

ESTTA Tracking number: **ESTTA635812**

Filing date: **10/29/2014**

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	Jaya Apparel Group LLC
Granted to Date of previous extension	10/29/2014
Address	5175 Soto Street Vernon, CA 90058 UNITED STATES

Attorney information	Jane Shay Wald Irell & Manella LLP 1800 Avenue of the Stars, Suite 900 Los Angeles, CA 90067 UNITED STATES jwald@irell.com, mcohen@irell.com, tmfiler@irell.com, trademarks@irell.com Phone:310 277-1010
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Applicant Information

Application No	77961780	Publication date	07/01/2014
Opposition Filing Date	10/29/2014	Opposition Period Ends	10/29/2014
Applicant	GUANGZHOU NANDADI TEXTILE GARMENT CO., LTD Shapu Industrial Development Zone China, 511338 CHINA		

Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Footwear, namely, shoes and athletic shoes; headwear, namely, sports hats and caps

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	3231698	Application Date	05/03/2004
Registration Date	04/17/2007	Foreign Priority Date	NONE
Word Mark	LAROK		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2006/11/01 First Use In Commerce: 2006/11/01 Clothing, namely, pants, dresses, shirts, jackets, sweaters; skirts

Attachments	78977957#TMSN.png(bytes) LEROCK Opposition 77-961780.pdf(17917 bytes) Exhibit A - LAROK.pdf(401078 bytes) Exhibit B - LAROK.pdf(34169 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	/Jane Shay Wald/
Name	Jane Shay Wald
Date	10/29/2014

As grounds for its opposition, Opposer, by undersigned counsel, alleges as follows:

1. Opposer is a designer and manufacturer of apparel, including girls' and women's apparel under the LAROK mark. Through Opposer's significant investment of time, effort and financial resources, the LAROK Mark has come to represent enormous good will and is a valuable asset of Opposer. True copies of web references to the LAROK Mark are attached hereto as Exhibit A.

2. Opposer is the owner of the LAROK trademark, (hereinafter "LAROK Mark") which it has been using by its predecessor-in-interest and directly continuously in connection with clothing since at least as early as November 1, 2006. As a result of its continuous use of the LAROK Mark since the date of first use, Opposer is the owner of common law rights in the LAROK Mark for clothing.

3. Opposer's LAROK Mark was filed on an intent to use basis on May 3, 2004, and was registered April 17, 2007, as Reg. No. 3,231,698. Opposer's registration is valid and subsisting and serves as prima facie evidence of the validity of the LAROK Mark and of Opposer's exclusive right to use the mark in connection with the goods listed in the registration. The LAROK Mark is incontestable. A true and correct copy of the USPTO database printout for this registration is attached hereto as Exhibit B.

4. On March 18, 2010, Applicant filed Applicant's Application to register the mark LEROCK for Applicant's Goods on an alleged intent to use basis under Section 1(b) of the Trademark Act, 15 U.S.C. Sec. 1051(b).

5. The filing date of Applicant's Application, and Applicant's first use of Applicant's Mark, to the extent it has made any use, are after Opposer's filing date, actual use date and registration date.

6. Applicant's Mark, LEROCK, is confusingly similar to the LAROK Mark, and the goods of the parties are related.

7. On information and belief, Applicant's Goods will be advertised and sold under Applicant's Mark to the same or similar customers and in similar channels of trade as Opposer's goods under the LAROK Mark.

8. Opposer believes and alleges that Applicant's Mark, when applied to Applicant's Goods, is likely to cause confusion or mistake or to deceive or will cause confusion or mistake, and will mislead the trade and the purchasing public into believing that Applicant's Goods are the Opposer's goods, or that Applicant is authorized, licensed or controlled by Opposer, or that Applicant is an affiliate of or in some way related to Opposer. Therefore, any use or registration of Applicant's Mark for Applicant's Goods would violate Section 2(d) of the Trademark Act, 15 U.S.C. Sec. 1052(d).

9. By reason of the foregoing, Opposer will be harmed by the registration of Applicant's confusingly similar LEROCK mark.

Mark: LEROCK
Serial No: 77/961,780
Page 4

WHEREFORE, it is respectfully requested that this Opposition be sustained and that the registration sought by Application Serial No. 77/961,780 be denied. The Opposition fee is requested to be charged to Opposer's attorneys' deposit account 09-0946.

Respectfully submitted,

IRELL & MANELLA LLP

Dated: October 29, 2014

By: /s/ Jane Shay Wald
Jane Shay Wald

Counsel for Opposer

1800 Avenue of the Stars, Suite 900
Los Angeles, California 90067
Ph.: (310) 277-1010
Fax: (310) 203-7199

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 1800 Avenue of the Stars, Suite 900, Los Angeles, California 90067-4276.

