

ESTTA Tracking number: **ESTTA443625**

Filing date: **11/29/2011**

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                                  | Premium Denim, LLC  |
| Granted to Date of previous extension | 12/10/2011  |
| Address                               | 10119 Jefferson Blvd.<br>Culver City, CA 90232<br>UNITED STATES |

|                      |  |
|----------------------|--|
| Attorney information | Rod S. Berman, Esq.<br>Jeffer Mangels Butler & Mitchell LLP<br>1900 Avenue of the Stars, 7th Floor<br>Los Angeles, CA 90067-4308<br>UNITED STATES<br>trademarkdocket@jmbm.com Phone:310-203-8080 |
|----------------------|--|

**Applicant Information**

|                        |   |                        |            |
|------------------------|---|------------------------|------------|
| Application No         | 85288438  | Publication date       | 10/11/2011 |
| Opposition Filing Date | 11/29/2011  | Opposition Period Ends | 12/10/2011 |
| Applicant              | B&Y Fashion Inc.<br>807 E. 12th St #111<br>Los Angeles, CA 90021<br>UNITED STATES |                        |            |

**Goods/Services Affected by Opposition**

|   |
|---|
| Class 025. First Use: 2011/02/10 First Use In Commerce: 2011/02/10<br>All goods and services in the class are opposed, namely: Women's clothing, namely, shirts, dresses, skirts, blouses |
|---|

**Applicant Information**

|                        |   |                        |            |
|------------------------|---|------------------------|------------|
| Application No         | 85265277  | Publication date       | 10/11/2011 |
| Opposition Filing Date | 11/29/2011  | Opposition Period Ends |            |
| Applicant              | B&Y Fashion Inc.<br>807 E. 12th St #111<br>Los Angeles, CA 90021<br>UNITED STATES |                        |            |

**Goods/Services Affected by Opposition**

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| Class 025.<br>All goods and services in the class are opposed, namely: Women's clothing, namely, shirts, dresses, |
|---|

|                 |
|-----------------|
| skirts, blouses |
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## Grounds for Opposition

|                                      |
|--------------------------------------|
| Priority and likelihood of confusion |
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|----------------------------|
| Trademark Act section 2(d) |
|----------------------------|

## Marks Cited by Opposer as Basis for Opposition

|                       |  |                       |            |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 3301653  | Application Date      | 07/08/2004 |
| Registration Date     | 10/02/2007   | Foreign Priority Date | NONE       |
| Word Mark             | PAIGE PREMIUM DENIM  |                       |            |
| Design Mark           |    |                       |            |
| Description of Mark   | NONE   |                       |            |
| Goods/Services        | Class 025. First use: First Use: 2005/01/15 First Use In Commerce: 2005/01/15 Clothing, namely jeans, pants, overalls, skirts, dresses, shirts, t-shirts, vests, jackets, coats, underwear, loungewear, sleepwear, scarves, belts, all of the foregoing of denim; headwear, namely hats, caps, and visors, all of the foregoing of denim |                       |            |

|                       |   |                       |            |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3191044   | Application Date      | 10/27/2004 |
| Registration Date     | 01/02/2007  | Foreign Priority Date | NONE       |
| Word Mark             | PAIGE PREMIUM   |                       |            |
| Design Mark           |   |                       |            |
| Description of Mark   | NONE  |                       |            |
| Goods/Services        | Class 025. First use: First Use: 2005/01/15 First Use In Commerce: 2005/01/15 Clothing, namely jeans, pants, short pants, skirts, t-shirts, vests and jackets |                       |            |

|                       |  |                       |            |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 3495555  | Application Date      | 01/30/2008 |
| Registration Date     | 09/02/2008   | Foreign Priority Date | NONE       |
| Word Mark             | PAIGE PREMIUM DENIM  |                       |            |
| Design Mark           |                            |                       |            |
| Description of Mark   | The mark consists of a rectangular box with rough edges with the words "PAIGE PREMIUM DENIM" inside the box. |                       |            |
| Goods/Services        | Class 025. First use: First Use: 2004/09/30 First Use In Commerce: 2005/02/01 Jeans                          |                       |            |

