

ESTTA Tracking number: **ESTTA493301**

Filing date: **09/08/2012**

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	Aulbach Lizenz AG
Granted to Date of previous extension	09/08/2012
Address	Grabenstrasse 15 Chur, CH-7002 SWITZERLAND

Domestic Representative	JAMES A HENRICKS Attorney of Record, California Bar Membe HENRICKS, SLAVIN & HOLMES LLP 840 Apollo Street Suite 200 El Segundo, CA 90245 UNITED STATES jhenricks@hsh-iplaw.com Phone:3105631456
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Applicant Information

Application No	85354569	Publication date	07/10/2012
Opposition Filing Date	09/08/2012	Opposition Period Ends	09/08/2012
Applicant	RUE DE JEANS LLC 719 S. Los Angeles Street, Suite 1118 Los Angeles, CA 90014 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Clothing, namely, jeans, pants, bottoms, tops, shirts, long sleeve shirts, short sleeve shirts, tank tops, dresses, skirts, shorts, jumpsuits, pajamas, swimsuits, beachwear, loungewear, knit tops, knit bottoms, knit dresses, knit jackets, knit skirts, active jackets, active coats, active bottoms, active tops, active cardigans, active skirts, collars, gloves, scarves, socks, underwear, hosiery, panty hose, lingerie, coats, jackets, sweaters, hooded sweatshirts, blazers, suits, sports jackets, sports shorts, sports socks, sports coats, sports jackets, sports tops, sports bottoms, sports sweaters, sports cardigans; baby clothing, namely, baby jeans, baby pants, baby bottoms, baby tops, baby shirts, baby long sleeve shirts, baby sleepers, baby socks, baby underwear, baby coats, baby jackets, baby sweaters; footwear; shoes; baby footwear; baby shoes; sports shoes; headgear, namely, hats, caps, sports caps and hats, baby hats, baby caps

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Other	Priority, Likelihood of confusion and dilution for Design Component
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3335525	Application Date	10/18/2006
Registration Date	11/13/2007	Foreign Priority Date	NONE
Word Mark	DANIEL HECHTER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: Clothing, namely, dresses, chasubles, skirts, shirts, tee-shirts, polo shirts, tops, tank tops, shorts, bermuda shorts, trousers, suits, dressing gowns, pullovers, sweaters, overcoats, waistcoats, raincoats, jackets, blousons, jumpers; knitwear, namely, sweaters, pullovers, cardigans, scarves, shirts, tops, tank tops, socks; singlets, undershirts, spats, vests, coats, gaiters, parkas, overalls, belts, ties, gloves, scarves, bath robes, bathing suits, pajamas, underwear, pants, brassieres, underpants, briefs, collars, socks, stockings; footwear; headgear, namely, caps		

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		

Design Mark	
Goods/Services	<p>Clothing, namely, dresses, chasubles, skirts, shirts, tee-shirts, polo shirts, tops, tank tops, shorts, bermuda shorts, trousers, suits, dressing gowns, pullovers, sweaters, overcoats, waistcoats, raincoats, jackets, blousons, jumpers; knitwear, namely, sweaters, pullovers, cardigans, scarves, shirts, tops, tank tops, socks; singlets, undershirts, spats, vests, coats, gaiters, parkas, overalls, belts, ties, gloves, scarves, bath robes, bathing suits, pajamas, underwear, pants, brassieres, underpants, briefs, collars, socks, stockings; footwear; headgear, namely, caps</p>

Attachments	<p>79031512#TMSN.jpeg (1 page)(bytes) IR596581 Image Design.jpg 12-09-07 Notice of Opposition Final.pdf (7 pages)(110055 bytes)</p>
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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	/James A Henricks/
Name	JAMES A HENRICKS
Date	09/08/2012

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

Aulbach Lizen AG,)	
Opposer,)	
)	Opposition No.: _____
v.)	Serial No.: 85/354,569
)	Mark: Miscellaneous Design
Rue de Jeans LLC,)	Filing Date: August 1, 2011
Applicant.)	Publication Date: July 7, 2012
)	

NOTICE OF OPPOSITION

Aulbach Lizenz AG, (Societe de droit Suisse), located and doing business at Grabenstrasse 15 CH-7002 Chur, Switzerland (hereinafter "AULBACH" or "Opposer"), believes that it has been and/or will be damaged by registration of the mark (Miscellaneous Design) in Application Serial No. 85/354,569 in Class 25, filed by RUE DE JEANS LLC (hereinafter "RUE DE JEANS" or "Applicant") on June 23, 2011, and hereby opposes the same.

