

ESTTA Tracking number: **ESTTA419341**

Filing date: **07/12/2011**

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	Maggy London International, Ltd.
Granted to Date of previous extension	07/13/2011
Address	530 Seventh Avenue New York, NY 10018 UNITED STATES

Attorney information	Thomas M. Furth Kudman Trachten Aloe LLP 350 Fifth Avenue, Suite 4400 New York, NY 10118 UNITED STATES tfurth@kudmanlaw.com Phone:212 868-1010
----------------------	---

**Applicant Information**

Application No	77853309	Publication date	03/15/2011
Opposition Filing Date	07/12/2011	Opposition Period Ends	07/13/2011
Applicant	Caerus & Muse, Inc. 3519 Willow Glen Ln. West Covina, CA 91792 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 025. First Use: 2009/07/07 First Use In Commerce: 2009/08/30 All goods and services in the class are opposed, namely: Bathrobes; Belts; Blouses; Capes; Caps; Cardigans; Cloaks; Dress shirts; Dresses; Ear muffs; Gloves; Hats; Headwear; Jackets; Pajamas; Petticoats; Polo shirts; Pullovers; Scarves; Skirts; Socks; Stockings; Sweat shirts; Sweaters; T-shirts; Ties; Vests
--

**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.	2589023	Application Date	08/12/1999
Registration Date	07/02/2002	Foreign Priority Date	NONE

Word Mark	MUSE
Design Mark	<b>MUSE</b>
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1999/12/00 First Use In Commerce: 1999/12/00 Women's wearing apparel and sportswear, namely - dresses, blouses, pants, skirts, jackets, coats, sweaters, shirts, tops and accessories, namely - scarves [, lingerie, hosiery, shoes and hats]

U.S. Registration No.	3672647	Application Date	02/10/2009
Registration Date	08/25/2009	Foreign Priority Date	NONE
Word Mark	MUSE		
Design Mark	<b>MUSE</b>		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2008/10/23 First Use In Commerce: 2008/10/23 Jeans		

Attachments	75773735#TMSN.gif ( 1 page )( bytes ) 77667731#TMSN.jpeg ( 1 page )( bytes ) Notice of Opposition - Caerus&Muse 7-12-11.pdf ( 4 pages )(25907 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	/tmfurth/
-----------	-----------

Name	Thomas M. Furth
Date	07/12/2011

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

In the matter of Trademark  
Application Serial No. 77/853,309 (CAERUS&MUSE)

Published in the *Official Gazette*  
on March 15, 2011

-----x  
Maggy London International, Ltd.,       :  
  :  
                  Opposer,                   :  
  :  
                  v.                           :  
  :  
Caerus & Muse, Inc.,                   :  
  :  
                                  Applicant.   :  
-----x

NOTICE OF OPPOSITION

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

In the matter of trademark application Serial No. 77/853,309 for the  
trademark CAERUS&MUSE for Bathrobes; Belts; Blouses; Capes; Caps; Cardigans;  
Cloaks; Dress shirts; Dresses; Ear muffs; Gloves; Hats; Headwear; Jackets;  
Pajamas; Petticoats; Polo shirts; Pullovers; Scarves; Skirts; Socks; Stockings;  
Sweat shirts; Sweaters; T-shirts; Ties; Vests in International Class 25 filed October

20, 2009 and published in the Official Gazette on March 15, 2011.

Maggy London International, Ltd., a corporation organized under the laws of the State of New York and having a place of business at 530 Seventh Avenue, New York, NY 10018 believes it will be damaged by registration of the mark shown in the above identified application and hereby opposes the same.

The grounds for the opposition are as follows:

1. Opposer has adopted and used in interstate commerce the trademark MUSE for women's apparel continuously since at least as early as December 1999. It is the owner of U.S. Trademark Registration No. 2,589,023 for Women's wearing apparel and sportswear, namely - dresses, blouses, pants, skirts, jackets, coats, sweaters, shirts, tops and accessories, namely - scarves in Class 25. It is also the owner of U.S. Trademark Registration No. 3,672,647 for Jeans in Class 25.

2. Applicant's above identified mark CAERUS&MUSE is likely, when used on or in connection with Applicant's goods, to cause confusion, or to cause mistake, or to deceive due to its similarity to MUSE and its use on goods identical to the goods sold by Opposer under its MUSE mark, and on goods which travel in the same channels of trade as goods sold By Opposer under its mark.

3. Opposer has priority of use in commerce and priority of registration of its MUSE mark.

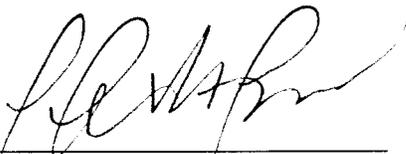
4. Applicant's mark is not registrable under Section 2(d) of the Lanham Act in view of Opposer's prior, continuous, ongoing and current use of its mark in interstate commerce.

5. Opposer's mark, MUSE, is a famous mark within the meaning of Section 43(c) of the Lanham Act. Registration of the mark CAERUS&MUSE by Applicant will lessen the capacity of Opposer's mark to identify and distinguish the goods and services of Opposer, and is thereby likely to cause dilution of Opposer's mark.

WHEREFORE, Opposer believes that it will be damaged by registration of said mark and prays that this opposition be sustained.

Dated: New York, New York  
July 12, 2011

KUDMAN TRACHTEN ALOE LLP  
Attorneys for Opposer

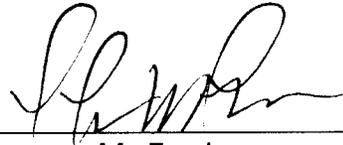
By: 

Thomas M. Furth  
350 Fifth Avenue, Suite 4400  
New York, New York 10168  
(212) 868-1010

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing NOTICE OF OPPOSITION has been served by First Class Mail, postage prepaid, on Applicant on this 12th day of July 2011, by addressing the same as follows:

HARRIS LIU  
CAERUS & MUSE, INC.  
3519 WILLOW GLEN LN  
WEST COVINA, CA 91792-5706



---

Thomas M. Furth