|                       |   |                       |            |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3566793   | Application Date      | 02/20/2008 |
| Registration Date     | 01/27/2009  | Foreign Priority Date | NONE       |
| Word Mark             | PAIGE   |                       |            |
| Design Mark           |                          |                       |            |
| Description of Mark   | The mark consists of the word "PAIGE".  |                       |            |
| Goods/Services        | Class 025. First use: First Use: 2004/09/30 First Use In Commerce: 2005/02/01 Jeans; Shorts; Skirts; Shirts |                       |            |

|             |   |
|-------------|---|
| Attachments | 78448029#TMSN.jpeg ( 1 page )( bytes )<br>78506684#TMSN.jpeg ( 1 page )( bytes )<br>77384164#TMSN.jpeg ( 1 page )( bytes )<br>77401849#TMSN.jpeg ( 1 page )( bytes )<br>66884-0050 MADISON PAIGE.pdf ( 5 pages )(142047 bytes )<br>66884-0054 MADISON PAIGE II.pdf ( 5 pages )(152873 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 | /Rod S. Berman/     |
| Name      | Rod S. Berman, Esq. |
| Date      | 11/29/2011          |

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

PREMIUM DENIM, LLC,

Opposer,

v.

B&Y FASHION INC.

Applicant.

Opposition No. \_\_\_\_\_

Appl. Serial No.: 85/288,438

Mark: MADISON PAIGE

Published for Opposition: October 11, 2011

Atty. Ref. No.: 66884-0050

**NOTICE OF OPPOSITION**

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

Opposer, Premium Denim, LLC, a California limited liability company, located at 10119 Jefferson Boulevard, Culver City, California 90232 ("Opposer"), believes that it is and will be damaged by the registration on the Principal Register of MADISON PAIGE, the subject of Application Serial No. 85/288,438 (the "Application"), and Opposer hereby opposes registration of the foregoing mark.

As grounds for this Opposition, it is alleged that:

1. On information and belief, Applicant is a California corporation, with a principal address at 807 E. 12th St #111, Los Angeles, California 90021.
2. The Application was filed on or about April 7, 2011, based on an alleged use in commerce of the MADISON PAIGE mark in connection with goods in Int. Class 25. In the application, Applicant claimed a date of first use of February 10, 2011, and claimed a date of first use in commerce of February 10, 2011.

3. The Application was published for opposition on October 11, 2011, in connection with "Women's clothing, namely, shirts, dresses, skirts, blouses" in Int. Cl. 25 (collectively, "Applicant's Goods").

4. Opposer is the owner of the mark PAIGE, and has used the PAIGE mark in connection with apparel since prior to April 7, 2011, the filing date of the Application.

5. Opposer is the owner of record of Registration No. 3,301,653, filed on July 8, 2004 and issued on October 2, 2007, for the mark PAIGE PREMIUM DENIM, as well as the business and goodwill connected therewith. Opposer has been using the PAIGE PREMIUM DENIM mark in commerce in connection with apparel in International Class 25, as identified in the aforementioned registration, since prior to April 7, 2011, the filing date of the Application. Opposer has used the mark PAIGE PREMIUM DENIM since at least as early as January 15, 2005 and has used the mark in commerce since at least as early as January 15, 2005. Opposer's registration is unrevoked and uncancelled.

6. Opposer is the owner of record of Registration No. 3,191,044, filed on October 27, 2004 and issued on January 2, 2007, for the mark PAIGE PREMIUM, as well as the business and goodwill connected therewith. Opposer has been using the PAIGE PREMIUM mark in commerce in connection with apparel in International Class 25, as identified in the aforementioned registration, since prior to April 7, 2011, the filing date of the Application. Opposer has used the mark PAIGE PREMIUM since at least as early as January 15, 2005 and has used the mark in commerce since at least as early as January 15, 2005. Opposer's registration is unrevoked and uncancelled.

7. Opposer is the owner of record of Registration No. 3,495,555, filed on January 30, 2008 and issued on September 2, 2008, for the mark PAIGE PREMIUM DENIM, as

well as the business and goodwill connected therewith. Opposer has been using the PAIGE PREMIUM DENIM mark in commerce in connection with apparel in International Class 25, as identified in the aforementioned registration, since prior to April 7, 2011, the filing date of the Application. Opposer has used the mark PAIGE PREMIUM DENIM since at least as early as September 30, 2004 and has used the mark in commerce since at least as early as February 1, 2005. Opposer's registration is unrevoked and uncanceled.