On October 29, 2014, I served the foregoing document described as: **NOTICE OF OPPOSITION** on each interested party, as follows:

Guangzhou Nandadi Textile Garment Co., Ltd.
Shapu Industrial Development Zone
Zengcheng Guangzhou 511338
China
E-mail: tm@acip.cn

- (BY MAIL) I placed a true copy of the foregoing document in a sealed envelope addressed to each interested party, as set forth above. I placed each such envelope, with postage thereon fully prepaid, for collection and mailing at Irell & Manella LLP, Los Angeles, California. I am readily familiar with Irell & Manella LLP's practice for collection and processing of correspondence for mailing with the United States Postal Service. Under that practice, the correspondence would be deposited in the United States Postal Service on that same day in the ordinary course of business.
- (BY ELECTRONIC MAIL) I caused the foregoing document to be served electronically by electronically mailing a true and correct copy through Irell & Manella LLP's electronic mail system to the e-mail address(es), as set forth above, and the transmission was reported as complete and no error was reported.

Executed on October 29, 2014, at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Rosario Grazziani (rgrazziani@irell.com)
(Type or print name)

/s/ Rosario Grazziani
(Signature)

EXHIBIT

A



LaROK worn by:



Paris Hilton, Reese Witherspoon, Sarah Jessica Parker, Katie Holmes, Lindsay Lohan, Victoria Beckham, Nicole Richie, Heidi Montag, Jessica Simpson, Mary-Kate & Ashley Olsen, Leighton Meester, Lauren Conrad, Blake Lively,

Paris Hilton



LaROK



Zooney Top in Multi

Reese Witherspoon



LaROK

This Product is Out of Stock. See more LaROK products.

Sarah Jessica Parker



LaROK



Grecian Weekend Top

Katie Holmes



LaROK

This Product is Out of Stock. See more LaROK products.

Lindsay Lohan



LaROK



Zooney Top in Multi

Victoria Beckham



LaROK



Laguna Beach Dress in Black

Nicole Richie



LaROK



Grecian Weekend Top

Heidi Montag



LaROK



Serengeti Tunic in Silver

Jessica Simpson



LaROK



Tiva Dress in Multi

Mary-Kate & Ashley Olsen

LaROK



Leighton Meester

LaROK



Lauren Conrad

LaROK





Grecian Weekend Top



Sweetie Dress in Black



Julia Short Dress in Vista

Blake Lively



LaROK



Coco Sequin Dress in White

About the Designer

LaROK is a fast moving, spirited contemporary collection, based on the concept of highly styled, fashion-oriented items. LaROK was launched in the fall of 2004 by Koral Industries, which also launched luxury denim brand 7 for all mankind.

LaROK is designed collaboratively, with young designers Jenna Wilson and Cary Vaughan spearheading the creative directions. Wilson and Vaughan, friends for six years have been with the company its inception and as Crystal Slattery, V.P. Merchandising put it "Jenna and Cary represent the spirit of the LaROK brand, each bring something unique and complimentary to the mix." The end result is a perfect balance of streetwise femininity; with a great deal of attention paid to fit the function. As Jenna notes; "we try and enhance the experience of wearing the garment, we love to add functional details so a girl can style the item herself, and wear it several different ways" Cary adds, "we like to imagine where the girl is going and what details she might appreciate; for example in our outerwear we make sure the pockets are big enough for an I-pod...we have pants with tabs that adjust the length, so a girl can rock them long with heels or short with sneakers." With a new product grouping every month, the LaROK design team has their hands full, but they still have time to dream of menswear, bags, shoes and everything they need to live the LaROK lifestyle.

Shop our store for LaROK clothing, accessories, and more!

Subscribe to the CoutureCandy + ADASA Newsletters for New Arrivals + Sale Announcements



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Wish List

7 results for "larok dress"

Show results for

Clothing, Shoes & Jewelry >

Books >

Refine by

Eligible for Free Shipping

Free Shipping by Amazon

Avg. Customer Review

★★★★★ & Up

★★★★☆ & Up

★★★☆☆ & Up

★★☆☆☆ & Up

International Shipping

AmazonGlobal Eligible

Condition

New

Used

A SMALL CHANGE.

A LASTING IMPRESSION.

Shop now



Larok Women's Asymmetric Toga Dress

by LaROK

\$98.00 ~~\$218.00~~

Free Expedited Shipping on USA orders [See Details](#)

Product Description

... Strapless cocktail dress features stylish attached drape over one ...

