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

Proceeding	91211719
Party	Plaintiff Ermenegildo Zegna Corporation
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 85/821,205 ZEGZ

<hr/> ERMENEGILDO ZEGNA CORPORATION, Opposer,	§	
	§	
	§	
v.	§	Opposition No. 91211719
	§	
LAURIE MARVALD, Applicant.	§	
<hr/>	§	

TO THE HONORABLE TRADEMARK TRIAL AND APPEAL BOARD:

AMENDED NOTICE OF OPPOSITION

1. Opposer is the owner of the famous ZEGNA brand of men’s clothing and fabric which has been sold in the U.S. since as long ago as 1938 under various trademarks that consist of or include the term ZEGNA, including ZEGNA, ERMENEGILDO ZEGNA, Z ZEGNA and ZEGNASPORT. Worldwide sales of ZEGNA goods in 2012 were estimated to be \$1.61 billion.

2. Opposer is the owner of the following valid and subsisting U.S. Trademark Registrations consisting of or including ZEGNA:

<u>Reg./App. No.</u>	<u>Mark</u>
941,547	ZEGNA
1,258,643	ZEGNA
2,640,485	ZEGNA
3,592,574	Z ZEGNA
3,121,451	ZEGNASPORT
3,143,118	ZEGNASPORT Z & Design
4,017,152	ZEGNASPORT
4,075,069	ZEGNASPORT
612,666	ERMENEGILDO ZEGNA & Design
1,077,923	ERMENEGILDO ZEGNA
1,232,762	ERMENEGILDO ZEGNA
1,232,830	ERMENEGILDO ZEGNA
1,235,315	ERMENEGILDO ZEGNA

<u>Reg./App. No.</u>	<u>Mark</u>
1,273,447	ERMENEGILDO ZEGNA
1,999,495	ERMENEGILDO ZEGNA
1,999,496	ERMENEGILDO ZEGNA & Design
2,161,723	ERMENEGILDO ZEGNA
3,130,777	ERMENEGILDO ZEGNA Z & Design
3,465,506	ERMENEGILDO ZEGNA
3,576,300	ERMENEGILDO ZEGNA & Design
3,857,681	ERMENEGILDO ZEGNA
3,857,682	ERMENEGILDO ZEGNA
4,068,320	ERMENEGILDO ZEGNA DUO
85/704,065	ERMENEGILDO ZEGNA EZ & Design

3. Each of the registrations identified in paragraph 2 constitutes *prima facie* evidence of the validity of the registered mark, and of the registration of the mark, and of Opposer's exclusive right to use the registered mark in commerce on the goods of the registration and is constructive notice of Opposer's ownership of the mark.

4. In addition, Opposer's right to use the marks of Registrations Nos. 941,547, 1,077,923, 1,232,762, 1,232,830, 1,235,315, 1,258,643, 1,273,447, 1,999,495, 1,999,496, 2,161,723, 2,640,485, and 3,121,451 has become incontestable under 15 U.S.C. § 1065 and those registrations are conclusive evidence of the validity of the registered marks, of the registrations of the marks, of Opposer's ownership of the marks, and of Opposer's exclusive right to use the registered marks in commerce for the goods of the registration

5. Upon information and belief, and according to the records of the United States Patent and Trademark Office, Applicant has filed Application Serial No. 85/821,205 ZEGZ for "Boot accessories, namely, fitted decorative covers for boots" in International Class 25.

6. Opposer's rights in the name and mark ZEGNA were established long before the priority date of Applicant's mark ZEGZ.

7. Opposer's name and mark ZEGNA are famous and entitled to a wide ambit of protection. Opposer has used its name and registered and used its marks for goods that are complementary to those of Application Serial No. 85/821,205.

8. Upon information and belief, the trademark sought to be registered by Applicant in Application Serial No. 85/821,205 consists of a mark which is so similar to Opposer's trademarks identified in Section 2 previously used and registered and its trade name ZEGNA previously used in U.S. commerce, as to be likely, when applied to the goods of Applicant, to cause confusion or to cause mistake or to deceive, and to thereby cause damage to Opposer.

9. On information and belief, at the time the opposed application was filed, applicant had no bona fide intention to use the mark on any goods of the type described in the application as published *viz.* boot accessories, namely fitted decorative covers for boots.

10. Registration of the mark ZEGZ for the goods of Application Serial No. 85/821,205 would damage Opposer's established rights in the mark ZEGNA.

WHEREFORE, Opposer prays that Applicant be required to answer this Notice of Opposition; that Application Serial No. 85/821,205 be denied; that the mark ZEGZ be refused registration; and that Opposer be awarded such other and further relief as may be deemed to be just and proper.

Dated: August 26, 2013

Respectfully submitted,

/s/ John M. Cone

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ATTORNEY FOR OPPOSER
ERMENEGILDO ZEGNA CORPORATION

CERTIFICATE OF SERVICE

I certify that on the 26th day of August, 2013 this Amended Notice of Opposition was served on the Applicant by mailing a copy thereof to:

Laurie Marvald DBA Zegz
15F 360 West 22nd St
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/s/John M. Cone_____