

ESTTA Tracking number: **ESTTA718754**

Filing date: **01/06/2016**

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	Golden Lady Company S.p.A.
Granted to Date of previous extension	01/06/2016
Address	Via Giacomo Leopardi, 3/5 Castiglione delle Stiviere (MN), I-46043 ITALY
Attorney information	Michael J. Leonard Fox Rothschild LLP 997 Lenox Drive, Bldg. 3 Lawrenceville, NJ 08648-2311 UNITED STATES ipdocket@foxrothschild.com, mleonard@foxrothschild.com

Applicant Information

Application No	86588020	Publication date	09/08/2015
Opposition Filing Date	01/06/2016	Opposition Period Ends	01/06/2016
Applicants	Kanallakan, Igor #7 Colorado Springs, CO 80915 UNITED STATES Kanallakan, Chelsea #7 Colorado Springs, CO 80915 UNITED STATES		

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: Dresses; Footwear; Hats; Infant and toddler one piece clothing; Infant wear; Jackets; Pants; Shirts; Shoes; Shorts; Skirts; Socks; Sweaters; Sweatshirts

Grounds for Opposition

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

U.S. Registration No.	1534401	Application Date	03/15/1988
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Registration Date	04/11/1989	Foreign Priority Date	NONE
Word Mark	GOLDEN LADY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 0 First Use In Commerce: 0 [STOCKING,] SOCKS, TIGHTS, PANTYHOSE [, NIGHTGOWNS, PAJAMAS, DRESSING GOWNS, BOXERS, SINGLET, VESTS, INTIMATE VESTS FOR WOMEN WITH SHOULDER STRAPS, TOPS, CORSETS, PANTIE CORSE-LETTE, SLIPS, UNDERSKIRTS, BATHROBES, DRAWERS, PANTIES, MINIBRIEFS, BRAS, SUSPENDER-BELTS, FOULARDS, SCARVES, SHAWLS, GLOVES, SUITS, DRESSES, JACKETS, TROUSERS, SHIRTS, T-SHIRTS]		

U.S. Registration No.	3980270	Application Date	03/18/2010
Registration Date	06/21/2011	Foreign Priority Date	NONE
Word Mark	GOLDEN LADY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 0 First Use In Commerce: 0 Stockings, socks, tights, pantyhoses, dressing gowns, boxers, singlets, vests, intimate vests, tops, slips, panties, mini briefs, bras, suspender-belts, corsets; beach wear, namely, bathing suits, sun suits, beach jackets, beach pants, beach dresses, pareos and bathing gowns		

U.S. Registration No.	4753982	Application Date	10/23/2014
Registration Date	06/16/2015	Foreign Priority Date	04/24/2014
Word Mark	GOLDEN LADY MY BEAUTY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 0 First Use In Commerce: 0 Stockings; tights		

U.S. Registration No.	4766660	Application Date	11/04/2014
Registration Date	07/07/2015	Foreign Priority	NONE

		Date	
Word Mark	GOLDEN LADY MY SECRET		
Design Mark	GOLDEN LADY MY SECRET		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 0 First Use In Commerce: 0 Stockings; tights		

U.S. Application No.	79161019	Application Date	11/04/2014
Registration Date	NONE	Foreign Priority Date	05/07/2014

Word Mark	GOLDEN LADY		
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Description of Mark	The mark consists of a two dimensional image featuring the wording "GOLDEN LADY" in stylized font over a solid line, a solid circle below the letter "G" and a miscellaneous design resembling smoke. The octagonal outline shown in broken lines is not part of the mark and serves only to show the position or placement of the mark.		
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Goods/Services	Class 025. First use: First Use: 0 First Use In Commerce: 0 Stockings; socks; tights; pantyhoses; trousers, namely, leggings; stocking suspenders; leg warmers; long underwear		
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U.S. Registration No.	4638873	Application Date	02/07/2013
Registration Date	11/18/2014	Foreign Priority Date	08/08/2012

Word Mark	GOLDENPOINT		
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Design Mark	GOLDENPOINT		
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Description of	NONE		
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Mark			
Goods/Services	Class 035. First use: First Use: 0 First Use In Commerce: 0 Retail store services on behalf of third parties that are provided by all means, including Internet, featuring clothing, footwear, headgear, soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices, creams, lotions, gel and balsams for personal use, bath salts		
U.S. Registration No.	4247979	Application Date	05/10/2011
Registration Date	11/27/2012	Foreign Priority Date	NONE
Word Mark	GOLDENPOINT		
Design Mark			
Description of Mark	The mark comprises the word "GOLDENPOINT" followed by a circular shape.		
Goods/Services	Class 025. First use: First Use: 0 First Use In Commerce: 0 Stockings, socks, tights, pantyhoses, dressing gowns, boxer shorts, boxer briefs, singlets, vests, intimate vests, tops, slips, panties, mini briefs, bras, suspender-belts, corsets; beach wear, namely, bathing suits, sun suits, beach jackets, beach pants, beach dresses, pareos, and bathing gowns Class 035. First use: First Use: 0 First Use In Commerce: 0 Retail store services featuring clothing, shoes, and headwear; on-line retail store services featuring clothing, shoes, and headwear		

