

ESTTA Tracking number: **ESTTA426347**

Filing date: **08/22/2011**

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	Chloe S.A.S.
Granted to Date of previous extension	08/21/2011
Address	5/7 Av. Percier Paris, 75008 FRANCE

Attorney information	John P. Margiotta Fross Zelnick Lehrman & Zissu 866 United Nations Plaza,6th Floor New York, NY 10017 UNITED STATES jm@fzlz.com, agreenberg@fzlz.com Phone:212-813-5900
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Applicant Information

Application No	85114862	Publication date	02/22/2011
Opposition Filing Date	08/22/2011	Opposition Period Ends	08/21/2011
Applicant	Cexy Cinnabunns LLC 3-R 205 Quincy St Brooklyn, NY 11216 UNITED STATES		

Goods/Services Affected by Opposition

Class 018. All goods and services in the class are opposed, namely: Handbags
Class 025. All goods and services in the class are opposed, namely: Dresses; Jackets; Pants; Shoes; T-shirts; Underwear

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.	3964535	Application Date	03/24/2010
Registration Date	05/24/2011	Foreign Priority Date	12/16/2009
Word Mark	C		

Design Mark	
Description of Mark	The mark consists of the letter "C" in stylized format.
Goods/Services	<p>Class 018. First use: Leather and imitations of leather; goods made of leather and imitations of leather, namely, wallets, coin purses, handbags, suitcases, travelling bags, credit card cases, key cases, backpacks, clutch bags, beach bags, shopping bags, briefcases, sling bags for carrying infants, travelling sets, namely, trunks, vanity cases sold empty, cosmetic bags sold empty; wallets, coin purses, handbags, suitcases, travelling bags, credit card cases, key cases, backpacks, clutch bags, beach bags, canvas, reusable, mesh and textile shopping bags, briefcases, sling bags for carrying infants, travelling sets, namely, trunks, vanity cases sold empty, cosmetic bags sold empty, umbrellas, parasols and walking sticks; hides, skins</p> <p>Class 025. First use: Clothing, namely, jackets, blouses, belts, cloaks, ponchos, jumpers, dresses, leggings, tights, shorts, scarves, jumpsuits, cardigans, suits, capes, jeans, coats, rompers; footwear; headwear</p>

Attachments	79083749#TMSN.jpeg (1 page)(bytes) Chloe Notice of Opposition re C CEXYCINNABUNNS.pdf (10 pages)(318005 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	/John P. Margiotta/
Name	John P. Margiotta
Date	08/22/2011

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

In the Matter of Application Serial No. 85/114,862
Mark: C CEXYCINNABUNNS
Published in the *Official Gazette* on February 22, 2011

CHLOÉ S.A.S.,	X	
	:	
Opposer,	:	
	:	
- against -	:	Opposition No. _____
	:	
CEXY CINNABUNNS LLC,	:	
	:	
Applicant.	:	
	:	
	X	

NOTICE OF OPPOSITION

Opposer Chloé S.A.S., a French *societe anonyme* (French corporation), located and doing business at 5/7 Av. Percier, 75008 Paris, France (“Opposer”), believes that it would be damaged by the issuance of a registration to Applicant Cexy Cinnabunns LLC (“Applicant”) for the mark C CEXYCINNABUNNS in International Classes 18 and 25 as applied for in Application Serial No. 85/114,862 (the “Application”), and therefore opposes the same. The Application was published for opposition on February 22, 2011. As grounds for its opposition, Opposer, by its attorneys Fross Zelnick Lehrman & Zissu, P.C., alleges as follows:

1. Opposer is a French fashion house founded in 1952 that pioneered the market for luxury prêt-à-porter clothing and accessories. Opposer is world-famous for its high-quality and exclusive-design luxury goods.

2. Opposer owns US Registration No. 3,964,535 for a distinctive stylized “C” device (the “C Mark”), pictured below:



Opposer’s C Mark

3. The registration for the C Mark cover “clothing, namely, jackets, blouses, belts, cloaks, ponchos, jumpers, dresses, leggings, tights, shorts, scarves, jumpsuits, cardigans, suits, capes, jeans, coats, rompers; footwear; [and] headwear” in International Class 25, as well as handbags and other accessories in International Class 18. Opposer’s registration is valid and subsisting, and enjoys a priority date of December 16, 2009. A printout from the United States Patent and Trademark Office’s online database reflecting this registration is attached as **Exhibit A**.

4. On information and belief, Applicant is a limited liability company organized and existing under the laws of New York State, having a business address at 3-R 205 Quincy St., Brooklyn, NY 11216.

5. On August 24, 2010, Applicant filed Application Serial No. 85/114,862 to register C CEXYCINNABUNNS for “Handbags” in International Class 18 and “Dresses; Jackets; Pants; Shoes; T-shirts; Underwear” in International Class 25. The Application is based on an intent to use the mark.

6. The mark C CEXYCINNABUNNS (depicted below) is confusingly similar to Opposer’s C Mark in sight and commercial appearance.



7. The goods in Classes 18 and 25 for which Applicant seeks to register the mark C CEXYCINNABUNNS are identical or closely related to the goods in connection with which Opposer has registered its C Mark.

8. Applicant's use and registration of C CEXYCINNABUNNS for the goods listed in Classes 18 and 25 of the Application is likely to create the erroneous impression that Applicant's goods originate with, are endorsed, sponsored or promoted by, come from, or are otherwise associated with Opposer or Opposer's goods provided under its C Mark. Any such use and registration of the C CEXYCINNABUNNS mark by Applicant in connection with the goods listed in Classes 18 and 25 of the Application is therefore likely to cause confusion, cause mistake or deceive the public in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

9. Issuance of a registration to Applicant for the mark C CEXYCINNABUNNS in connection with the goods applied for in International Classes 18 and 25 is inconsistent with Opposer's prior rights in the C Mark and would substantially damage Opposer's investment and goodwill in its mark.

