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

Proceeding	91164272
Party	Defendant Vegas Clothing LLC Vegas Clothing LLC PO Box 923987 Norcross, GA 30010
Correspondence Address	MICHAEL X. IANACONE JR., MANAGING MEMBER VEGAS CLOTHING LLC PO BOX 923987 NORCROSS, GA 30010-3987
Submission	Other Motions/Papers
Filer's Name	Michael Ianacone Jr
Filer's e-mail	info@vegasclothing.com
Signature	/mi/
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Attachments	BOND_GIRL_First_Interrogatories_Answer.pdf (10 pages) CERTIFICATE_OF_SERVICE_First_Interrogatories_Answer.pdf (1 page) BOND_GIRL_First_Interrogatories_to_Danjaq.pdf (2 pages) CERTIFICATE_OF_SERVICE_First_Interrogatories_to_Danjaq.pdf (1 page) BOND_GIRL_Request_for_Documents_to_Danjaq.pdf (2 pages) CERTIFICATE_OF_SERVICE_Request_for_Documents_to_Danjaq.pdf (1 page)

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

Danjaq, LLC,

Opposer,

v.

Vegas Clothing LLC,

Applicant.

Opposition No: 91164272

Mark: BOND GIRL and Design

Serial No: 78/342,344

Filing Date: December 17, 2003

Published: October 26, 2004

ANSWER TO OPPOSER'S FIRST SET OF INTERROGATORIES

VEGAS CLOTHING LLC, a Georgia Limited Liability Company with its principal place of business at PO Box 566395, Atlanta, Georgia, 31156 would like to submit the following answers to the first set of interrogatories submitted by DANJAQ, LLC, a Delaware Limited Company with its principal place of business at 2400 Broadway Street, Suite 310, MGM Plaza, Santa Monica, California, 90404 in Opposition No. 91164272.

Interrogatory Number 1

Full name: Michael Xavier Ianacone Jr

Business name: Vegas Clothing LLC

Position: Managing Member, Vegas Clothing LLC

Present residence address: 8021 Gables Lane, Atlanta, GA 30350 – residence phone:

770.394.3893

Present business address: PO Box 566395, Atlanta, GA 31156 – business phone:

404.578.3524

Interrogatory Number 2

- (a) Organized as a corporation: state of Georgia, U.S.
- (b) Foreign corporation: n/a
- (c) No products have ever been produced, marketed or sold with the BOND GIRL and Design mark, Application Serial No. 78/342,344 by Vegas Clothing LLC
- (d) Present business address listed above
- (e) Office space: n/a

Interrogatory Number 3

The only person having knowledge or information concerning selection and adoption of the BOND GIRL and Design mark, Application Serial No. 78/342,344 is the Applicant, Michael Xavier Ianacone Jr, Managing Member of Vegas Clothing LLC.

Interrogatory Number 4

- A. The BOND GIRL and Design mark, Application Serial No. 78/342,344 is derived from the Applicant's own imagination and creativity, and was created for use by Vegas Clothing LLC in the arena of clothing, in International Class 25.
- B. The overall impression intended by the Applicant for the BOND GIRL and Design mark, Application Serial No. 78/342,344 is to convey the image of a strong, independent and modern woman.

Interrogatory Number 5

- A. The BOND GIRL and Design mark, Application Serial No. 78/342,344 is derived from the Applicant's own imagination and creativity, and was created for use by Vegas Clothing LLC in the arena of clothing, in International Class 25.
- B. The overall impression intended by the Applicant for the BOND GIRL and Design mark, Application Serial No. 78/342,344, specifically the silhouette of a woman holding a weapon, is to convey the image of a strong, independent and modern woman. The weapon is symbolic of a certain level of "toughness" that the Applicant would like to express.

Interrogatory Number 6

The overall impression intended by the Applicant for the BOND GIRL and Design mark, Application Serial No. 78/342,344, specifically the term BOND GIRL in combination with the design of a silhouette of a woman holding a weapon, is to convey the image of a strong, independent and modern woman.

