

ESTTA Tracking number: **ESTTA15353**

Filing date: **09/19/2004**

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	Publicis (S.A.)
Granted to Date of previous extension	09/19/2004
Address	Publicis (S.A.) 133, Avenue des Champs-Elysees Paris, 75008 FRANCE

Domestic Representative	Mark Lebow Attorney Young & Thompson 745 South 23rd Street Arlington, VA 22202 UNITED STATES embon@young-thompson.com Phone:703-521-2297
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Applicant Information

Application No	78221819	Publication date	03/23/2004
Opposition Filing Date	09/19/2004	Opposition Period Ends	09/19/2004
Applicant	Public I, L.L.C.		

Goods/Services Affected by Opposition

Class 035. First Use: 20021008 First Use In Commerce: 20021008

All goods and services in the class are opposed, namely: public relations; direct marketing advertising for others; advertising agency; promoting the goods and services of others by organizing and conducting promotional events; advertising services, namely, developing and managing brand names for others; providing consultation and strategy relating to brand name development

Attachments	Notice of Opposition.pdf (7 pages)
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Signature	/mark lebow/
Name	Mark Lebow
Date	09/19/2004

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

PUBLICIS (S.A.),

Opposer,

v.

PUBLIC I, L.L.C.,

Applicant.

In the matter of
Appln. Serial No. 78/221,819

For the mark: PUBLIC I

Published in the Official
Gazette: March 23, 2004

Opposition No.

NOTICE OF OPPOSITION

Opposer, PUBLICIS (S.A.), is a French corporation with offices located at 133, Avenue des Champs-Elysees, Paris, 75008 France.

Applicant, PUBLIC I, L.L.C., is a Michigan company with offices located at 430 North Old Woodward Avenue, Birmingham, Michigan 48009.

Opposer believes that it will be damaged by registration of the mark PUBLIC I as shown in Application Serial No. 78/221,819 for services in International 35 and hereby opposes the same.

The grounds for opposition are as follows:

1. One of the world's largest advertising and media services conglomerates, publicly traded on the NYSE, Opposer offers a variety of communications services, including creative advertising, media and campaign planning, marketing and public relations.
2. Employing more than 35,000 people worldwide, Opposer's revenues for the fiscal year ending December 2003 were approximately \$4.9 Billion.
3. Opposer has used the mark PUBLICIS, and PUBLICIS and Design as depicted in U.S. Registration No. 2,284,867, in connection with advertising agencies, marketing services, market research services and public relations services prior to any use of the mark PUBLIC I by Applicant.
4. Opposer intends to continue use of its marks PUBLICIS, and PUBLICIS and Design, in connection with the services recited in Paragraphs 1 and 3 above.
5. Opposer owns U.S. Registration No. 2,284,867 for PUBLICIS and Design for use in connection with "advertising agency services; business consultation; document reproduction; public relation services;

business management consultation for industrial or commercial enterprises; [and] market research" in International Class 35.

6. Opposer has developed extensive goodwill throughout the world, including the United States, with respect to its PUBLICIS and PUBLICIS and Design marks.
7. Opposer has spent substantial sums for advertisement and promotion throughout the world, including the United States, with respect to its PUBLICIS and PUBLICIS and Design marks.
8. As a result of the expenditure of considerable sums for promotional activities and advertising and by virtue of the high quality of its services, Opposer has garnered a valuable reputation for its PUBLICIS and PUBLICIS and Design marks. Opposer counts Coca Cola, Nestlé, and Procter & Gamble among its many clients.
9. As a result of the above uses, Opposer has developed substantial common law rights in the PUBLICIS and PUBLICIS and Design marks.
10. Applicant filed Application Serial No. 78/221,819 on March 5, 2003 seeking to register the mark PUBLIC I as a services mark in International Class 35 for "public

relations; direct marketing advertising for others; advertising agency; promoting the goods and services of others by organizing and conducting promotional events; advertising services, namely, developing and managing brand names for others; providing consultation and strategy relating to brand name development" (as amended).

11. Priority is not an issue. The priority date for Opposer's Registration No. 2,284,867 is October 16, 1997; the actual filing date for Opposer's Registration No. 2,284,867 is April 6, 1998; and the registration date for Opposer's Registration No. 2,284,867 is October 12, 1999; all of which precede Applicant's asserted date of first use in Application Serial No. 78/221,819 of October 8, 2002.
12. If Applicant is granted registration of the word mark PUBLIC I as depicted in Application Serial No. 78/221,819, its use in commerce of any stylized or design format of that term will suffice as use of the mark sufficient to maintain the registration.
13. If Applicant is granted registration of the word mark PUBLIC I as depicted in Application Serial No. 78/221,819, its use of the term would not be limited to

any particular spacing requirements between the terms "PUBLIC" and "I".

14. The mark proposed for registration by Applicant in Application Serial No. 78/221,819 is similar in appearance, connotation, sound and/or commercial impression to the PUBLICIS and PUBLICIS and Design marks used by Opposer in connection with its services recited in Paragraphs 1, 3, 4 and 5 above.
15. The goods and services described in Application Serial No. 78/221,819 are closely related to Opposer's goods and services recited in Paragraphs 1, 3 and/or 5 above.
16. Upon information and belief, Opposer avers that the services recited in Application Serial No. 78/221,819 are advertised and provided, or are intended to be advertised and provided, in similar channels of trade and to similar customers as Opposer's services.
17. Applicant's use of the mark PUBLIC I in connection with the services recited in Application Serial No. 78/221,819 interferes with Opposer's use of its PUBLICIS and PUBLICIS and Design marks and is likely to cause the public to believe that the services of Applicant originate with Opposer, or vice versa, or that Applicant

is owned or controlled by or in some manner affiliated or associated with Opposer, or vice versa, and is otherwise likely to cause confusion, cause mistake or deceive.

18. Any defect, inadequacy or deficiency found in Applicant's goods or services marketed under the PUBLIC I mark would reflect negatively upon and seriously injure the reputation and goodwill associated with the goods and services provided by Opposer and provided in connection with its PUBLICIS and PUBLICIS and Design marks.

19. If Applicant is granted a registration based on Application Serial No. 78/221,819, Applicant would thereby obtain at least a prima facie exclusive right to use the PUBLIC I mark. Any such registration would be a source of damage and injury to Opposer and its customers.

WHEREFORE, Opposer prays that Application Serial No. 78/221,819 be rejected, that no registration be issued thereon to Applicant, that registration of the mark PUBLIC I for the services specified therein be denied and refused, and that this opposition be sustained in favor of Opposer.

Opposer has appointed Robert J. Patch, Andrew J. Patch, Douglas V. Rigler, Benoît Castel, Thomas W. Perkins, Eric Jensen, Roland E. Long, Jr., who are attorneys admitted to practice in Virginia, and Mark Lebow, an attorney admitted to practice in Florida and New York, all of whom are affiliated with the firm Young & Thompson, 745 South 23rd Street, Arlington, Virginia 22202, as its duly authorized agents and attorneys in the matter of this opposition, with full power of substitution and revocation, to transact all business with the Patent and Trademark Office and elsewhere in the United States courts in connection with this opposition, to sign all papers which may be hereinafter filed in connection with this opposition, and to receive all communications relating to this opposition.

Respectfully submitted,

/mark lebow/

Mark Lebow
Attorney for Opposer

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September 19, 2004