

ESTTA Tracking number: **ESTTA105340**

Filing date: **10/20/2006**

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	Skechers U.S.A., Inc. II		
Entity	Corporation	Citizenship	Delaware
Address	228 Manhattan Beach Blvd. Manhattan Beach, CA 90266 UNITED STATES		

Correspondence information	Marshall Lerner Counsel for Opposer Kleinberg & Lerner, LLP 2049 Century Park East Suite 1080 Los Angeles, CA 90067 UNITED STATES mlerner@kleinberglerner.com, trademarks@kleinberglerner.com, pnulud@kleinberglerner.com, tnasu@kleinberglerner.com Phone:3105571511
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Applicant Information

Application No	78851326	Publication date	10/03/2006
Opposition Filing Date	10/20/2006	Opposition Period Ends	11/02/2006
Applicant	Paris Accessories, Inc. 350 Fifth Avenue 70th Floor New York, NY 10118 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Clothing and footwear namely gloves, socks, hosiery
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Attachments	Opposition to Stretchers 10.18.06a.pdf (2 pages)(13007 bytes) Exhibit 1 US Skechers Registrations.pdf (2 pages)(86034 bytes) EXHIBIT2.pdf (2 pages)(57738 bytes)
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Signature	/Marshall A. Lerner/
Name	Marshall A. Lerner
Date	10/20/2006

NOTICE OF OPPOSITION

Skechers U.S.A., Inc. II, a corporation duly organized and existing under the laws of the State of Delaware, with principal offices at 228 Manhattan Beach Blvd., Manhattan Beach, CA 90266 (“Skechers”), believes that it would be damaged by registration of the United States Trademark Application Serial No. 78/851,326 filed on March 31, 2006 (“Application”), by Paris Accessories, Inc. (“Applicant”) and hereby opposes the same. The grounds for opposition are as follows:

1. Skechers is now and has been engaged in the sale of footwear and apparel for women and men since at least as early as 1992. Skechers is one of the largest sellers of footwear and apparel in the world and has established a reputation for providing stylish, quality footwear and apparel.

2. Skechers is the owner of a family of trademarks and service marks registered for the mark “SKECHERS” in stylized and non-stylized form, appearing independently or in conjunction with other terms, including but not limited to U.S. Trademark and Service Mark Registrations attached hereto as EXHIBIT 1 (hereinafter referred to as the SKECHERS marks) and are incorporated herein by reference.

3. At least as early as 1993, substantially prior to Applicant’s filing of the Application on March 31, 2006, Skechers adopted, began using and continues to use the SKECHERS Marks with and without stylization, independently and in combination with other terms in interstate commerce in the United States. Skechers has expended extensive time, money and resources developing and promoting the SKECHERS marks in connection with the above-identified goods and services.

4. Skechers has continuously offered and advertised its goods and services in connection with the SKECHERS Marks in interstate commerce, thereby creating valuable goodwill.

5. Skechers has used the SKECHERS Marks in connection with its goods and services so that the relevant consuming public has come to associate the SKECHERS Marks with Skechers, and the quality and style associated with Skechers.

6. Skechers’ continuous extensive use of the SKECHERS Marks from a time preceding Applicant’s application date for Applicant’s Intent-To-Use application, combined with

Skechers' existing registrations and applications, have made the SKECHERS marks famous in the United States and elsewhere.

7. On March 31, 2006, Applicant filed U.S. Application Serial No. 78/851,326 for the mark "STRETCHERS" for use in connection with: "Clothing and footwear namely gloves, socks, hosiery" in Class 25. The application was published for opposition on October 3, 2006. A copy of the Applicant's application for the mark "STRETCHERS" from the USPTO Trademark Electronic Search System (TESS) records has been attached hereto as EXHIBIT 2 and is incorporated herein by reference.

8. Applicant's goods and Skechers' goods and services would likely be encountered by the same consumers offered using confusingly similar marks. Objections to Applicant's goods offered under Applicant's mark would necessarily reflect on and injure Skechers' reputation for stylish quality goods and services offered under the SKECHERS marks.

9. Applicant's mark, if used in connection with the goods described in the Application, so resembles the SKECHERS marks as to be likely to cause confusion or to cause mistake or to deceive as to the affiliation, connection, association, origin, sponsorship, endorsement, or approval of Applicant's goods by Skechers, to the irreparable damage of Skechers.

10. If Applicant is granted a registration for the mark herein opposed for the goods specified in its Application, it would result in damage and injury to Skechers due to the confusing similarity of Applicant's mark to the earlier used and registered SKECHERS marks. The relevant public will likely associate Skechers and its goods and services with Applicant's goods, thereby leading to the dilution of Skechers' famous SKECHERS marks.

11. If Applicant is granted a registration for the mark herein opposed, it would obtain thereby at least a prima facie exclusive right to use the mark. Such registration would be a source of damage and injury to Skechers.

12. Based upon the foregoing, the registration of "STRETCHERS", United States Trademark Application Serial No. 78/851,326 filed on March 31, 2006, will cause damage and injury to Skechers.

WHEREFORE, Skechers requests the registration of Serial No. 78/851,326 be denied and this opposition be sustained.

Skechers U.S.A., Inc. II

U.S. Trademark Registration Schedule for the mark SKECHERS

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Title	Class	Reg. No.
SKECHERS	25	1,851,977
SKECHERS	18	2,145,468
SKECHERS USA	25	2,105,579
SKECHERS USA, S FOOTWEAR and Design	25	2,362,883
STRETCH-FIT BY SKECHERS	25	2,643,653
S SKECHERS COMFORT and Design	25	2,668,481
SKECHERS	14	2,789,863
SKECHERS SPORT	25	2,734,901
SKECHERS SPORT	14	3,139,720
SKECHERS COLLECTION	25	2,756,217
SKECHERS & Design	25	1,985,039
SPORT-UTILITY FOOTWEAR	25	2,003,846

SKECHERS BY MICHELLE K (Plain script)	25	2,656,178
SKECHERS BY MICHELLE K (Stylized script)	25	2,656,177
SOMETHIN' ELSE FROM SKECHERS (Plain script)	25	2,750,899
SOMETHIN' ELSE FROM SKECHERS (Stylized script)	25	2,653,976
SOMETHIN' ELSE FROM SKECHERS (Plain script)	25	3,055,819



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Stretchers

Word Mark	STRETCHERS
Goods and Services	IC 025. US 022 039. G & S: Clothing and footwear namely gloves, socks, hosiery
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Design Search Code	
Serial Number	78851326
Filing Date	March 31, 2006
Current Filing Basis	1B
Original Filing Basis	1B
Published for Opposition	October 3, 2006
Owner	(APPLICANT) Paris Accessories, Inc. CORPORATION NEW YORK 350 Fifth Avenue 70th Floor New York NEW YORK 10118
Attorney of Record	Robert Stonehill
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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