

ESTTA Tracking number: **ESTTA558017**

Filing date: **09/05/2013**

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    | Leatherman Tool Group, Inc.                           |             |        |
| Entity  | Corporation   | Citizenship | Oregon |
| Address | P.O. Box 20595<br>Portland, OR 97294<br>UNITED STATES |             |        |

|                      |  |  |  |
|----------------------|--|--|--|
| Attorney information | J. Peter Staples<br>Chernoff Vilhauer LLP<br>601 SW Second Avenue Suite 1600<br>Portland, OR 97204<br>UNITED STATES<br>JPS.docket@chernofflaw.com Phone:(503) 227-5631 |  |  |
|----------------------|--|--|--|

### Applicant Information

|                        |  |                        |            |
|------------------------|--|------------------------|------------|
| Application No         | 85979024   | Publication date       | 08/13/2013 |
| Opposition Filing Date | 09/05/2013   | Opposition Period Ends | 09/12/2013 |
| Applicant              | Gina Group LLC<br>Suite 312 10 West 33rd Street<br>New York, NY 10001<br>UNITED STATES |                        |            |

### Goods/Services Affected by Opposition

|  |
|--|
| Class 008. First Use: 2012/09/01 First Use In Commerce: 2012/09/01<br>All goods and services in the class are opposed, namely: MANICURE SETS |
|--|

### Grounds for Opposition

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

### Mark Cited by Opposer as Basis for Opposition

|                       |   |                       |            |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3854637   | Application Date      | 06/09/2009 |
| Registration Date     | 09/28/2010  | Foreign Priority Date | NONE       |
| Word Mark             | STYLE   |                       |            |
| Design Mark           |   |                       |            |
| Description of Mark   | NONE  |                       |            |
| Goods/Services        | Class 008. First use: First Use: 2010/05/30 First Use In Commerce: 2010/05/30 |                       |            |

|  |   |
|--|---|
|  | knives, namely, folding knives and multifunction knives including one or more of the following tools: screwdriver, nail file and scissors |
|--|---|

|             |  |
|-------------|--|
| Attachments | N.Opp 1.pdf(372198 bytes )<br>N.Opp.2.pdf(33566 bytes )<br>N.Opp.3.pdf(842649 bytes )<br>Ex. A.pdf(4578187 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 | /Peter Staples/  |
| Name      | J. Peter Staples |
| Date      | 09/05/2013       |

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

In the Matter of Trademark Application Serial No. 85-979,024

Applicant: Gina Group LLC

Mark: I-STYLE & Design

Filed: November 13, 2012

Published for Opposition: August 13, 2013

Leatherman Tool Group, Inc.,

Opposer,

v.

Gina Group LLC,

Applicant.

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

NOTICE OF OPPOSITION

Opposer, Leatherman Tool Group, Inc., an Oregon corporation whose address is Post Office Box 20595, Portland, OR 97294 (hereinafter "Opposer"), believes it will be damaged by the registration of the above-identified mark in Class 8 and hereby opposes the same. As grounds therefor Opposer alleges:

1. Applicant seeks to register the mark I-STYLE & Design ("Applicant's Mark") as a trademark for, *inter alia*, manicure sets in Class 8. Applicant asserts a first use in commerce for its Class 8 goods at least as early as September 1, 2012.

2. Opposer is in the business of designing and manufacturing innovative, high quality hand tools.
3. One of Opposer's hand tools is sold under the trademark STYLE. Opposer owns U.S. Trademark Registration No. 3,854,637 for STYLE in Class 8, issued on September 28, 2010.
4. Opposer used its STYLE trademark in commerce at least as early as May 30, 2010.
5. Opposer's sales under the STYLE mark have been substantial, and the tool and the trademark represent extensive goodwill on behalf of Opposer.
6. Opposer's STYLE tool is a relatively small "keychain" tool containing a small knife, scissors, a screwdriver, a nail file, and a pair of tweezers. A copy of the portion of Opposer's website page devoted to the STYLE tool is attached hereto as Exhibit A.
7. Applicant's Mark is very similar to Opposer's STYLE mark.
8. The Class 8 goods sold under Applicant's Mark are very similar to those of Opposer and contain many of the same implements.
9. The consumers for Applicant's product overlap the class of consumers for Opposer's product.
10. Use by Applicant of the mark I-STYLE & Design in connection with the sale and advertising of goods in Class 8 is likely to cause confusion with Opposer's STYLE trademark used with the goods of Opposer. The issuance to Applicant of a registration for the mark I-STYLE & Design in Class 8 would be inconsistent with

Opposer's ownership and exclusive right to use its registered STYLE trademark in connection with its goods, and consequently would cause Opposer damage.

WHEREFORE, Opposer requests that the aforesaid application Serial No. 85-979,024 be rejected for the goods in Class 8, and that registration of the mark for the Class 8 goods therein specified be refused.

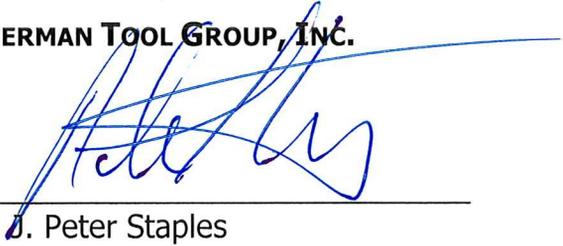
DECLARATION

I, J. Peter Staples, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Section 18 of the United States Code and that such willful false statements may jeopardize the validity of this Notice of Opposition or related opposition proceedings, declares: that I am attorney for Opposer and I am authorized to execute this declaration on behalf of Opposer; and that all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

Executed this 5<sup>th</sup> day of September 2013.

**LEATHERMAN TOOL GROUP, INC.**

By \_\_\_\_\_

  
J. Peter Staples  
Attorney for Opposer



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### CUTE AND CLEVER ARE NOT MUTUALLY EXCLUSIVE



The Style keychain tool from Leatherman is no bigger than your house key and weighs even less. But don't be fooled by its size. This little survival tool has four great features for everyday situations and not-so-everyday emergencies. You want to carry less and the Style lets you do that without sacrificing versatility.

**SPECS PRESS ACCESSORIES VIDEO**

Tools:

Spring-action Scissors

420HC Knife

Flat/Phillips Screwdriver

Nail File

Tweezers

Features:

Key Ring Attachment

Stainless Steel

Aluminum Handle Scale

Available Colors: Red, Blue, Black, Pink

25-Year Warranty

