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02 FEB 20 2002

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Drema Tilley

*Drema Tilley*

Date: FEB 20 2002



02-22-2002

U.S. Patent & TMOfo/TM Mail Rcpt Dt. #73

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

In the Matter of Application Serial No. 76/093,889  
Published on October 23, 2001

Sara Lee Global Finance, L.L.C.,	)	Opposition No.
	)	_____
Opposer,	)	
v.	)	NOTICE OF
Russell Asset Management, Inc.	)	OPPOSITION
Applicant.	)	Mark: C (design)

Opposer Sara Lee Global Finance, LLC, a limited liability company, having a principal place of business at 204F Weldin Building 3411 Silverside Road Wilmington, DE 19810, ("Opposer"), believes it will be damaged by registration of the mark C (design), published in the Official Gazette dated October 23, 2001 (TM 317), for "men's, women's and children's placket shirts, sweat shirts, t-shirts, turtlenecks, sweaters, jackets, shirts, shorts, caps, vests, pants, and

knit sport shirts" (International Class 25), and hereby opposes same. As grounds for the opposition, it is alleged that:

**FACTS COMMON TO ALL GROUNDS FOR OPPOSITION**

1. Opposer is now, and its predecessors in interest and licensees, have been engaged in the manufacture, distribution and sale, in interstate commerce of a wide variety of apparel, including without limitation, athletic shorts, jackets, sweat pants, sweatshirts, warm-up shirts, warm-up pants, sweatsuits, t-shirts, pullovers, tank tops, polo shirts, hats and socks.

2. For many years, and long prior to Applicant's filing date, Opposer, Opposer's predecessors in interest, and Opposer's licensees have used a C Logo mark alone and in conjunction with other word and design marks (hereinafter referred to as the "C Logo Trademark") in interstate commerce throughout the United States in connection with the sale of said apparel items.

3. Ever since the adoption and use of the C Logo Trademark as aforesaid, Opposer, Opposer's predecessors in interest, and Opposer's licensees have widely and extensively advertised and sold goods bearing said C Logo Trademark. As a consequence of same, the consuming public and trade have come to recognize and do recognize the C Logo Trademark as being used by Opposer or by a single source, and to associate and identify said mark and name with Opposer or with a single source, and Opposer derives substantial goodwill and value from the aforesaid identification by the consuming public and trade.

4 . Opposer is the owner of the following registrations for the C Logo

Trademark:

<u>Registration Mark</u>	<u>Registration No.</u>	<u>Date</u>	<u>Goods</u>
C logo	1,463,681	11/3/87	Shoes
C logo	1,566,064	11/14/89	Socks
C logo	1,827,538	03/22/94	Underwear and undershirts
C logo	2,049,566	04/01/97	Brassieres
CHAMPION LOGO	2,004,276	10/01/96	Socks
CHAMPION LOGO	1,323,337	03/05/85	Athletic and physical education uniforms; namely, t-shirts, knit sport shirts, athletic shorts, sweat shirts, sweat pants, warm-up suits, jackets and sweaters
CHAMPION USA LOGO	1,335,611	05/14/85	Athletic clothing; namely, one-piece and two-piece physical education uniforms, athletic and leisure shirts, t-shirts, knit sport shirts, athletic shorts, sweat shirts, sweat pants, warm-up suits and pants, sport hats and caps, jackets, sweaters, football jerseys, pullovers, tank tops and baseball shirts
CHAMPION LOGO	1,756,925	03/09/93	Pants and shorts
CHAMPION LOGO	1,775,283	06/08/93	Swimwear
CHAMPION	1,819,014	02/01/94	Underwear and undershirts

LOGO

CHAMPION LOGO	1,828,930	03/29/94	Clothing; namely, bathrobes, sleepwear, coverups, bras, parkas, and aerobic wear (tops and bottoms)
CHAMPION LOGO	1,860,938	11/01/94	Travel bags, athletic bags and backpacks; laundry bags; shirts, vests, shorts, windwear tops and bottoms, athletic uniforms, replica athletic jerseys, singlets and tights, belts, headbands, and waistbands
CHAMPION LOGO	1,915,092	08/29/95	Clothing; namely, hooded and unhooded jerseys, bathrobes, sleepwear, coverups, bras, parkas, aerobic wear, namely, tops and bottoms, swimwear, pants, shorts, athletic uniforms, physical education uniforms, t-shirts, knit sport shirts, athletic shorts, sweat shirts, sweat pants, warm-up suits, jackets, sweaters, shirts, vests, wind-resistant clothing, namely, tops and bottoms, replica athletic jerseys, singlets, tights, belts, headbands, wristbands, underwear and undershirts

