

ESTTA Tracking number: **ESTTA26480**

Filing date: **02/22/2005**

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

<b>Name</b>	Danjaq, LLC
<b>Granted to Date of previous extension</b>	02/23/2005
<b>Address</b>	MGM Colorado Center 2400 Broadway St.Suite 310 Santa Monica, CA 90404 UNITED STATES

<b>Correspondence information</b>	Christopher M. Dolan Attorney for Opposer BRINKS HOFER GILSON & LIONE P.O. Box 10395 Suite 310 Chicago, IL 60610-0395 UNITED STATES officeactions@brinkshofer.com Phone:312-321-4200
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#### Applicant Information

<b>Application No</b>	78342344	<b>Publication date</b>	10/26/2004
<b>Opposition Filing Date</b>	02/22/2005	<b>Opposition Period Ends</b>	02/23/2005
<b>Applicant</b>	Vegas Clothing LLC PO Box 923987		

Norcross, GA 30010 UNITED STATES
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**Goods/Services Affected by Opposition**

Class 025.

All goods and services in the class are opposed, namely: Men's and Women's clothing and accessories, namely-- t-shirts, shirts, polo shirts, tank tops, baby t-shirts, halter tops, pants, jeans, shorts, skirts, dresses, pant suits, swim wear, bikinis, head wear, baseball caps, hats, knit hats, visors, jackets, suits, ties, sweatshirts, sweatpants, hoodies, coats, sweaters, fleece pullovers, jumpsuits, warm-up suits, athletic jerseys, socks, shoes, sandals, boots, sneakers, tennis shoes, underwear, lingerie, boxers, panties, blouses, camisoles, bras, thongs, pajamas, robes, stockings, belts, tights and scarves

<b>Attachments</b>	Notice of Opposition.pdf ( 8 pages )
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<b>Signature</b>	/Christopher M. Dolan/
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<b>Name</b>	Christopher M. Dolan
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<b>Date</b>	02/22/2005
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to BOX TTAB – FEE, Commissioner For Trademarks, P. O. Box 1451, Alexandria, VA 22313-1451,

on February 22, 2005  
(Date of Deposit)

Christopher M. Dolan  
Name of applicant, assignee, or Registered Representative

[Signature]  
Signature

February 22, 2005  
Date of Signature

Our File: 9665/484

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

Danjaq, LLC,	)	
	)	
Opposer,	)	Opposition No.
	)	
v.	)	Serial No. 78/342,344
	)	
Vegas Clothing LLC,	)	Mark: BOND GIRL & DESIGN
	)	
Applicant.	)	Published: October 26, 2004
_____	)	

**NOTICE OF OPPOSITION**

BOX TTAB— FEE  
Commissioner For Trademarks  
P. O. Box 1451  
Alexandria, VA 22313-1451

DANJAQ, LLC, a Delaware Limited Liability Company with its principal place of business at 2400 Broadway Street, Suite 310, MGM Plaza, Santa Monica, California, 90404 (“Danjaq”), believes that it will be damaged by registration of the trademark BOND GIRL & Design, Serial No. 78/342,344, filed by VEGAS CLOTHING LLC, a Georgia corporation

with its principal place of business at P.O. Box 923987, Norcross, Georgia 30010

(hereinafter “Applicant”). Accordingly, Danjaq opposes registration of the mark on the following grounds:

1. Applicant seeks to register the mark BOND GIRL & Design as a trademark for “Men’s and Women’s clothing and accessories, namely – t-shirts, shirts, polo shirts, tank tops, baby t-shirts, halter tops, pants, jeans, shorts, skirts, dresses, pant suits, swim wear, bikinis, head wear, baseball caps, hats, knit hats, visors, jackets, suits, ties, sweatshirts, sweatpants, hoodies, coats, sweaters, fleece pullovers, jumpsuits, warm-up suits, athletic jerseys, socks, shoes, sandals, boots, sneakers, tennis shoes, underwear, lingerie, boxers, panties, blouses, camisoles, bras, thongs, pajamas, robes, stockings, belts, tights and scarves” in International Class 25, as evidenced by the publication of this mark in the October 26, 2004 issue of the *Official Gazette*.

2. Danjaq uses the registered mark JAMES BOND 007 and Design for a broad range of goods and services, including motions pictures and related merchandise. *See* Registration No. 1,737,876 at Exhibit A.<sup>1</sup> Danjaq’s exclusive right to use this mark for various goods and services, including clothing, has become incontestable pursuant to 15 U.S.C. Section 1065. As a result of extensive sales, advertising and promotion of a broad range of products and services offered under Danjaq’s JAMES BOND 007 mark, the JAMES BOND 007 mark has become, prior to the acts of Applicant complained of herein, distinctive and famous under Section 43(c) of the Lanham Act, 15 U.S.C. Section 1125(c).