Attachments	79085826#TMSN.png(bytes) 79160456#TMSN.png(bytes) 79161376#TMSN.png(bytes) 79161019#TMSN.png(bytes) 79131944#TMSN.png(bytes) 79106313#TMSN.png(bytes) GOLDEN CHILD Notice of Opposition.pdf(124133 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	/michael leonard/
Name	Michael J. Leonard
Date	01/06/2016

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

RE: U.S. Trademark Application Serial No. 86/588020
Published in the Official Gazette on 8 September 2015

GOLDEN LADY COMPANY S.P.A.)	
)	
Opposer)	
)	Opposition No. _____
-v-)	
)	
KANALLAKAN, IGOR)	
KANALLAKAN, CHELSEA)	
)	
Applicants)	
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NOTICE OF OPPOSITION

Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22314

Commissioner:

In the matter of Application Serial No. 86/588020 filed 6 April 2015 by Igor KANALLAKAN and Chelsea KANALLAKAN (“Applicants”), to register the mark GOLDEN CHILD covering goods in Class 25 described as: "Dresses; Footwear; Hats; Infant and toddler one piece clothing; Infant wear; Jackets; Pants; Shirts; Shoes; Shorts; Skirts; Socks; Sweaters; Sweatshirts” (“Applicants’ Goods”), which was published in the Official Gazette on 8 September 2015, Golden Lady Company S.p.A. (“Opposer”) of Castiglione delle Stiviere, Italy believes it will be damaged by the registration of the GOLDEN CHILD Mark and opposes registration of same.

The grounds for the oppositions are as follows:

1. Upon information and belief, Applicants are United States citizens having an address at 575 Valley St., Colorado Springs, CO 80915.
2. On 6 April 2015, Applicants filed Application Serial No. 86/588020 for the mark GOLDEN CHILD for Applicants' Goods based on Applicants' claim of intent to use.
3. Opposer, Golden Lady Company, S.p.A. (Golden Lady), is an Italian company and the owner and user of the trademark GOLDEN LADY.
4. Opposer is the owner of U.S. Registration No. 1,534,401 for GOLDEN LADY covering goods described as "socks, tights, pantyhose;" in Class 25. Opposer's U.S. Registration No. 1,534,401 is incontestable and entitled to a constructive date of first use of 15 March 1988. The foregoing Registration is not limited by channels of trade or classes of purchasers. Opposer's Registration is valid, subsisting and is *prima facie* evidence of the validity of the registered mark set forth therein, and Opposer's exclusive right to use the registered mark set forth therein in connection with the goods specified in the registration.
5. Opposer is the owner of U.S. Registration No. 3,980,270 for GOLDEN LADY covering goods described as "stockings, socks, tights, pantyhoses, dressing gowns, boxers, singlets, vests, intimate vests, tops, slips, panties, mini briefs, bras, suspender-belts, corsets; beach wear, namely, bathing suits, sun suits, beach jackets, beach pants, beach dresses, pareos and bathing gowns;" in Class 25.
6. Opposer is the owner of U.S. Registration No. 4,753,982 for GOLDEN LADY MY BEAUTY covering goods described as "stockings; tights;" in Class 25.

7. Opposer is the owner of U.S. Registration No. 4,766,660 for GOLDEN LADY MY SECRET covering goods described as “stockings; tights;” in Class 25.

8. Opposer's Registrations set forth in Paragraphs 5 - 7 are each valid, subsisting and are *prima facie* evidence of the validity of the registered GOLDEN LADY Marks set forth therein, and Opposer's exclusive right to use the registered GOLDEN LADY Marks in connection with the goods specified in its Registrations.

9. Opposer is the owner of U.S. Application Serial No. 79/161019 for GOLDEN LADY and Design covering goods described as “stockings; socks; tights; pantyhoses; trousers, namely, leggings; stocking suspenders; leg warmers; long underwear;” in Class 25. The foregoing application has a priority filing date of 7 May 2014, which precedes Applicants' 6 April 2015 filing date of the GOLDEN CHILD application.