The grounds for opposition are as follows:

1. Renowned French designer Daniel Hechter formed his company, the Daniel Hechter Company, in 1962. He has been a designer and style icon influencing lady's and men's fashion for over 50 years.
2. On January 14, 1993, Mr. Hechter filed an International Trademark Application for the Daniel Hechter Design in, among others, class 25 for clothing:



DANIEL HECHTER

International Registration No. 596581

That International Application was approved and registered effective January 14, 1993, and is currently in force. The International Registration has been extended to over 20 countries. The Daniel Hechter Design includes a design component ("Design Component"), and the Daniel Hechter Design and the Design Component have become famous and well-known around the world.

3. In 1998, Opposer Miltenberger Otto Aulbach GmbH acquired the Daniel Hechter Company.

4. On October 18, 2006, the International Registration was extended into United States in class 25, and includes a number of items of clothing, footwear, and headgear. The application was published for opposition August 28, 2007. The US application issued as Registration Number 3,335,525, November 13, 2007. A copy of the US registration is attached hereto as Exhibit A and incorporated herein by reference. The International Registration and the US Registration are still in force.

5. The Daniel Hechter Design and the Design Component are famous and well known to those within the fashion industry and to purchasers of clothing. Clothing bearing the Daniel Hechter Design and Design Component are marketed and sold internationally, including in the United States. The Design Component of the Daniel Hechter Design is also well known internationally and in the United States, and is used and recognized as a symbol of Opposer on clothing. Upon information and belief, the Daniel Hechter Design and the Design Component of the Daniel Hechter Design were in use in the United States before June 2011.

6. On June 23, 2011, Applicant RUE DE JEANS filed an intent-to-use application as US Application Serial Number 85/354,569 for a number of items of clothing, footwear and headgear in class 25. A copy of the TESS data for the Application is attached hereto and identified as Exhibit B, incorporated herein by reference. The application was published for opposition July 10, 2012. The application includes goods identical to those in Opposer's registration. Upon information and belief, Applicant has not used the applied-for trademark in commerce.

7. Opposer requested and was granted an extension of time for filing a Notice of Opposition. The due date for filing a Notice of Opposition is September 8, 2012.

8. Upon information and belief, Applicant RUE DE JEANS intends to offer goods under their mark in channels of trade and market segments identical, closely related to or in the natural zone of expansion of those in which Opposer currently offers its goods under Opposer's Mark(s). Applicant's applied-for Goods are the same as or substantially similar to those provided by Opposer, and the same as or substantially similar to those in Opposer's US registration.

9. Upon information and belief, Opposer avers that its customers, and the public in general, are likely to be confused, mistaken or deceived as to the origin and sponsorship of Applicant's applied-for goods to be marketed under Applicant's Mark and misled into believing that such goods emanate from, or are licensed by, or are in some way directly or indirectly associated with Opposer, to the damage and detriment of Opposer and its reputation.

10. By virtue of AULBACH's extensive prior use and promotion of its marks,

Opposer has established valuable goodwill in the marks, and the public has come to associate Opposer's Daniel Hechter Design and Opposer's Design Component exclusively with Opposer. The public has come to know Opposer's marks as indicators of goods that originate from Opposer.

11. Upon information and belief, registration of Applicant's mark is likely to dilute Opposer's famous and well-known marks.

12. Upon information and belief, registration of Applicant's mark as shown in the Opposed Application will result in damage to Opposer under the provisions of §2(d) of the Lanham Act, 15 U.S.C. § 1052(d), §43(a) and §43(c) of the Lanham Act, 15 U.S.C. §1125(a) & (c), pursuant to the allegations herein.

14. Wherefore Opposer believes and avers that it is being and will continue to be damaged by registration of the Applicant's Mark as aforesaid, and pray that said Application Serial No. 85/354,569 be rejected, that no registration be issued thereon to RUE DE JEAN, and that this Opposition be sustained in favor of Opposer.

