

ESTTA Tracking number: **ESTTA45312**

Filing date: **09/15/2005**

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 parties oppose registration of the indicated application.

#### Opposers Information

<b>Name</b>	L.C. Licensing, Inc.		
<b>Entity</b>	Corporation	<b>Citizenship</b>	Delaware
<b>Address</b>	1441 Broadway New York, NY 10018 UNITED STATES		

<b>Name</b>	Liz Claiborne, Inc.		
<b>Entity</b>	Corporation	<b>Citizenship</b>	Delaware
<b>Address</b>	1441 Broadway New York, NY 10018 UNITED STATES		

<b>Name</b>	Monet International, Inc.		
<b>Entity</b>	Corporation	<b>Citizenship</b>	Delaware
<b>Address</b>	1441 Broadway New York, NY 10018 UNITED STATES		

<b>Attorney information</b>	David B. Kirschstein Kirschstein Ottinger Israel & Schiffmiller, P.C. 489 Fifth Avenue, 17th Floor New York, NY 10017-6105 UNITED STATES		
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### Applicant Information

<b>Application No</b>	74669709	<b>Publication date</b>	09/13/2005
<b>Opposition Filing Date</b>	09/15/2005	<b>Opposition Period Ends</b>	10/13/2005
<b>Applicant</b>	Mauney, Edith M. 5550 Abbey Drive Lisle, IL 60532 UNITED STATES		

### Goods/Services Affected by Opposition

Class 003.  
All goods and services in the class are opposed, namely: cosmetics

**Attachments** MONET'S ECO-LINE Opposition.PDF ( 5 pages )

**Signature** /David B. Kirschstein/

**Name** David B. Kirschstein

**Date** 09/15/2005

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

In the Matter of Application Serial No. 74-669,709  
Filed May 4, 1995 for the mark MONET'S ECO-LINE  
Published in the Official Gazette of September 13, 2005

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L.C. LICENSING, INC., LIZ CLAIBORNE, INC.  
AND MONET INTERNATIONAL, INC., :

Opposers, :

v. : Opposition No.

EDITH MAUNEY, :

Applicant. :

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OPPOSITION

L.C. LICENSING, INC., a corporation organized and existing under the laws of the State of Delaware, located and doing business at 1441 Broadway, New York, New York, LIZ CLAIBORNE, INC., a corporation organized and existing under the laws of the State of Delaware, located and doing business at 1441 Broadway, New York, New York and MONET INTERNATIONAL, INC., a corporation organized and existing under the laws of the State of Delaware, located and doing business at 1441 Broadway, New York, New York, believe that they will be damaged by registration of the mark shown in the above-mentioned application serial No. 74-669,709, and hereby oppose the same.

As grounds of opposition it is alleged that:

1. Monet International, Inc. through its predecessors has for many years been engaged in the business of manufacturing and selling a wide variety of jewelry. Its business is an old and established one, and its products are well and favorably known by the general public because of the excellence and high quality thereof. Said products are known and called for by the trademarks which said opposer's predecessors have from time to time adopted and used to identify themselves as the source. The use of said trademarks has been continued by opposer Monet International, Inc., and said trademarks now identify opposer Monet International, Inc. as the source of the goods to which they are applied.

2. Since long prior to the filing date of application serial No. 74-669,709, opposer Monet International, Inc.'s predecessors adopted, commenced to use and continuously used several trademarks comprising and including the mark MONET for jewelry, and said use has been continued by opposer Monet International, Inc. Said trademarks have been registered in the United States Patent and Trademark Office under Registrations No. 719,979 dated August 15, 1961 for the mark MONET, No. 1,209,655 dated September 21, 1982 for the mark MONET and No. 1,474,910 dated February 2, 1988 for the mark MONET. Said registrations are valid, subsisting and incontestable. Other MONET trademarks have also been registered in the United States Patent and Trademark Office. These are No. 2,305,563 dated January 4, 2000 for the mark MONET 2, No. 2,346,079 dated April 25, 2000 for the mark MONET SIGNATURE and No. 2,586,550 dated June 25, 2002 for the mark MONET MODERN MEETS CLASSIC. Said registrations are valid and subsisting. All of the aforesaid registrations (hereinafter the "Monet Marks") are owned by L.C. Licensing, Inc., and Monet International, Inc. is the exclusive

licensee under said marks. L.C. Licensing, Inc. and Monet International, Inc. are wholly owned subsidiaries of Liz Claiborne, Inc. Copies of printouts of said registrations are attached hereto as Exhibits A-F . Opposers hereby give notice, in accordance with Trademark Rule 2.122(b), that they will rely thereon as evidence on their behalf in this proceeding, and status copies showing present title will be introduced into evidence during the testimony period.

3. The MONET Marks have been applied to the goods of opposer Monet International, Inc. and its predecessors by means of labels and containers for the products. Said trademarks have also been employed in advertising, offering for sale and sale of said products. The products so marked have been widely distributed and used throughout the United States so that the trademarks have great value to opposers and identify said products upon which and in connection with which they are used as coming from opposer Monet International, Inc. only.

4. The mark MONET has been used in interstate commerce in the United States by opposer Monet International, Inc. and its predecessors since a date long prior to the filing date of application serial No. 74-669,709 opposed herein. Opposers' marks have come to identify a single source of the products to which they have been applied, and the aforesaid marks have come to function as a guarantee of the quality of the products to which they are applied.

5. Applicant's published mark is a close imitation of opposers' marks referred to hereinbefore herein which have been previously used and owned by opposer Monet International, Inc. and its predecessors and registered by said predecessors and L.C. Licensing, Inc. and not abandoned. While applicant's mark consists of the words MONET'S ECO-LINE, the word MONET is written in much larger print than the word ECO-LINE and is clearly the dominant word in the mark sought to be registered. Cosmetics and jewelry are related goods. Accordingly,

goods bearing said mark would be likely to be perceived by the average consumer as coming from the same source as goods bearing the Monet Marks.


6. The products to which opposers' Monet Marks have been and are being applied and for which said marks have been registered and those to which applicant's mark will be applied are sold to the same class of customers and, upon information and belief, are or will be sold in the same types of business outlets. Moreover, because opposer Monet International, Inc. and its predecessors have used the MONET Marks on hundreds of millions of dollars worth of products sold throughout the United States and extensively advertised those products over the years, consumers and the trade are likely to believe that applicant's trademark MONET'S ECO-LINE and the products sold thereunder are associated with or sponsored by the opposers. Accordingly, it is likely that when applicant's mark is applied to its cosmetic products, confusion or mistake among purchasers will be caused, and such purchasers will be deceived into believing that applicant's goods emanate from opposer Monet International, Inc. or are in some way approved by or associated with said opposer.

7. Because of the confusion, mistake or deception which is likely to result from the concurrent use by opposer Monet International, Inc. of the MONET Marks, on the one hand, and applicant's mark MONET'S ECO-LINE, on the other hand, in connection with the parties' respective products which are sold to and used by the same class of consumers and, upon information and belief, sold through the same business outlets, opposer Monet International's business and reputation and the opposers' rights in the aforesaid trademarks will be impaired by registration of the mark published, to the damage of opposers.

WHEREFORE, opposers demand judgment sustaining this opposition and adjudging that the applicant is not entitled to the registration of the trademark for which it has made application serial No. 74-669,709.

Respectfully submitted,

KIRSCHSTEIN, OTTINGER,  
ISRAEL & SCHIFFMILLER, P.C.  
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By   
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DAVID B. KIRSCHSTEIN,  
Reg. No. 17244

Dated: New York, New York  
September 15, 2005