Interrogatory Number 7

The Applicant was aware of the JAMES BOND 007 character at the time of Applicant's submission of the BOND GIRL and Design mark, Application Serial No. 78/342,344.

The Applicant cannot provide a specific date or even a general time frame when they became aware of the JAMES BOND 007 character.

The Applicant is without knowledge or information sufficient to form a belief pertaining to Danjaq, LLC's sales or merchandising activities for the JAMES BOND 007 character or the JAMES BOND & DESIGN mark, Registration Serial No. 1,737,876.

Interrogatory Number 8

The Applicant is aware of the existence of the motion pictures listed below, but in no way can the Applicant list the specific date and manner in which they became aware of each of the Opposer's motion pictures listed.

The Applicant is without knowledge or information sufficient to form a belief pertaining to Danjaq, LLC's sales or merchandising activities for the JAMES BOND 007 character or the JAMES BOND & DESIGN mark, Registration Serial No. 1,737,876, specifically as it relates to the motion pictures listed below:

- (a) Dr. NO;
- (b) FROM RUSSIA WITH LOVE;
- (c) THUNDERBALL;
- (d) GOLDFINGER;
- (e) YOU ONLY LIVE ONCE;
- (f) ON HER MAJESTY'S SECRET SERVICE;

- (g) DIAMONDS ARE FOREVER;
- (h) LIVE AND LET DIE;
- (i) THE MAN WITH THE GOLDEN GUN;
- (j) THE SPY WHO LOVED ME;
- (k) MOONRAKER;
- (l) FOR YOUR EYES ONLY;
- (m) OCTOPUSSY;
- (n) A VIEW TO A KILL;
- (o) THE LIVING DAYLIGHTS;
- (p) LICENSE TO KILL;
- (q) GOLDENEYE;
- (r) TOMORROW NEVER DIES;
- (s) THE WORLD IS NOT ENOUGH; and
- (t) DIE ANOTHER DAY

Interrogatory Number 9

The person responsible for selecting the term BOND GIRL as a trademark is Michael Xavier Ianacone Jr, Managing Member of Vegas Clothing LLC.

Interrogatory Number 10

The Applicant cannot identify any writings related to the adoption of the term BOND GIRL as a trademark, because no specific writings were used in the creation of the BOND GIRL & Design mark, Application Serial No. 78/342,344. Preliminary research

was performed via the USPTO database and the internet. After the BOND GIRL mark appeared viable for use, a design was created and Application Serial No. 78/342,344 was submitted to the USPTO.

Interrogatory Number 11

Vegas Clothing LLC paid for the *U.S. Full Availability Search* trademark report by Thomson & Thomson on February 5, 2004 in direct response to Danjaq, LLC's opposition to the Applicant's BOND GIRL & Design mark, Application Serial No. 78/342,344. The trademark search report provided no evidence to support the claim of previous usage or ownership of the BOND GIRL mark by Danjaq, LLC in the arena of clothing prior to the Applicant's trademark filing date of December 17, 2003. See *Thomson & Thomson Research Report* at Exhibit B.

Interrogatory Number 12

No products have ever been produced, marketed or sold with the BOND GIRL and Design mark, Application Serial No. 78/342,344 by Vegas Clothing LLC.

Interrogatory Number 13

The Applicant is without knowledge or information sufficient to form a belief pertaining to instances of actual confusion between the source of Opposer's products and services and each item of goods specified in International Class 25 of Application Serial No. 78/342,344.

Interrogatory Number 14

No products have ever been produced, marketed or sold with the BOND GIRL and Design mark, Application Serial No. 78/342,344 by Vegas Clothing LLC.