[Clothing, Shoes & Jewelry: See all 5 items](#)



LaRok Women's Roman Holiday Strapless Dress in Black

by LaROK

\$47.25 ~~\$315.00~~

Product Description

... This strapless mini dress from LaRok features a bustier top, tulle ...

[Clothing, Shoes & Jewelry: See all 5 items](#)



LaROK Women's Corset Silk Knit Dress

by LaROK

\$168.00 ~~\$298.00~~

Free Expedited Shipping on USA orders [See Details](#)

Product Description

... silk pleated fitted bodice cocktail dress. Knit skirt with side pockets. ...

[Clothing, Shoes & Jewelry: See all 5 items](#)



Larok Women's Striped-Fitted Dress

by LaROK

\$107.00 ~~\$498.00~~

Free Expedited Shipping on USA orders [See Details](#)

Product Description

... Cute sleeveless dress by LaRok Scoop neck Purple and black stripe ...

[Clothing, Shoes & Jewelry: See all 5 items](#)



Larok Women's Velvet Burnout Dress

by LaROK

\$128.00 ~~\$278.00~~

Free Expedited Shipping on USA orders [See Details](#)

Product Description

... Charming multi-texture cocktail dress has fitted jersey knit skirt with ...

[Clothing, Shoes & Jewelry: See all 5 items](#)

Caught My Eye Jul 5, 2014



*La*ROK
L U X E
COLLECTION
SIGHTINGS
CONTACT
REGISTER



EXHIBIT

B

Generated on: This page was generated by TSDR on 2014-10-28 13:54:34 EDT

Mark: LAROK

LAROK

US Serial Number: 78977957 **Application Filing Date:** May 03, 2004
US Registration Number: 3231698 **Registration Date:** Apr. 17, 2007
Register: Principal
Mark Type: Trademark
Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.
Status Date: May 07, 2013
Publication Date: Sep. 27, 2005 **Notice of Allowance Date:** Dec. 20, 2005

Mark Information

Mark Literal Elements: LAROK
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK
Translation: The LAROK registration is the child of parent Application Serial No. 78/412409.

Related Properties Information

Claimed Ownership of US Registrations: 78412409
Child Of: 78412409

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Clothing, namely, pants, dresses, shirts, jackets, sweaters; skirts

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 01, 2006

Use in Commerce: Nov. 01, 2006

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Jaya Apparel Group LLC
Owner Address: 5175 SOTO STREET
VERNON, CALIFORNIA 90058
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jane Shay Wald, Esq.

Docket Number: 157766-0004/

Correspondent

Correspondent Name/Address: JANE SHAY WALD, ESQ.
IRELL & MANELLA LLP
SUITE 900
1800 AVENUE OF THE STARS
LOS ANGELES, CALIFORNIA 90067
UNITED STATES

Phone: (310) 277-1010

Fax: (310) 203-7199

Correspondent e-mail: jwald@irell.com trademarks@irell.com

Correspondent e-mail No Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 07, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - MAILED	
May 07, 2013	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76293
May 07, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76293
Apr. 16, 2013	TEAS SECTION 8 & 15 RECEIVED	
Apr. 16, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 01, 2010	NEW CERTIFICATE ISSUED, SEC. 7D	67657
Feb. 12, 2010	NEW CERTIFICATE ISSUED, SEC. 7D	67723
Feb. 01, 2010	REQUEST FOR NEW CERTIFICATE FILED	67723
Feb. 01, 2010	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	
Nov. 06, 2009	POST REGISTRATION ACTION MAILED - SEC. 7	67723
Jul. 22, 2009	ASSIGNED TO PARALEGAL	67723
Jul. 07, 2009	TEAS SECTION 7 REQUEST RECEIVED	
May 16, 2007	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Apr. 17, 2007	REGISTERED-PRINCIPAL REGISTER	
Mar. 05, 2007	LAW OFFICE REGISTRATION REVIEW COMPLETED	76537
Mar. 02, 2007	ASSIGNED TO LIE	76537
Jan. 29, 2007	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 08, 2007	STATEMENT OF USE PROCESSING COMPLETE	71034
Jan. 08, 2007	EXTENSION 2 GRANTED	71034
Dec. 06, 2006	USE AMENDMENT FILED	71034
Dec. 06, 2006	EXTENSION 2 FILED	71034
Jan. 08, 2007	DIVISIONAL PROCESSING COMPLETE	
Dec. 06, 2006	DIVISIONAL REQUEST RECEIVED	
Dec. 06, 2006	PAPER RECEIVED	
Nov. 29, 2006	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jul. 26, 2006	EXTENSION 1 GRANTED	71280
Jun. 20, 2006	EXTENSION 1 FILED	71280
Jun. 22, 2006	PAPER RECEIVED	
Dec. 20, 2005	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Sep. 27, 2005	PUBLISHED FOR OPPOSITION	
Sep. 07, 2005	NOTICE OF PUBLICATION	
Jul. 08, 2005	LAW OFFICE PUBLICATION REVIEW COMPLETED	78288
Jun. 24, 2005	ASSIGNED TO LIE	78288

