

ESTTA Tracking number: **ESTTA487873**

Filing date: **08/08/2012**

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	Gabrielle Studio, Inc.
Granted to Date of previous extension	08/08/2012
Address	550 Seventh Avenue New York, NY 10018 UNITED STATES

Attorney information	Robert J. English Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES rje@cll.com, lwg@cll.com, jzk@cll.com, njh@cll.com Phone:212-790-9200
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**Applicant Information**

Application No	85421742	Publication date	04/10/2012
Opposition Filing Date	08/08/2012	Opposition Period Ends	08/08/2012
Applicant	Global Clothing Network Inc 186 LAAUWE AVE WAYNE, NJ 07470 UNITED STATES		

**Goods/Services Affected by Opposition**

<p>Class 025. All goods and services in the class are opposed, namely: Jackets; Jerseys; Leather belts; Wearable garments and clothing, namely, shirts; Women's clothing, namely, shirts, dresses, skirts, blouses; Adult novelty gag clothing item, namely, socks; Baby layettes for clothing; Belts; Belts for clothing; Belts made out of cloth; Bottoms; Children's and infants' cloth bibs; Clothing for athletic use, namely, padded pants; Clothing for athletic use, namely, padded shirts; Clothing for athletic use, namely, padded shorts; Clothing for babies, toddlers and children, treated with fire and heat retardants, namely, pajamas, jackets, shirts, pants, jumpers; Clothing for wear in judo practices; Clothing for wear in wrestling games; Clothing items, namely, adhesive pockets that may be affixed directly to the body as a decorative piece of clothing with utility; Clothing items, namely, adhesive pockets that may be affixed directly to the inside of clothing for storage and safekeeping of personal items; Clothing items, namely, blindfolds worn over the eyes; Clothing items, namely, gags worn over the mouth; Clothing shields, namely, pads applied to the underarms of shirts, blouses and sweaters; Clothing, namely, arm warmers; Clothing, namely, athletic sleeves; Clothing, namely, base layers; Clothing, namely, cowls and smoke ring scarves; Clothing, namely, crops; Clothing, namely, folk costumes; Clothing, namely, hand-warmers; Clothing, namely, khakis; Clothing, namely, knee warmers; Clothing, namely, maternity bands; Clothing, namely, neck tubes; Clothing, namely, thobes; Clothing, namely, wrap-arounds</p>
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## Grounds for Opposition

Other	see attached pleading
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Attachments	Notice of Opposition - GCNY.PDF ( 6 pages )(36354 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	/rje/
Name	Robert J. English
Date	08/08/2012

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

In the Matter of Application Serial No. 85/421,742

Filed: September 13, 2011

For Mark: GCNY

Published in the Official Gazette: April 10, 2012

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GABRIELLE STUDIO, INC.,

Opposer,

Opposition No.

-against-

**NOTICE OF OPPOSITION**

GLOBAL CLOTHING NETWORK, INC.,

Applicant.

----- X

Commissioner for Trademarks

Attn: Trademark Trial and Appeal Board

P.O. Box 1451

Alexandria, VA 22313-1451

Gabrielle Studio, Inc. (“Opposer”), a New York corporation having an address at 550 Seventh Avenue, New York, New York 10018, believes that it will be damaged by registration of the word mark GCNY (“Applicant’s Mark”), as shown in Application Serial Number 85/421,742 (the “Application”), filed in the name of Global Clothing Network, Inc. (“Applicant”) for “Jackets; Jerseys; Leather belts; Wearable garments and clothing, namely, shirts; Women's clothing, namely, shirts, dresses, skirts, blouses; Adult novelty gag clothing item, namely, socks; Baby layettes for clothing; Belts; Belts for clothing; Belts made out of cloth; Bottoms; Children's and infants' cloth bibs; Clothing for athletic use, namely, padded pants; Clothing for athletic use, namely, padded shirts; Clothing for athletic use, namely, padded shorts; Clothing for babies, toddlers and children, treated with fire and heat retardants, namely, pajamas, jackets, shirts, pants, jumpers; Clothing for wear in judo practices; Clothing for wear in wrestling games; Clothing items, namely, adhesive pockets that may be affixed directly to the

body as a decorative piece of clothing with utility; Clothing items, namely, adhesive pockets that may be affixed directly to the inside of clothing for storage and safekeeping of personal items; Clothing items, namely, blindfolds worn over the eyes; Clothing items, namely, gags worn over the mouth; Clothing shields, namely, pads applied to the underarms of shirts, blouses and sweaters; Clothing, namely, arm warmers; Clothing, namely, athletic sleeves; Clothing, namely, base layers; Clothing, namely, cowls and smoke ring scarves; Clothing, namely, crops; Clothing, namely, folk costumes; Clothing, namely, hand-warmers; Clothing, namely, khakis; Clothing, namely, knee warmers; Clothing, namely, maternity bands; Clothing, namely, neck tubes; Clothing, namely, thobes; Clothing, namely, wrap-arounds” in International Class 25, and having been granted an extension of time to oppose up to and including August 8, 2012, hereby opposes the same.

As grounds of opposition, it is alleged that:

1. Beginning in 1989, Opposer, through its affiliated companies, predecessors-in-interest and authorized licensees, has been in the business of designing, producing, selling and distributing a variety of goods and services, including, without limitation, apparel, footwear, headwear, handbags, accessories, optical products, watches, fragrance and other personal care products, leather goods and home and lifestyle products, under trademarks and service marks consisting of or containing the term DKNY, either alone or in conjunction with other words and/or design elements (collectively, “the DKNY Marks”).