Interrogatory Number 15

Vegas Clothing LLC acknowledges Danjaq, LLC's ownership of the trademark JAMES BOND 007 & Design, Registration No. 1,737,876 in International Classes 9, 16, 28 and 41. The Applicant became aware of Opposer's trademark prior to application for registration of the BOND GIRL and Design mark, Application Serial No. 78/342,344 while researching the word BOND and GIRL via the USPTO database for any possible conflicts with the BOND GIRL mark. JAMES BOND 007 & Design, Registration No. 1,737,876 was produced in the USPTO search results, along with roughly a thousand other entries containing variations of the word BOND.

Vegas Clothing LLC is without knowledge or information sufficient to form a belief pertaining to Danjaq LLC's claim of adoption, use or registration of the BOND GIRL mark, specifically as it relates to the arena of clothing, prior to the Applicant's application for registration of the BOND GIRL and Design mark, Application Serial No. 78/342,344.

Interrogatory Number 16

The basis for the assertion in Paragraph 3 of the Applicant's Answer that "the submitted mark proposed by Danjaq is strikingly similar to the one submitted by Vegas Clothing on December 17, 2003." is listed below:

- (a) Both marks contain a design element consisting of a silhouette of a woman, with the words BOND and GIRL on either side of the silhouette
- (b) Both marks contain a silhouette of a woman holding a weapon, although the Opposer's appears to be a crossbow, not a gun
- (c) Both marks contain a silhouette of a woman in a similar pose, and both silhouettes appear to have the same general hair style and length

Interrogatory Number 17

The factual basis for the Applicant's assertion in the declaration for Application Serial No. 78/342,34 that the Applicant believes it is "entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive" is listed below:

- (a) A preliminary search of the USPTO database via www.uspto.gov for the BOND GIRL mark returned no conflicting registered or pending federal trademarks in the arena of clothing in the opinion of the Applicant.
- (b) A preliminary search of the internet via www.google.com for the BOND GIRL mark in use on clothing returned no conflicting results in the opinion of the Applicant.
- (c) Vegas Clothing LLC paid for a *U.S. Full Availability Search* trademark report performed by Thomson & Thomson on February 5, 2004, the

trademark search report provided no evidence to support the claim of previous usage or ownership of the BOND GIRL mark by Danjaq, LLC in the arena of clothing prior to the Applicant's trademark filing date of December 17, 2003.

- (d) The Applicant's BOND GIRL and Design, Application Serial No. 78/342,344 was examined and researched by a trademark attorney for the USPTO and determined to be entitled to registration.
- (e) Although Vegas Clothing LLC acknowledges Danjaq, LLC's ownership of the trademark JAMES BOND 007 & Design, Registration No. 1,737,876 in International Classes 9, 16, 28 and 41, the Applicant has filed BOND GIRL and Design, Application Serial No. 78/342,344 under International Class 25. The two marks have only the word BOND in common, and are not otherwise similar in the opinion of the Applicant. Due to the fact that the two marks will not be competing in the same International Class and are not believed to be similar in design aspect and resemblance; confusion in the marketplace should not be a factor in the opinion of the Applicant.
- (f) It is the Applicant's belief that the BOND GIRL and Design, Application Serial No. 78/342,344 should proceed and be entitled to registration by the USPTO.

Interrogatory Number 18

No documents responsive to the foregoing interrogatories have been lost to the best of the Applicant's knowledge.

Interrogatory Number 19

No documents responsive to the foregoing interrogatories have been destroyed to the best of the Applicant's knowledge.

Interrogatory Number 20

The only person who participated in the preparation of the answers and responses to these interrogatories is Michael Xavier Ianacone Jr, Managing Member of Vegas Clothing LLC.

Respectfully Submitted,

Michael X. Ianacone Jr
Managing Member
VEGAS CLOTHING LLC
PO Box 566395
Atlanta, GA 31156
(404) 427-0394

December, 2 2005

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing ANSWER TO OPPOSER'S FIRST SET OF INTERROGATORIES has been served on Christopher M. Dolan by mailing said copy on December 2, 2005, via USPS Priority Mail, to: Christopher M. Dolan, Brinks Hofer Gilson & Lione, NBC Tower – Suite 3600, 455 N. Cityfront Plaza Dr, Chicago, IL, 60611.