10. Opposer is the owner of U.S. Registration No. 4,638,873 for GOLDEN POINT covering services described as “retail store services on behalf of third parties that are provided by all means, including internet, featuring clothing, footwear, headgear, soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices, creams, lotions, gel and balsams for personal use, bath salts;” in Class 35.

11. Opposer is the owner of U.S. Registration No. 4,247,979 for GOLDEN POINT and Design covering goods described as “stockings, socks, tights, pantyhoses, dressing gowns, boxer shorts, boxer briefs, singlets, vests, intimate vests, tops, slips, panties, mini briefs, bras, suspender-belts, corsets; beach wear, namely, bathing suits, sun suits, beach jackets, beach pants, beach dresses, pareos, and bathing gowns” in Class 25.

12. Opposer's Registrations set forth in Paragraphs 10 & 11 are each valid, subsisting and are *prima facie* evidence of the validity of the registered GOLDEN POINT Marks

set forth therein, and Opposer's exclusive right to use the registered GOLDEN POINT Mark in connection with the Goods and Services specified in its Registrations.

13. The goods and services recited in the foregoing Registrations and Application set forth in Paragraphs 4-7 and 9-11 are collectively hereinafter referred to Opposer's Goods and Services.

14. The 6 April 2015 filing date of Serial No. 86/588020 for GOLDEN CHILD is subsequent to the filing dates of each of Opposer's GOLDEN LADY and GOLDEN POINT Registrations and Application set forth in Paragraphs 4-7 and 9-11.

15. Since its initial use of the GOLDEN LADY and GOLDEN POINT Marks, Opposer has made a substantial investment in advertising, promoting and selling Opposer's Goods and Services under Opposer's GOLDEN LADY and GOLDEN POINT Marks. Opposer has extensively used, promoted, offered, and sold Opposer's Goods and Services to the public through various channels of trade in commerce. Opposer's customers and the public in general know and recognize Opposer's GOLDEN LADY and GOLDEN POINT Marks and associate same with Opposer and/or Opposer's Goods and Services.

16. Applicants' GOLDEN CHILD mark is confusingly similar to Opposer's GOLDEN LADY Mark in that the CHILD and LADY terms will evoke similar and related meanings to consumers thereby causing confusion or mistake or to deceive purchasers resulting in damage and detriment to Opposer and its reputation, as consumers are likely to assume that Applicants' GOLDEN CHILD mark is used in connection with a line of GOLDEN brand products offered and sold by Opposer to children. Thus, the inclusion of the generic CHILD term to form Applicants' composite GOLDEN CHILD Mark is insufficient to avoid confusion between the GOLDEN LADY and GOLDEN CHILD Marks.

17. Applicant's 6 April 2015 constructive date of first use as set forth in Application Serial No. 86/588020 is subsequent to Opposer's date of first use of Opposer's GOLDEN LADY Marks.

18. Opposer's Goods and Services and Applicants' Goods are likely to be offered through the same channels of trade, and will likely be purchased and used by the same class of purchasers.

19. Opposer's customers, and the public in general, are likely to be confused, mistaken or deceived as to the origin, affiliation, endorsement and sponsorship of Applicants' goods offered for sale, marketed and sold under Applicants' GOLDEN CHILD Mark and misled into believing that such goods are produced, distributed, offered, sold, or are in some way associated with Opposer, to the damage and detriment of Opposer and its reputation.

20. Opposer will be damaged by Applicants' use and registration of the GOLDEN CHILD Mark as set forth in Application Serial No. 86/588020, in that Applicants' GOLDEN CHILD Mark is confusingly similar in appearance, sound and commercial impression to Opposer's GOLDEN LADY Mark and covers identical, related and overlapping goods marketed to identical consumers.

21. Applicants' filing of Application Serial No. 86/588020 for GOLDEN CHILD is without license, authorization or permission from Opposer.

22. Applicants' registration of the GOLDEN CHILD Mark would be contrary to 15 U.S.C. § 1052(d) and would violate and diminish the prior and superior rights of Opposer to its GOLDEN LADY Mark.

WHEREFORE, Opposer prays that its Opposition be sustained, that Application Serial No. 86/588020 for the GOLDEN CHILD Mark be refused and for such other relief as may be deemed just and proper.

Respectfully submitted,

Date: 6 January 2016

By: /michael leonard./
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Attorneys for Opposer
Golden Lady Company, S.p.A.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Notice of Opposition was served on Applicants' counsel this 6th day of January 2016 by sending same via First Class Mail, postage prepaid, to:

Mary Fran Love, Esq.
Aspire IP
3509 Connecticut Ave., N.W.
PMB 130
Washington, DC 20008

By: /michael leonard./