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<sup>1</sup> Two copies of the JAMES BOND 007 registration prepared and issued by the Patent and Trademark Office and showing the current status and title to the registration are submitted for purposes of the making the registration part of the record pursuant to 37 C.F.R. Section 2.122(d).

3. Long prior to the acts of Applicant complained of herein, Danjaq has used the BOND GIRL mark in connection with various goods and services, including motions pictures and related merchandise.

4. As a result of extensive sales, advertising and promotion of a broad range of products offered under Danjaq's BOND GIRL mark, the BOND GIRL mark has become, prior to the acts of Applicant complained of herein, distinctive and famous under Section 43(c) of the Lanham Act, 15 U.S.C. Section 1125(c).

5. There is no dispute as to priority of use. Danjaq's uses of JAMES BOND 007 and BOND GIRL pre-date Applicant's 2003 filing date by decades. Applicant has filed under Section 1(b), and to Danjaq's knowledge, has not used the mark in commerce.

6. The registration and use of the BOND GIRL & Design mark by Applicant in connection with the identified goods is likely to cause confusion, or to cause mistake, or to deceive, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. Section 1052(d). In fact, because of, among other things, the fame of Danjaq's JAMES BOND 007 and BOND GIRL marks, and the similarity of Applicant's BOND GIRL & Design mark to Danjaq's JAMES BOND 007 and BOND GIRL marks in terms of sound, appearance, and meaning, inevitable confusion, mistake, and/or deception will arise from registration of Applicant's BOND GIRL & Design mark. For example, consumers are likely to believe that products or services offered under Applicant's BOND GIRL & Design mark originate with, are sponsored by, or are affiliated with Danjaq, which would result in irreparable damage to Danjaq's reputation and goodwill.

7. Applicant's proposed use of the mark BOND GIRL & Design in commerce is likely to cause dilution of the distinctive quality of Danjaq's famous JAMES BOND 007 and

BOND GIRL marks under Section 43(c) of the Lanham Act, 15 U.S.C. Section 1125(c). Accordingly, Applicant's BOND GIRL & Design mark must be refused registration under Sections 2 and 13 of the Lanham Act, 15 U.S.C. Sections 1052 and 1063.

WHEREFORE, Opposer, DANJAQ, LLC, prays that the Trademark Trial and Appeal Board sustain Danjaq's Opposition and that it deny registration to Application Serial No. 78/342,344.

The filing fee for this opposition, in the amount of \$300.00, is enclosed. The Commissioner is hereby authorized to charge any additional fees to Deposit Account No. 23-1925. This Opposition is submitted in duplicate.

Respectfully submitted,

DANJAQ, LLC

By: 

Christopher M. Dolan

Yolanda M. Price

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Attorneys for Opposer

Dated: February 22, 2005

# **EXHIBIT**

# **A**

1134786

**THE UNITED STATES OF AMERICA**

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

**UNITED STATES DEPARTMENT OF COMMERCE**

**United States Patent and Trademark Office**

**February 25, 2004**

**THE ATTACHED U.S. TRADEMARK REGISTRATION 1,737,876 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.**

**REGISTERED FOR A TERM OF 10 YEARS FROM *December 08, 1992*  
1st RENEWAL FOR A TERM OF 10 YEARS FROM *December 08, 2002*  
SECTION 8 PARTIAL & 15  
LESS GOODS**

**CLASS(ES) CANCELLED:**

***INT CL 3, 14, 18 AND 25***

**SAID RECORDS SHOW TITLE TO BE IN:**

***DANJAQ, LLC***

***A DELAWARE LIMITED LIABILITY COMPANY***

**By Authority of the  
COMMISSIONER OF PATENTS AND TRADEMARKS**

*L. Edelen*

**L. EDELEN  
Certifying Officer**





Int. Cls.: 3, 9, 14, 16, 18, 25, 28 and 41

Prior U.S. Cls.: 3, 4, 6, 21, 22, 23, 26, 27, 28, 29,  
37, 38, 39, 41, 50, 51, 52 and 107

Reg. No. 1,737,876

United States Patent and Trademark Office Registered Dec. 8, 1992

TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER

**JAMES BOND 007<sup>SM</sup>**

DANJAG S.A. (SWITZERLAND CORPORATION)  
44 AVENUE DE LA GARE  
LAUSANNE, SWITZERLAND

~~FOR: TOILET, BODY AND FACIAL SOAPS, PERFUMES, COLOGNES, TOILET WATER, GEL AND FOAM SHAVING CREAMS, SHAVING LOTIONS AND CREAMS, BODY AND FACE POWDERS, COSMETICS, NAMELY, LIP CREAMS, LIPSTICKS, EYE SHADOW, MASCARA, NAIL POLISH, NAIL POLISH REMOVER, BODY, FACE, HAIR LOTIONS, CREAMS, AND OILS, SUN CREAMS AND LOTIONS, HAIR SHAMPOO, PERSONAL DEODORANTS, BATH OILS, DENTIFRICES, IN CLASS 3 (U.S. CLS. 4, 6, 51 AND 52).~~