The aforesaid registrations are valid and subsisting, unrevoked, and uncancelled, and Opposer is the owner of them and the marks shown thereby and all of the business and goodwill represented thereby.

5. By the application herein opposed, Applicant seeks to register the C (design) for “men’s, women’s and children’s placket shirts, sweat shirts, t-shirts, turtlenecks, sweaters, jackets, shirts, shorts, caps, vests, pants, and knit sport shirts” (International Class 25). Such

goods are identical or closely related to the goods for which Opposer has registrations and upon which it uses the C Logo Trademark.

### **GROUND I — DILUTION OF THE FAMOUS C LOGO TRADEMARK**

6. Opposer hereby incorporates by reference the allegations of Paragraphs 1 through 5 hereof as if fully set forth herein.

7. Because of the high degree of inherent and acquired distinctiveness of the C Logo Trademark, the length of time and extent to which Opposer has used the C Logo Trademark, the vast advertising and publicity the C Logo Trademark has received, the nationwide trading area in which the C Logo Trademark is used, and the high degree of consumer recognition of the C Logo Trademark, C Logo is a famous trademark pursuant to 15 U.S.C. § 1125(c)(1).

8. Registration of Applicant's C (design) mark for "men's, women's and children's placket shirts, sweat shirts, t-shirts, turtlenecks, sweaters, jackets, shirts, shorts, caps, vests, pants, and knit sport shirts" would lessen the capacity of Opposer's famous C Logo Trademark to identify and distinguish Opposer's goods sold thereunder and, as such, would cause dilution of the C Logo Trademark in violation of 15 U.S.C. § 1052, as amended by the Trademark Amendments Act of 1999, Pub. L. 106-43, 113 Stat. 218 (the "Act"), and 15 U.S.C. §§ 1125(c) and 1127.

### **GROUND II — LIKELIHOOD OF CONFUSION**

9. Opposer hereby incorporates by references the allegations of Paragraphs 1 through 8 hereof as if fully set forth herein.

10. Opposer's C Logo Trademark and Applicant's C (design) mark are similar in appearance.

11. Applicant's C (design) mark is confusingly similar to Opposer's C Logo Trademark and is likely to cause confusion and mistake and to deceive, with consequent injury to opposer, the consuming public, and the trade.

12. Opposer will be damaged by the registration sought by Applicant because such registration will support and assist Applicant in the confusing and misleading use of applicant's mark sought to be registered, and will give color and exclusive statutory right to Applicant in violation and derogation of prior and superior rights of Opposer.

WHEREFORE, Opposer believes it will be damaged by registration of Applicant's mark and prays that it not be allowed.

SARA LEE GLOBAL FINANCE, L.L.C.

Dated: 20-02-02

By: 

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Winston-Salem, NC 27105  
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Attorney for Opposer

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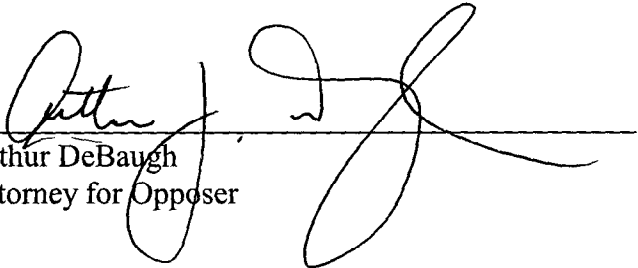
PAYMENT OF FILING FEE

Please charge the \$300.00 filing fee, as well as any additional charges associated with filing the above-referenced opposition, to Deposit Account No. 19-0142.

Respectfully submitted,

SARA LEE GLOBAL FINANCE, L.L.C.

Dated: 20-02-2002

By:   
Arthur DeBaugh  
Attorney for Opposer