

ESTTA Tracking number: **ESTTA563705**

Filing date: **10/08/2013**

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	Rolex Watch U.S.A., Inc.
Granted to Date of previous extension	10/16/2013
Address	665 Fifth Avenue New York, NY 10022 UNITED STATES

Attorney information	Peter Cousins Gibney, Anthony & Flaherty, LLP 665 Fifth Avenue New York, NY 10022 UNITED STATES pcousins@gibney.com Phone:212-705-9811
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Applicant Information

Application No	85835860	Publication date	06/18/2013
Opposition Filing Date	10/08/2013	Opposition Period Ends	10/16/2013
Applicant	Christopher Reed, LLC 4405 102nd. Street 4405 102nd. Street Lubbock, TX 79424 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Wearable garments and clothing, namely, shirts

Grounds for Opposition

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

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	657756	Application Date	04/02/1957
Registration Date	01/28/1958	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			

Description of Mark	NONE
Goods/Services	Class U027 (International Class 014). First use: First Use: 1941/01/15 First Use In Commerce: 1943/06/01 TIMEPIECES OF ALL KINDS AND PARTS THEREOF

Attachments	Notice of Opposition - Christopher Reed, LLC (00059660).PDF(237068 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	/Peter Cousins/
Name	Peter Cousins
Date	10/08/2013

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

In re the Matter of:

ROLEX WATCH U.S.A., INC.,

Opposer,

v.

CHRISTOPHER REED, LLC.

Applicant.

Opposition No. _____

Application Serial No. 85835860

Marks opposed: Crown design, 

Filing date: January 29, 2013

NOTICE OF OPPOSITION

Rolex Watch U.S.A., Inc., hereby opposes registration of a crown mark () in International Class 25 for wearable garments and clothing, namely, shirts, which is the subject matter of Application Serial No. 85835860. As grounds in support of this opposition, Opposer alleges as follows:

1. Opposer, Rolex Watch U.S.A., Inc. (“Rolex”), is a New York corporation with a business address of 665 Fifth Avenue, New York, New York 10022.

2. Opposer, for over 70 years and long prior to any date of first use upon which Applicant can rely, has adopted, used and continues to use the distinctive  (hereafter “Crown Design” trademark) in connection with each Rolex watch distributed by Opposer in the United States. Specifically the Crown Design trademark appears on Rolex watch dials, watch bracelets and watch clasps.

3. Opposer is the owner of the following United States principal registration which is valid and subsisting:

Trademark	Registration No.	Registration Date	Goods
	0657756	January 28, 1958	IC14 for timepieces of all kinds and parts thereof.

4. Opposer is the exclusive distributor and warrantor in the United States of watches bearing the Crown Design trademark.

5. Opposer has spent in excess of \$100,000,000 (one hundred million dollars), over the past 70 years, advertising and promoting its Crown Design trademark.

6. As a result of its long, continuous use, and its vast advertising of the Crown Design trademark in connection with watches, watch bracelets and watch clasps, Opposer's Crown Design trademark has become extremely well known and famous, and watches and watch parts sold or marketed under the Crown Design mark are immediately and exclusively associated with Opposer, Rolex.

7. Applicant, on January 29, 2013, filed an intent-to-use application to register a crown design mark () that is confusingly similar to Rolex's Crown Design in that both crowns feature a tapered five prong crown design with rounded tips.

8. Applicant's crown mark and Rolex's Crown Design trademark are very similar in appearance.

9. Applicant has made no significant monetary investment in the sale, promotion or advertising of its mark.

10. Applicant was aware of Rolex's Crown Design trademark before the filing date of its applications.

COUNT ONE

Likelihood of Confusion, 15 U.S.C. § 1052(d)

11. Applicant's crown mark so resembles Opposer's previously used and registered Crown Design trademark that, when applied to Applicant's proposed products in International Class 25, it is likely to cause confusion, mistake, or deception for purposes of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052 (d).

COUNT TWO

Likelihood of Dilution by Blurring, 15 U.S.C. § 1125(c)

12. Applicant's use of a five prong crown mark is likely to cause dilution by blurring, impairing the distinctiveness of Rolex's famous Crown Design trademark in violation of Section 43(c) of the Trademark Act (15 U.S.C. §1125(c)).

13. By reason of the foregoing, Rolex believes that it shall be irreparably damaged by the registration of Applicant's mark.

WHEREFORE, it is respectfully requested that this Opposition be sustained and that registration to Applicant be refused.

Respectfully submitted,

ROLEX WATCH U.S.A., INC.

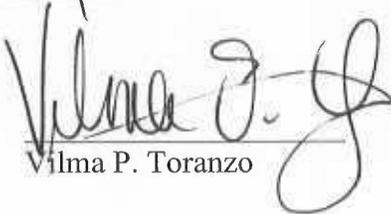
By:



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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing NOTICE OF OPPOSITION has been served on this ____ day of October, 2013, by mailing through the U.S. Post Office to Christopher Reed, LLC, 11009 Richmond Avenue, Lubbock, TX 79424 and by emailing a copy to: Jeremy@ChristopherandReed.com and Jeremy10nis@hotmail.com.


Vilma P. Toranzo