/01 First Use In Commerce: 1999/10/01 writing instruments, namely, pens and pencils		

U.S. Registration No.	2451168	Application Date	11/06/1996
Registration Date	05/15/2001	Foreign Priority Date	NONE
Word Mark	COACH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1999/11/18 First Use In Commerce: 1999/11/18 eyeglasses		

U.S. Registration No.	2537004	Application Date	01/07/1999
Registration Date	02/05/2002	Foreign Priority Date	NONE
Word Mark	COACH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 2000/09/01 First Use In Commerce: 2000/09/01 home furnishings, namely, bed sheets, pillowcases, towels, comforters, duvet covers, bedspreads, dust ruffles, pillow shams, curtains, draperies, tablecloths not of paper, cloth napkins and bed blankets		

Attachments	75239976#TMSN.gif (1 page)(bytes) 75194035#TMSN.gif (1 page)(bytes) Notice of Opposition - COACHELLA app no 85133569.pdf (4 pages)(101481 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	/suzanne white/
Name	Suzanne White
Date	07/06/2011

NOTICE OF OPPOSITION

COACH SERVICES, INC., a corporation of the State of Maryland, having its principal place of business at 516 West 34th Street, New York, New York 10001 (hereinafter "Opposer"), believes that it will be damaged by registration of the mark shown in Application No. 85/133,569 of Coachella Music Festival, LLC, a Delaware company, having its place at 5750 Wilshire Boulevard, Suite 501 Los Angeles CALIFORNIA 90036, United States (hereinafter "Applicant"), and hereby opposes issuance of the registration.

As grounds for opposition, Opposer states as follows:

1. Since as early as 1941, Opposer, initially through its predecessors in interest, has been engaged in the sale, distribution and advertising of a wide variety of leather and other materials goods, including handbags, purses, clutches, shoulder bags, portfolios, waist pouches, eyeglasses, eyeglass frames, sunglasses, sunglass frames, eyeglass cases, sunglass cases, luggage, identification cases, garment bags, backpacks, tote bags, travel kits, toiletry cases, cosmetic cases, key cases, billfolds, wallets, credit card cases, business card cases, passport holders, briefcases, coin pouches, and umbrellas, among other goods.
2. At least as early as 1957, Opposer's predecessor adopted the arbitrary and distinctive COACH trademark for use in association with the sale, distribution and advertising of goods. At least since as early as that date, Opposer's predecessor first used the trademark COACH in association with the sale of goods in interstate commerce. Upon information and belief, at least as early as that date, the public and trade referred to the source of goods and to Opposer's predecessor by the mark COACH.

3. Since 1957, Opposer's predecessors and Opposer have expanded the use of the trademark COACH to a wide variety of goods, many of which are set forth above.

4. Since long prior to the date of Applicant's application for COACHELLA - at least October 1, 1957 - Opposer's predecessors and Opposer continuously have used the mark COACH in association with the sale, distribution and advertising of goods.

5. Opposer's predecessor and Opposer have sold and distributed substantial amounts of goods in association with the COACH mark. Opposer's predecessor, Opposer, Opposer's business partners, Opposer's distributors and Opposer's licensees have spent substantial sums in advertising and promoting goods in association with the COACH mark.

6. As a result of Opposer's long use, extensive sales, and significant advertising and promotional activities, the COACH mark has become widely recognized by the public and the trade throughout the United States. The arbitrary and distinctive mark identifies Opposer as the source or origin of goods bearing, sold under, distributed and advertised in association with the mark. Opposer enjoys substantial and valuable goodwill in the COACH mark.

7. Opposer is the owner of several federal registrations for the COACH mark for use on a wide variety of goods, including the Applicant's. In particular, Opposer is the owner of at least the following:

- a) Registration No. 1,071,000 for COACH issued August 9, 1977 in Class 18.
- b) Registration No. 1,846,801 for COACH issued July 26, 1994 in Class 25.
- c) Registration No. 2,074,972 for COACH issued on July 1, 1997 in Classes 3 and 21.
- d) Registration No. 2,088,706 for COACH issued on August 19, 1997 in Class 18.
- e) Registration No. 2,231,001 for COACH issued on March 9, 1999 in Class 25.
- f) Registration No. 2,291,341 for COACH issued on November 9, 1999 in Class 14.

- g) Registration No. 2,446,607 for COACH issued on April 24, 2001 in Class 16.
- h) Registration No. 2,451,168 for COACH issued on May 15, 2001 in Class 9.
- i) Registration No. 2,537,004 for COACH issued on February 5, 2002 in Class 24.

These registrations are valid, subsisting, and some have become incontestable.

8. Opposer continues to successfully market and sell goods using Opposer's COACH mark. The U.S. Customs Service has characterized Opposer's COACH mark as a "strong" trademark.

9. Opposer has used its registered COACH mark in conjunction with the style name ELLA many times throughout the history of Opposer's use of the COACH mark – including on bags, accessories and clothing.

10. Upon information and belief, Applicant is an organizer of music festivals and retailer of consumer goods in the above stated classes at said music festivals.

11. On or about September 20, 2010, Applicant applied for a trademark registration for the mark COACHELLA & design for use, *inter alia*, in connection with *Posters* in Class 16; and *Halter tops; Hooded sweat shirts; Long-sleeved shirts; Scarves; Shirts; T-shirts; Tank tops* in Class 25.

12. Upon information and belief, Applicant intends to use the Mark COACHELLA on or in connection with these goods and as a result will closely imitate Opposer's COACH mark and will therefore be confusingly similar to Opposer's COACH Mark.

13. Applicant's use of the COACHELLA Mark is likely to cause confusion, or to cause mistake or deceive, in view of Opposer's predecessor's and Opposer's long prior use of the arbitrary and distinctive COACH mark, as well as the Opposer's use of COACH in conjunction with ELLA, in association with the sale, distribution, and advertising of the same or similar types of goods.

14. By reason of Opposer's predecessor's and Opposer's use of the COACH mark prior to Applicant's filing of its application to register a confusingly similar trademark in

association with the same or related goods, Opposer has rights superior to any rights of Applicant.

15. The registration of Applicant's COACHELLA Mark on the Principal Register will interfere with Opposer's enjoyment of its rights in its COACH mark, to Opposer's substantial detriment.