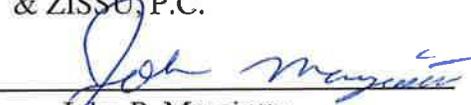
10. By reason of the foregoing, Opposer is likely to be harmed by registration of the mark C CEXYCINNABUNNS in connection with the Class 18 and 25 goods listed in Application Serial No. 85/114,862.

WHEREFORE, it is respectfully requested that this opposition be sustained and that the registration sought by Applicant for its Class 18 and 25 goods in Application Serial No. 85/114,862 be denied.

Dated: New York, New York
August 22, 2011

FROSS ZELNICK LEHRMAN
& ZISSU, P.C.

By:



John P. Margiotta
Alexander L. Greenberg
866 United Nations Plaza
New York, New York 10017
(212) 813-5900

Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of August 2011, I caused a true and correct copy of the foregoing NOTICE OF OPPOSITION to be served by First Class U.S. mail, postage prepaid, on the correspondent of record at the following address:

Cexy Cinnabunns LLC
Attn: Robert Shaw, Principal
205 Quincy Street, Apt. 3-R
Brooklyn, NY 11216


Alexander L. Greenberg

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 2011-08-22 14:42:44 ET

Serial Number: 79083749 Assignment Information Trademark Document Retrieval

Registration Number: 3964535

Mark



(words only): C

Standard Character claim: No

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2011-05-24

Filing Date: 2010-03-24

Transformed into a National Application: No

Registration Date: 2011-05-24

Register: Principal

Law Office Assigned: LAW OFFICE 107

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

Current Location: 830 -Post Registration

Date In Location: 2011-07-15

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

1. CHLOE; Société par Actions Simplifiée

Address:

CHLOE; Société par Actions Simplifiée

5/7, Avenue Percier F-75008 Paris

France

Legal Entity Type: SAS

State or Country Where Organized: France

GOODS AND/OR SERVICES

International Class: 018

Class Status: Active

Leather and imitations of leather; goods made of leather and imitations of leather, namely, wallets, coin purses, handbags, suitcases, travelling bags, credit card cases, key cases, backpacks, clutch bags, beach bags, shopping bags, briefcases, sling bags for carrying infants, travelling sets, namely, trunks, vanity cases sold empty, cosmetic bags sold empty; wallets, coin purses, handbags, suitcases, travelling bags, credit card cases, key cases, backpacks, clutch bags, beach bags, canvas, reusable, mesh and textile shopping bags, briefcases, sling bags for carrying infants, travelling sets, namely, trunks, vanity cases sold empty, cosmetic bags sold empty, umbrellas, parasols and walking sticks; hides, skins

Basis: 66(a)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 025

Class Status: Active

Clothing, namely, jackets, blouses, belts, cloaks, ponchos, jumpers, dresses, leggings, tights, shorts, scarves, jumpsuits, cardigans, suits, capes, jeans, coats, rompers; footwear; headwear

Basis: 66(a)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Color(s) Claimed: Color is not claimed as a feature of the mark.

Description of Mark: The mark consists of the letter "C" in stylized format.

MADRID PROTOCOL INFORMATION

International Registration Number: 1042019

International Registration Date: 2010-03-24

Priority Claimed: Yes

Date of Section 67 Priority Claim: 2009-12-16
International Registration Status: Request For Extension Of Protection Processed
Date of International Registration Status: 2010-07-09
International Registration Renewal Date: 2020-03-24
Notification of Designation Date: 2010-07-08
Date of Automatic Protection: 2012-01-08
Date International Registration Cancelled: (DATE NOT AVAILABLE)
First Refusal: Yes

PROSECUTION HISTORY

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

2011-06-08 - Section 7 correction issued

2011-06-08 - Assigned To Paralegal

2011-06-08 - Limitation From The IB Examined And Entered

2011-05-25 - Limitation Of Goods Received From IB

2011-05-24 - Registered - Principal Register

2011-03-22 - Attorney Revoked And/Or Appointed

2011-03-22 - TEAS Revoke/Appoint Attorney Received

2011-03-08 - Published for opposition

2011-02-17 - Notification Of Possible Opposition Sent To IB

2011-02-17 - Notice Of Start Of Opposition Period Created, To Be Sent To IB

2011-02-16 - Notice of publication

2011-02-03 - Law Office Publication Review Completed

2011-02-03 - Assigned To LIE

2011-01-06 - Approved for Pub - Principal Register (Initial exam)

2011-01-04 - Teas/Email Correspondence Entered

2011-01-03 - Communication received from applicant

2011-01-03 - TEAS Response to Office Action Received
2010-12-16 - Attorney Revoked And/Or Appointed
2010-12-16 - TEAS Revoke/Appoint Attorney Received
2010-08-13 - Refusal Processed By IB
2010-07-16 - Application Filing Receipt Mailed
2010-07-15 - Non-Final Action Mailed - Refusal Sent To IB
2010-07-15 - Refusal Processed By MPU
2010-07-15 - Non-Final Action (Ib Refusal) Prepared For Review
2010-07-14 - Non-Final Action Written
2010-07-12 - Assigned To Examiner
2010-07-12 - New Application Office Supplied Data Entered In Tram
2010-07-09 - Sn Assigned For Sect 66a Appl From IB

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Lawrence E. Apolzon

Correspondent

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