

ESTTA Tracking number: **ESTTA574007**

Filing date: **12/02/2013**

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	Luca Maglierie S. R. L.
Granted to Date of previous extension	12/01/2013
Address	VIA PITAGORA, 10 CARPI (MODENA), 41012 ITALY

Attorney information	Robyn S. Lederman Brooks Kushman PC 1000 Town Center Southfield, MI 48075 UNITED STATES trademarks@brookskushman.com Phone:248 358 4400
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Applicant Information

Application No	76712951	Publication date	06/04/2013
Opposition Filing Date	12/02/2013	Opposition Period Ends	12/01/2013
Applicant	Kontakt US International Inc. 10 Maple Street Port Washington, NY 11050 NY		

Goods/Services Affected by Opposition

Class 025. First Use: 2010/05/01 First Use In Commerce: 2010/05/01 All goods and services in the class are opposed, namely: Clothing, namely, men's socks, shirts and sweaters

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)

Mark Cited by Opposer as Basis for Opposition

Attachments	Notice of Opposition ENZO MANTOVANI Dec2013.pdf(210615 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	/rlederman/
Name	Robyn S. Lederman
Date	12/02/2013

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

In re Trademark Application

Serial Nos.: **76712951**
Filed: **November 28, 2012**
Trademark: **ENZO MANTOVANI**
Published in the Official Gazette on June 4, 2013

Luca Maglierie S.R.L.,)	
)	
Opposer,)	
)	Serial Nos. 76712951
v.)	
)	Opposition No. _____
Kontakt US International Inc.,)	
)	
Applicant)	

NOTICE OF OPPOSITION

VIA ELECTRONIC FILING
Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Sir/Madam:

Opposer, Luca Maglierie S.R.L., a corporation organized in Italy, having a principal place of business at Via Pitagora, 10, I-41012 Carpi, Modena, Italy (“Opposer”), believes that it is and will continue to be damaged by registration of the mark ENZO MANTOVANI in the name of Kontakt US International Inc. (“Applicant”) shown in U.S. Trademark Application Serial No. 76712951, and hereby opposes the same.

Requests for an extension of time to oppose were filed on June 28, 2013 and October 1, 2013 and were granted, extending the time to file to Sunday, December 1, 2013, effectively December 2, 2013.

As grounds of opposition, Opposer alleges that:

1. Opposer has produced and sold knitwear apparel and clothing items worldwide since at least as early as 2001.

2. Since at least 2010 in the USA, Opposer and its licensees or other authorized representatives has owned and used the trademark ENZO MANTOVANI in connection with knitwear apparel and clothing items.

3. Opposer has expended considerable time, effort and expense in advertising and promoting the ENZO MANTOVANI mark and the goods associated therewith in the United States and worldwide, with the result that the purchasing public has come to know and recognize products of the Opposer by the ENZO MANTOVANI mark. The Opposer has exceedingly valuable goodwill established in its ENZO MANTOVANI mark.

4. Applicant is seeking to register the mark ENZO MANTOVANI as a trademark for the following goods:

Class 25: Clothing, namely, men's socks, shirts and sweaters.

This is evidenced by publication of the marks in the *Official Gazette* on June 4, 2013. The Applicant filed the intent-to-use application on November 28, 2012.

5. There is no issue as to priority. Opposer is the rightful owner and used the ENZO MANTOVANI mark in connection with its goods prior to the Applicant's November 28, 2012 filing date.

6. Applicant acts as a wholesaler or distributor for Opposer and its goods under the ENZO MANTOVANI mark and Opposer never assigned nor otherwise agreed to transfer ownership of its mark to Applicant.

7. Applicant's attempt to register the ENZO MANTOVANI mark is in bad faith.

8. Applicant knew or should have known that its declaration in the subject application was false, including the relevant portion that it is "...the owner of the trademark sought to be registered; to the best of his knowledge and belief no other person, firm, corporation, or association has the right to use the above identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods or services of such other person, to cause confusion, or to cause mistake, or to deceive;...".

9. Applicant's ENZO MANTOVANI mark is identical or virtually identical to the Opposer's senior ENZO MANTOVANI mark.

10. Applicant's ENZO MANTOVANI mark in Application No. 76712951 so resembles Opposer's ENZO MANTOVANI mark and the goods identified are identical or so closely related to the goods of the Opposer as to be likely, when used in connection with Applicant's goods, to cause confusion, or to cause mistake, or to deceive in violation of Section 2(d) of the Lanham Act, 15 USC §1052(d).

11. Applicant's ENZO MANTOVANI mark in Application Nos. 76712951 so resemble Opposer's ENZO MANTOVANI mark and the goods identified are identical or so closely related to the goods of the Opposer as to be likely, when used in connection with Applicant's goods, to falsely suggest a connection with Opposer in violation of Section 2(a) of the Lanham Act, 15 USC §1052(a).

12. If the Applicant were granted the registrations herein opposed, it would obtain at least a *prima facie* exclusive right to use of the ENZO MANTOVANI mark in connection with

the designated goods. Such registrations would be a source of injury and damage to the Opposer's prior and established rights in its ENZO MANTOVANI mark.

WHEREFORE, Opposer respectfully requests that registration of the ENZO MANTOVANI mark, Application Serial No. 76712951 be refused and that this opposition be sustained.

The fee required under 37 C.F.R. § 2.6(a)(17) is being paid electronically concurrently with the filing of this Notice of Opposition. If the filing fee is found to be insufficient for any reason, please charge such deficiency to the deposit account.

Respectfully submitted,

By: /Robyn Lederman /
Robyn S. Lederman
Dorne J. McKinnon-Rybicki

Attorneys/Agents for Opposer

Date: December 2, 2013

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075
Phone: 248-358-4400
Fax: 248-358-3351

CERTIFICATE OF SERVICE

I certify that I served:

NOTICE OF OPPOSITION

On December 2, 2013 by First Class Mail and email to:

Barry Manson
Counsel for Applicant,
Kontakt US International Inc.
310 Northern Blvd., Suite G
Great Neck, New York 11021-4806

Courtesy Copy via Email: barrymanson@abmny.com

Attorney/Agent for Applicant Luca Maglierie S.R.L.,

By: /Robyn S. Lederman/
Robyn S. Lederman

Attorney/Agent for Opposer