

ESTTA Tracking number: **ESTTA466779**

Filing date: **04/12/2012**

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	River Light V, L.P.
Granted to Date of previous extension	04/15/2012
Address	11 WEST 19TH STREET7th FLOOR New York, NY 10011 UNITED STATES

Attorney information	Mary L. Grieco, Safia A. Anand Olshan Grundman Frome Rosenzweig & Wolosky LLP 65 East 55th Street New York, NY 10022 UNITED STATES mgrieco@olshanlaw.com, sanand@olshanlaw.com Phone:212-451-2300
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**Applicant Information**

Application No	85274534	Publication date	10/18/2011
Opposition Filing Date	04/12/2012	Opposition Period Ends	04/15/2012
Applicant	Revolution Dancewear, LLC 6100 West Howard Street Niles, IL 60714 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 025. All goods and services in the class are opposed, namely: Dancing apparel and active wear for use by dancers, exercise, fitness and workout personnel, gymnasts, athletes, skaters and other performers, namely, footwear, tights, leotards, leg warmers; headwear, namely, hats, caps, skull caps, sun visors, and headbands; clothing and wearing apparel, namely, warm-up suits, jogging suits, dance costumes, dresses, skirts, unitards, shirts, pants, shorts, undergarments, t-shirts, sweatshirts, hooded sweatshirts, articles of outer clothing, namely, coats, overcoats, rain coats, ponchos, scarves; articles of underclothing; woven shirts, dress shirts, polo shirts, suits, ties, sweatshirts, jackets, snowsuits, trousers, tank tops, rainwear, blouses, sweaters, suspenders, athletic uniforms; footwear, namely, shoes, boots, sneakers, sandals, booties, slippers, slipper socks, swimwear, dressing gowns, boxer shorts, socks, sleepwear, pajamas, robes, underwear, lingerie, wrist bands, and ties
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**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.	3479178	Application Date	07/03/2007
Registration Date	08/05/2008	Foreign Priority Date	NONE
Word Mark	REVA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2006/02/28 First Use In Commerce: 2006/02/28 Footwear		

U.S. Registration No.	3918505	Application Date	06/23/2009
Registration Date	02/15/2011	Foreign Priority Date	NONE
Word Mark	REVA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 2006/11/30 First Use In Commerce: 2006/11/30 Handbags		

Attachments	77221172#TMSN.jpeg ( 1 page )( bytes ) 77766365#TMSN.jpeg ( 1 page )( bytes ) Rev Notice of Opposition.pdf ( 5 pages )(247156 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	/safiaaanand/
Name	Mary L. Grieco, Safia A. Anand
Date	04/12/2012

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

In the Matter of Trademark Application No. 85/274,534

For the Mark:   
Date Published: October 18, 2011

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RIVER LIGHT V, L.P. , :  
:  
Opposer, :  
:  
v. : Opposition No.:  
:  
REVOLUTION DANCEWEAR, LLC, :  
:  
Applicant. :  
-----X

**NOTICE OF OPPOSITION**

Opposer River Light V, L.P., a limited partnership existing under the laws of the State of Delaware with an address of 11 West 19th Street, 7th Floor, New York, New York 10011 (“Opposer”) believes that it will be damaged by the registration of the above-identified mark filed by Revolution Dancewear, LLC (“Applicant”), a limited liability company existing under the laws of the State of Illinois with an address of 6100 West Howard Street Niles, Illinois 60714, and opposes the same.

Opposer alleges, on knowledge as to its own acts and otherwise on information and belief, as follows:

1. Opposer is the owner of the famous TORY BURCH trademarks. In addition, Opposer is the owner of the trademark REVA (“REVA Mark”) for footwear and handbags. Since at least as early as 2006 and continuing to the present, Opposer, through its licensee(s), has been

engaged in the manufacture, distribution and sale of footwear and handbags using the REVA Mark and has offered for sale and sold such products throughout the United States and in other countries throughout the world. Opposer has therefore established common law rights in the REVA Mark.

2. In addition to its common law rights in the REVA Mark, Opposer is also the owner of two federally registered trademarks for the REVA Mark: Registration No. 3479178 for footwear; and Registration No. 3918505 for handbags.

3. One of Opposer's most famous products is a ballet flat shoe that is marketed and sold using the REVA Mark. The "Reva" ballet flat sold more than 300,000 pairs worldwide in the first year alone, and continues to be one of the company's most popular products.

4. As a result of the efforts of Opposer and its licensee(s), the REVA Mark has come to signify products originating with Opposer and to symbolize goodwill belonging to Opposer.