8. Opposer is the owner of record of Registration No. 3,566,793, filed on February 20, 2008 and issued on January 27, 2009, for the mark PAIGE, as well as the business and goodwill connected therewith. Opposer has been using the PAIGE mark in commerce in connection with apparel in International Class 25, as identified in the aforementioned registration, since prior to April 7, 2011, the filing date of the Application. Opposer has used the mark PAIGE since at least as early as September 30, 2004 and has used the mark in commerce since at least as early as February 1, 2005. Opposer's registration is unrevoked and uncanceled.

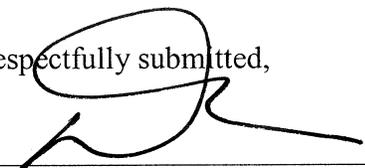
9. Applicant's mark MADISON PAIGE so resembles Opposer's marks PAIGE, PAIGE PREMIUM DENIM and PAIGE PREMIUM as to be likely, when used in connection with the goods set forth in the Application, to cause confusion, or to cause mistake, or to deceive.

WHEREFORE, and in accordance with Section 13 of the Trademark Act (15 U.S.C. § 1063), Opposer prays that this Opposition be sustained and that Application Serial No. 85/288,438 be refused registration.

Please charge the required fee of three hundred dollars (\$300) to Deposit Account No. 10-0440. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0440.

Respectfully submitted,

Dated: November 22, 2011



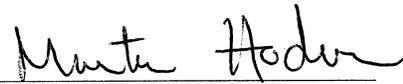
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Los Angeles, CA 90067  
Tel.: (310) 203-8080  
E-mail: trademarkdocket@jmbm.com  
Attorneys for Opposer Premium Denim, LLC

**CERTIFICATE OF SERVICE**

It is hereby certified that on **November 29**, 2011, a copy of the foregoing NOTICE OF OPPOSITION has been sent by first class mail, postage prepaid, to the correspondent of record for Applicant:

B&Y FASHION, INC.  
807 E 12TH ST, # 111  
LOS ANGELES, CA 90021-2174



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Marta Hodur

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

PREMIUM DENIM, LLC,

Opposer,

v.

B&Y FASHION INC.

Applicant.

Opposition No. \_\_\_\_\_

Appl. Serial No.: 85/265,277

Mark: MADISON PAIGE II

Published for Opposition: October 11, 2011

Atty. Ref. No.: 66884-0054

**NOTICE OF OPPOSITION**

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

Opposer, Premium Denim, LLC, a California limited liability company, located at 10119 Jefferson Boulevard, Culver City, California 90232 ("Opposer"), believes that it is and will be damaged by the registration on the Principal Register of MADISON PAIGE II, the subject of Application Serial No. 85/265,277 (the "Application"), and Opposer hereby opposes registration of the foregoing mark.

As grounds for this Opposition, it is alleged that:

1. On information and belief, Applicant is a California corporation, with a principal address at 807 E. 12th St #111, Los Angeles, California 90021.
2. The Application was filed on or about March 11, 2011, based on an intent to use in commerce the MADISON PAIGE II mark in connection with goods in Int. Class 25.
3. The Application was published for opposition on October 11, 2011, in connection with "Women's clothing, namely, shirts, dresses, skirts, blouses" in Int. Cl. 25

(collectively, "Applicant's Goods").

4. Opposer is the owner of the mark PAIGE, and has used the PAIGE mark in connection with apparel since prior to March 11, 2011, the filing date of the Application.

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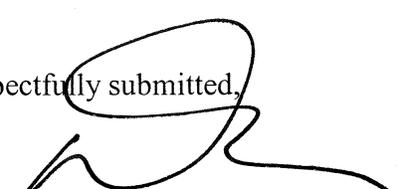
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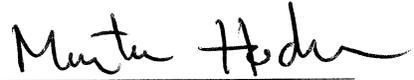
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