Jun. 20, 2005	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 20, 2005	AMENDMENT FROM APPLICANT ENTERED	78288
Jun. 08, 2005	CORRESPONDENCE RECEIVED IN LAW OFFICE	78288
Jun. 08, 2005	PAPER RECEIVED	
Dec. 02, 2004	NON-FINAL ACTION MAILED	
Dec. 01, 2004	NON-FINAL ACTION WRITTEN	73699
Nov. 30, 2004	ASSIGNED TO EXAMINER	73699
May 10, 2004	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Amendment to a Registration/Renewal Certificate: L'Koral, LLC (Delaware Limited Liability Company) 5175 Soto Street Vernon, California 90058 In the statement, Column 2, after line 6, "The LAROK registration is the child of parent Application Serial No. 78/412409", should be inserted.

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 107

Date in Location: May 07, 2013

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Registrant: L'Koral, Inc.

Assignment 1 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [3539/0807](#)

Pages: 5

Date Recorded: May 10, 2007

Supporting Documents: [assignment-tm-3539-0807.pdf](#)

Assignor

Name: [L'KORAL INCORPORATED](#)

Execution Date: Apr. 30, 2007

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Assignee

Name: [L'KORAL, LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 5175 SOTO STREET
VERNON, CALIFORNIA 90058

Correspondent

Correspondent Name: JANE SHAY WALD, ESQ.

Correspondent Address: 1800 AVENUE OF THE STARS
SUITE 900
LOS ANGELES, CA 90067

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: CHANGE OF NAME

Reel/Frame: [4461/0631](#)

Pages: 3

Date Recorded: Jan. 27, 2011

Supporting Documents: [assignment-tm-4461-0631.pdf](#)

Assignor

Name: [L'KORAL, LLC](#)

Execution Date: Aug. 20, 2010

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Assignee

Name: [JAYA APPAREL GROUP LLC](#)
Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 5175 SOTO STREET
VERNON, CALIFORNIA 90058

Correspondent

Correspondent Name: JANE SHAY WALD, ESQ.

Correspondent Address: 1800 AVENUE OF THE STARS, SUITE 900
LOS ANGELES, CA 90067

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91197040](#)

Filing Date: Oct 20, 2010

Status: Terminated

Status Date: Feb 27, 2012

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Larock Artists Inc.

Correspondent Address: KYRA WIEDENKELLER
LAROCK ARTISTS INC
353 W 51ST ST APT B3
NEW YORK NY , 10019 6420
UNITED STATES

Correspondent e-mail: kyrajean@aol.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
LAROCK	Registered	77834558	4119975

Plaintiff(s)

Name: L'Koral, LLC

Correspondent Address: JANE SHAY WALD
IRELL MANELLA LLP
2307 SUNSET PLAZA DRIVE
LOS ANGELES CA , 90067
UNITED STATES

Correspondent e-mail: jwald@irell.com , mcohen@irell.com , trademarks@irell.com , tmfiler@irell.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
LAROK	Section 8 and 15 - Accepted and Acknowledged	78977957	3231698

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 20, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 20, 2010	Nov 29, 2010
3	PENDING, INSTITUTED	Oct 20, 2010	
4	ANSWER	Oct 27, 2010	
5	BOARD'S COMMUNICATION	Nov 12, 2010	
6	P'S MOTION TO SUSPEND PROCEEDINGS	Aug 24, 2011	
7	SUSPENDED	Aug 26, 2011	
8	TELEPHONE CONFERENCE; PROCEEDINGS RESUMED; TRIAL DATE RESET	Sep 02, 2011	
9	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Sep 30, 2011	
10	EXTENSION OF TIME GRANTED	Sep 30, 2011	
11	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Dec 09, 2011	
12	EXTENSION OF TIME GRANTED	Dec 09, 2011	

13	WITHDRAWAL OF OPPOSITION	Jan 31, 2012	
14	RESPONSE DUE 30 DAYS (DUE DATE)	Feb 03, 2012	Mar 04, 2012
15	WITHDRAWAL OF OPPOSITION	Feb 22, 2012	
16	BD'S DECISION: DISMISSED W/O PREJUDICE	Feb 27, 2012	
17	TERMINATED	Feb 27, 2012	