5. On March 23, 2011, Applicant filed an application to register the mark:



("Applicant's Mark"), Serial No. 85/274,534 in Class 25 for:

Dancing apparel and active wear for use by dancers, exercise, fitness and workout personnel, gymnasts, athletes, skaters and other performers, namely, footwear, tights, leotards, leg warmers; headwear, namely, hats, caps, skull caps, sun visors, and headbands; clothing and wearing apparel, namely, warm-up suits, jogging suits, dance costumes, dresses, skirts, unitards, shirts, pants, shorts, undergarments, t-shirts, sweatshirts, hooded sweatshirts, articles of outer clothing, namely, coats, overcoats, rain coats, ponchos, scarves; articles of underclothing; woven shirts, dress shirts, polo shirts, suits, ties, sweatshirts, jackets, snowsuits, trousers, tank tops, rainwear,

blouses, sweaters, suspenders, athletic uniforms; footwear, namely, shoes, boots, sneakers, sandals, booties, slippers, slipper socks, swimwear, dressing gowns, boxer shorts, socks, sleepwear, pajamas, robes, underwear, lingerie, wrist bands, and ties (“Applicant’s Application”). Applicant’s Application was filed on an intent-to-use basis.

7. On October 18, 2011, Applicant’s Application was published for opposition.

8. On October 16, 2011 and December 14, 2011, Opposer filed requests for an extension of time to oppose Applicant’s Application, both of which were granted.

9. On February 10, 2012, Opposer filed a further request for an extension of time to oppose Applicant’s Application, with the consent of Applicant’s counsel, which was granted.

10. Applicant’s Mark is confusingly similar to Opposer’s REVA Mark. Namely, the logo depicted in Applicant’s Mark can be read as “REVA” and is therefore virtually identical to the REVA Mark, as can be seen in the comparison below:

REVA

REVA Mark



Applicant’s Mark

11. The class for which Applicant seeks to register Applicant’s Mark is identical to the class for which Opposer’s REVA Mark is registered, namely Class 25. Moreover, the goods for which Applicant seeks to register its mark, including but not limited to “footwear”, are identical to and/or highly related to the goods currently covered by Opposer’s Class 25 registration, as well as Opposer’s other Class 18 trademark registration.

12. Applicant’s Application was filed long after Opposer, through its licensee(s), began use of the REVA Mark. In addition, Applicant’s goods will most likely be marketed through the same channels of trade and to the same class of consumers as the goods of Opposer

and its licensee(s).

13. Prospective purchasers of Applicant's goods are likely to erroneously believe that such goods are produced by or under the authority of Opposer, or to erroneously assume that there is some other sponsorship, endorsement, or trade connection between Opposer or its licensee(s) and Applicant.

14. Applicant's Mark so resembles Opposer's REVA Mark, when used on or in conjunction with the goods of Applicant:

- (a) It is likely to cause confusion, or to cause mistake, or to deceive;
- (b) It falsely suggests a connection with Opposer; and
- (c) It damages Opposer's goodwill in its REVA Mark.

WHEREFORE, Opposer prays that its Opposition to the registration of Application Serial No. 85/274,534 be sustained and Applicant's Mark be refused registration.

Please recognize Mary L. Grieco and Safia A. Anand, who are members of the Bar of the State of New York, and with the firm of Olshan Grundman Frome Rosenzweig & Wolosky LLP, located at Park Avenue Tower, 65 East 55<sup>th</sup> Street, New York, New York 10022, as attorneys for Opposer River Light V, L.P.

Dated: April 12, 2012

Respectfully submitted,

OLSHAN GRUNDMAN FROME  
ROSENZWEIG & WOLOSKY LLP

By:



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Safia A. Anand  
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New York, New York 10022  
(212) 451-2300  
Attorneys for Opposer

## CERTIFICATE OF SERVICE

I hereby certify that on this day, April 12, 2012, a true and correct copy of the foregoing document entitled:

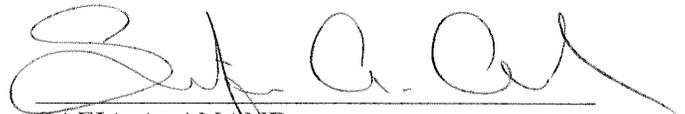
### NOTICE OF OPPOSITION

was served upon Applicant and Applicant's Correspondent by prepaid, first class U.S. mail, addressed as follows:

Revolution Dancewear, LLC  
6100 West Howard Street  
Niles, IL 60714

and

Jeffrey P. Thennisch  
Dobrusin & Thennisch PC  
29 W Lawrence St. Ste 210  
Pontiac, MI 48342-2183



SAFIA A. ANAND