2. Opposer operates numerous DKNY retail stores, online and throughout the United States, featuring a variety of goods and services, including, without limitation, apparel, footwear, handbags, watches, leather goods, and accessories bearing one or more of the DKNY Marks.

3. Opposer owns numerous federal registrations and applications for the DKNY Marks, including, without limitation, Registration Nos. 2470110, 1646910, 1554808, 2601327, 2358744, 1598391, 1958158, 1607425, 2594717, 1951022, 1586768, 2636433, 2203071, 2681622, 3409980, 1609650, 2579817, 2992294, 2579723, 1784213, 3086192, 3345619, 3398130, 3720002, 3069068, 3735011, 2659025, 3212869, 3187361, 3187255, 3768479, 3742524, 3744047, 3749831, 3676442, 4053177, 4044267, 3914473, 3911179, 3915588, 3792487, 3861762, 3857399, 3986063 and 3881726, and Application Serial Nos. 85201811 and 85375579, covering goods and services in International Classes 3, 8, 9, 14, 16, 18, 20, 21, 24, 25, 35, 36, 41 and 42. Registration Nos. 2636433, 2601327, 2579817, 2579723, 2470110, 2358744, 1958158, 1598391, 1607425, 1784213, 1951022, 1586768, 1646910, 1554808, 2203071, 1609650, 2992294, 3086192 and 3187255 are incontestable. Registration No. 2594717 is partially incontestable.

4. The goods and services designated by the DKNY Marks have been phenomenally successful and have enjoyed sales of hundreds of millions of dollars per year.

5. Millions of dollars are also spent each year in advertising the DKNY Marks through various media, including magazines, newspapers, in-store displays, promotional mailers, outdoor advertising, social media, internet websites and similar media prominently promoting the DKNY Marks.

6. As a result of the extensive advertisement, promotion, sale and distribution of its goods and services bearing or offered in connection with the DKNY Marks, coupled with the brand's potent commercial success, Opposer has acquired tremendous goodwill in the DKNY Marks, and said goodwill has become closely and uniquely identified with Opposer.

7. On September 13, 2011, Applicant filed the Application to register Applicant's Mark, on an intent to use basis, for "Jackets; Jerseys; Leather belts; Wearable garments and clothing, namely, shirts; Women's clothing, namely, shirts, dresses, skirts, blouses; Adult novelty gag clothing item, namely, socks; Baby layettes for clothing; Belts; Belts for clothing; Belts made out of cloth; Bottoms; Children's and infants' cloth bibs; Clothing for athletic use, namely, padded pants; Clothing for athletic use, namely, padded shirts; Clothing for athletic use, namely, padded shorts; Clothing for babies, toddlers and children, treated with fire and heat retardants, namely, pajamas, jackets, shirts, pants, jumpers; Clothing for wear in judo practices; Clothing for wear in wrestling games; Clothing items, namely, adhesive pockets that may be affixed directly to the body as a decorative piece of clothing with utility; Clothing items, namely, adhesive pockets that may be affixed directly to the inside of clothing for storage and safekeeping of personal items; Clothing items, namely, blindfolds worn over the eyes; Clothing items, namely, gags worn over the mouth; Clothing shields, namely, pads applied to the underarms of shirts, blouses and sweaters; Clothing, namely, arm warmers; Clothing, namely, athletic sleeves; Clothing, namely, base layers; Clothing, namely, cowls and smoke ring scarves; Clothing, namely, crops; Clothing, namely, folk costumes; Clothing, namely, hand-warmers; Clothing, namely, khakis; Clothing, namely, knee warmers; Clothing, namely, maternity bands; Clothing, namely, neck tubes; Clothing, namely, thobes; Clothing, namely, wrap-arounds" in International Class 25.

8. Upon information and belief, Applicant did not use Applicant's Mark in United States commerce in connection with the goods covered by the Application prior to its constructive first use date of September 13, 2011.

9. The goods covered by the Application are identical and/or closely related to goods bearing and services offered in connection with the DKNY Marks.

10. Applicant's Mark so resembles the DKNY Marks as to be likely, when applied to Applicant's goods, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's goods have their origin with Opposer and/or that such goods are approved, endorsed or sponsored by Opposer or associated in some way with Opposer. Opposer would therefore be injured by the granting to Applicant of a certificate of registration for Applicant's Mark.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's Mark and respectfully requests that its opposition be sustained and that the application for said registration be denied.

Please recognize as attorneys for Opposer in this proceeding Jonathan Z. King, Lawrence W. Greene, and Robert J. English (members of the bar of the state of New York) and the firm Cowan, Liebowitz & Latman, P.C., 1133 Avenue of the Americas, New York, New York 10036.

Please address all communications to Jonathan Z. King, Esq. at the address listed below.

Dated: New York, New York  
August 8, 2012

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.  
*Attorneys For Opposer*

By:           /Robert J. English/            
Jonathan Z. King  
Lawrence W. Greene  
Robert J. English

1133 Avenue of the Americas  
New York, NY 10036-6799  
(212) 790-9200

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on August 8, 2012, I caused a true and complete copy of the foregoing Notice of Opposition to be sent via Air Mail, postage prepaid, to Applicant's correspondent of record, addressed as follows:

PRADEEP KHANNA  
GCNY  
186 LAAUWE AVE  
WAYNE, NJ 07470-2656

Dated: New York, New York  
August 8, 2012

/Robert J. English/  
Robert J. English