Dated: September 7, 2012

Respectfully submitted,

/James A Henricks /
James A. Henricks
Attorney for Opposer

Henricks, Slavin & Holmes LLP
840 Apollo Street, Suite 200
El Segundo, CA 90245-4737
310-563-1456 (direct)
310-563-1460 (fax)
Email: jhenricks@hsh-iplaw.com

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,335,525

Registered Nov. 13, 2007

TRADEMARK
PRINCIPAL REGISTER



DANIEL HECHTER

AULBACH LIZENZ AG; (SOCIÉTÉ DE DROIT
SUISSE) (SWITZERLAND SOCIÉTÉ ANON-
YME DE DROIT SUISSE)
GRABENSTRASSE 15
CH-7002 CHUR
SWITZERLAND

FOR: CLOTHING, NAMELY, DRESSES, CHASU-
BLES, SKIRTS, SHIRTS, TEE-SHIRTS, POLO
SHIRTS, TOPS, TANK TOPS, SHORTS, BERMUDA
SHORTS, TROUSERS, SUITS, DRESSING GOWNS,
PULLOVERS, SWEATERS, OVERCOATS, WAIST-
COATS, RAINCOATS, JACKETS, BLOUSONS, JUM-
PERS; KNITWEAR, NAMELY, SWEATERS,
PULLOVERS, CARDIGANS, SCARVES, SHIRTS,
TOPS, TANK TOPS, SOCKS; SINGLETS, UNDER-
SHIRTS, SPATS, VESTS, COATS, GAITERS, PAR-
KAS, OVERALLS, BELTS, TIES, GLOVES, SCARVES,
BATH ROBES, BATHING SUITS, PAJAMAS, UN-
DERWEAR, PANTS, BRASSIERES, UNDERPANTS,

BRIEFS, COLLARS, SOCKS, STOCKINGS; FOOT-
WEAR; HEADGEAR, NAMELY, CAPS, IN CLASS 25
(U.S. CLS. 22 AND 39).

OWNER OF INTERNATIONAL REGISTRATION
0596581A DATED 1-14-1993, EXPIRES 1-14-2013.

OWNER OF U.S. REG. NOS. 2,796,768 AND
2,879,137.

THE NAME(S), PORTRAIT(S), AND/OR SIGNA-
TURE(S) SHOWN IN THE MARK IDENTIFIES A
LIVING INDIVIDUAL, WHOSE CONSENT(S) TO
REGISTER IS SUBMITTED.

SER. NO. 79-031,512, FILED 10-18-2006.

TASNEEM HUSSAIN, EXAMINING ATTORNEY



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Goods and Services IC 025. US 022 039. G & S: Clothing, namely, jeans, pants, bottoms, tops, shirts, long sleeve shirts, short sleeve shirts, tank tops, dresses, skirts, shorts, jumpsuits, pajamas, swimsuits, beachwear, loungewear, knit tops, knit bottoms, knit dresses, knit jackets, knit skirts, active jackets, active coats, active bottoms, active tops, active cardigans, active skirts, collars, gloves, scarves, socks, underwear, hosiery, panty hose, lingerie, coats, jackets, sweaters, hooded sweatshirts, blazers, suits, sports jackets, sports shorts, sports socks, sports coats, sports jackets, sports tops, sports bottoms, sports sweaters, sports cardigans; baby clothing, namely, baby jeans, baby pants, baby bottoms, baby tops, baby shirts, baby long sleeve shirts, baby sleepers, baby socks, baby underwear, baby coats, baby jackets, baby sweaters; footwear; shoes; baby footwear; baby shoes; sports shoes; headgear, namely, hats, caps, sports caps and hats, baby hats, baby caps

Mark Drawing Code (2) DESIGN ONLY

Design 26.17.01 - Bands, straight; Bars, straight; Lines, straight; Straight line(s), band(s) or bar(s)

Search Code 26.17.06 - Bands, diagonal; Bars, diagonal; Diagonal line(s), band(s) or bar(s); Lines, diagonal

Serial Number 85354569

Filing Date June 23, 2011

Current Basis 1B

Original Filing Basis 1B

Published for Opposition July 10, 2012

Owner (APPLICANT) RUE DE JEANS LLC LIMITED LIABILITY COMPANY CALIFORNIA 719 S. Los Angeles Street, Suite 1118 Los Angeles CALIFORNIA 90014

Attorney of Record Lori Lee Yamato

Description of Mark The color(s) red is/are claimed as a feature of the mark. The mark consists of two forward slash designs in red.

Type of Mark TRADEMARK

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