Michael X. Ianacone Jr
Managing Member
VEGAS CLOTHING LLC
PO Box 566395
Atlanta, GA 31156
(404) 427-0394

December 2, 2005

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

Danjaq, LLC,

Opposer,

v.

Vegas Clothing LLC,

Applicant.

Opposition No: 91164272

Mark: BOND GIRL & DESIGN

Serial No: 78342344

Filing Date: December 17, 2003

Published: October 26, 2004

APPLICANT'S FIRST SET OF INTERROGATORIES TO OPPOSER

Applicant, VEGAS CLOTHING LLC, a Georgia Limited Liability Company with its principal place of business at PO Box 566395, Norcross, Georgia, 30010 requests that Opposer, DANJAQ, LLC, a Delaware Limited Company with its principal place of business at 2400 Broadway Street, Suite 310, MGM Plaza, Santa Monica, California, 90404 answer the following interrogatories separately and fully in writing under oath in accordance with Rule 33 of the Federal Rules of Civil Procedure and Rule 2.120 of the

Trademark Rules of Practice, 37 C.F.R. § 2.120, within forty five (45) days of service hereof.

INSTRUCTIONS AND DEFINITIONS

The definitions and instructions set forth in OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT and OPPOSER'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS shall also apply to these interrogatories.

Interrogatory Number 1

Identify each officer, managing agent and owner of Opposer, giving each officer's, managing agents, and owner's name, address, title and duties with respect to Opposer.

Interrogatory Number 2

Identify all goods and services and the dates thereof, in which the Danjaq, LLC has used the BOND GIRL mark prior to December 17, 2003 in the arena of clothing, including any information pertaining to the sales, advertising and promotion of such goods and services.

Respectfully Submitted,

Michael X. Ianacone Jr
Managing Member
VEGAS CLOTHING LLC
PO Box 566395
Atlanta, GA 31156
(404) 427-0394

December 2, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing APPLICANT'S FIRST SET OF INTERROGATORIES TO OPPOSER has been served on Christopher M. Dolan by mailing said copy on December, 2005, via USPS Priority Mail, to:
Christopher M. Dolan, Brinks Hofer Gilson & Lione, NBC Tower – Suite 3600, 455 N. Cityfront Plaza Dr, Chicago, IL, 60611.

Michael X. Ianacone Jr
Managing Member
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**APPLICANT'S FIRST SET OF REQUESTS FOR PRODUCTION OF
DOCUMENTS AND THINGS**

Pursuant to Rules 26 and 34 of the Federal Rules and Civil Procedure, and Trademark Rule 2.120, 37 C.F.R. § 2.120, Applicant, Vegas Clothing LLC, serves its First Set of Requests for Production of Documents and Things upon Opposer, Danjaq, LLC, and hereby requests that Opposer produce the following documents for inspection and copying, along with a written response to these requests at the business address of the

Applicant, PO Box 566395, Atlanta, GA 31156, within forty five (45) days after the service hereof.

INSTRUCTIONS AND DEFINITIONS

The definitions and instructions set forth in OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT and OPPOSER'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS shall also apply to this request for documents and things.

DOCUMENTS TO BE PRODUCED

1. All documents referring to the identification of all goods and services and the dates thereof, in which the Danjaq, LLC has used the BOND GIRL mark prior to December 17, 2003 in the arena of clothing, including any information pertaining to the sales, advertising and promotion of such goods and services.

Respectfully Submitted,

Michael X. Ianacone Jr
Managing Member
VEGAS CLOTHING LLC
PO Box 566395
Atlanta, GA 31156
(404) 427-0394

December 2, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing APPLICANT'S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS has been served on Christopher M. Dolan by mailing said copy on December 2, 2005, via USPS Priority Mail, to: Christopher M. Dolan, Brinks Hofer Gilson & Lione, NBC Tower – Suite 3600, 455 N. Cityfront Plaza Dr, Chicago, IL, 60611.

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