~~FOR: FLASHLIGHTS, RADIOS, TELEVISIONS, EYEGLASSES, ANTI-GLARE GLASSES, PROTECTIVE AND SAFETY GLASSES, BINOCULARS, LIFE JACKETS, PHOTOGRAPHIC SLIDES, MOTION PICTURE AND SLIDE PROJECTORS, COMPUTERS, COMPUTER PERIPHERALS AND COMPUTER SOFTWARE, IN CLASS 9 (U.S. CLS. 21, 23 AND 26).~~

~~FOR: JEWELRY MADE OF PRECIOUS METALS, PRECIOUS STONES, WATCHES, CLOCKS, IN CLASS 14 (U.S. CLS. 27 AND 28).~~

~~FOR: STATIONERY, NAMELY, ENVELOPES AND WRITING PAPER, GREETING CARDS, WRAPPING PAPER, PAPERWEIGHTS, PEN AND PENCIL CUPS, POSTCARDS, PHOTOGRAPHS AND PHOTOGRAPH ALBUMS, FOLDERS, DIARIES, ADDRESS BOOKS, CALENDARS, RECIPE BOOKS, COLOURING BOOKS, WRITING AND DRAWING INSTRUMENTS, NAMELY, PENS, PENCILS, PASTEL~~

~~CRAYONS AND CHALK, PENCIL CASES, ORDINARY PLAYING CARDS, BOOKS, POSTERS, IN CLASS 16 (U.S. CLS. 22, 23, 29, 37 AND 38).~~

~~FOR: TRUNKS, SUITCASES AND TRAVELING BAGS, GOODS MADE FROM LEATHER AND IMITATIONS OF LEATHER, NAMELY, POCKETBOOKS, HANDBAGS, SHOULDER BAGS, TOTE BAGS, ATTACHE CASES, BRIEF CASES, WALLETS, BILLFOLDS AND PASSPORT CASES, IN CLASS 18 (U.S. CLS. 3 AND 41).~~

~~FOR: MEN'S, WOMEN'S, AND CHILDREN'S CLOTHING; NAMELY, SUITS, STOCKINGS, HOSIERY, SOCKS, ARTICLES OF UNDERCLOTHING, NAMELY, BRASSIERES, UNDERWEAR, SLIPS, LINGERIE, SHORTS, SHIRTS, BLOUSES, TOPS, SLACKS, TROUSERS, SKIRTS, DRESSES, JACKETS, COATS, RAINCOATS, CAPES, SLICKERS, OVERALLS, WAISTCOATS, PANTYHOSE, SCARVES, MUFFLERS, CAPS, HATS, SUN VISORS, DRESSING GOWNS, BATHROBES, BIBS, TUXEDOS, PAJAMAS, SWEATERS, CARDIGANS, VESTS, HANDKERCHIEFS, BELTS, GLOVES, APRONS, TIGHTS, JEANS, TIES, ASCOTS, SWIMWEAR, WRISTBANDS, SHOES, SANDALS, BOOTS, SNEAKERS, WARM-UP SUITS, IN CLASS 25 (U.S. CL. 39).~~

~~FOR: DOLLS, PLUSH TOYS, BALLOONS, SPINNING TOPS, JIGSAW PUZZLES, TOY MASKS, CARD GAMES (NONE BEING ORDINARY PLAYING CARDS), BOARD GAMES, ELECTRONIC GAMES, TOY VEHICLES, TOY FIGURES, TOY GUNS, IN CLASS 28 (U.S. CLS. 22 AND 50).~~

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1,737,876

FOR: ENTERTAINMENT SERVICES BY  
MEANS OF MOTION PICTURES, IN CLASS 41  
(U.S. CL. 107).

FIRST USE 0-0-1962; IN COMMERCE  
0-0-1962.

PRIORITY CLAIMED UNDER SEC. 44(D) ON  
SWITZERLAND APPLICATION NO. 7329,

FILED 11-9-1987, REG. NO. 359698, DATED  
11-9-1987, EXPIRES 11-9-2007.

SER. NO. 73-698,394, FILED 12-1-1987.

RONALD R. SUSSMAN, EXAMINING ATTOR-  
NEY