

ESTTA Tracking number: **ESTTA160022**

Filing date: **08/30/2007**

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	GEORGE V RESTAURATION, S.A.		
Entity	Société Anonyme	Citizenship	France
Address	4, avenue de l'Opéra Paris, F-75001 FRANCE		

Attorney information	Farhad Novian Novian & Novian LLP 1801 Century Park East, Suite 1201 Los Angeles, CA 90067 UNITED STATES josh@novianlaw.com Phone:310 553-1222		
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Applicant Information

Application No	77094776	Publication date	08/07/2007
Opposition Filing Date	08/30/2007	Opposition Period Ends	09/06/2007
Applicant	JD EQUITIES, Corp. 119 W 72nd Str., #229 C/o Law Office of Sternik & Zeltser New York, NY 10023 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. All goods and services in the class are opposed, namely: Restaurant franchising

Applicant Information

Application No	77094755	Publication date	08/07/2007
Opposition Filing Date	08/30/2007	Opposition Period Ends	09/06/2007
Applicant	JD EQUITIES, Corp. 119 W 72nd Str., #229 C/o Law Office of Sternik & Zeltser New York, NY 10023 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. All goods and services in the class are opposed, namely: Restaurant franchising

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3159703	Application Date	12/07/2002
Registration Date	10/17/2006	Foreign Priority Date	NONE
Word Mark	BUDDHA-BAR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 1996/09/30 First Use In Commerce: 1996/09/30 Restaurant services, bar services, catering services, providing facilities for social functions, banquets, and special events		

U.S. Registration No.	2439577	Application Date	02/02/1999
Registration Date	03/27/2001	Foreign Priority Date	NONE
Word Mark	BUDDHA BAR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1999/06/21 First Use In Commerce: 1999/06/21 Restaurant and nightclub services namely, the providing of food, and beverages		

Attachments	notice of opposition.pdf (4 pages)(89757 bytes)
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Signature	/fn/
Name	Farhad Novian
Date	08/30/2007

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

In re Serial Nos: 77094776 and 77094755
Marks: BUDDABAR and NY BUDDAHBAR
Published in the Official Gazette for Opposition: August 7, 2007

GEORGE V. RESTAURATION S.A.)	
)	
Petitioner)	
)	
v.)	
)	
JD EQUITIES CORP.)	
)	
Applicant)	

NOTICE OF CONSOLIDATED OPPOSITIONS

GEORGE V. RESTAURATION S.A., a French Société Anonyme, located in Paris France ("Opposer"), hereby opposes under the provisions of Section 13 of the Trademark Act of July 5, 1946 (15 U.S.C. § 1063), the grant of the application of JD EQUITIES CORP. ("Applicant") to register the marks BUDDABAR and NY BUDDAHBAR, Serial Nos. 77094776 and 77094755 respectively, for "Restaurant Franchising" in Class 35. The applications published in the Official Gazette of the United States Patent and Trademark Office on August 7, 2007. The grounds for the opposition are as follows:

COUNT ONE

1. Since at least 1996, Opposer, directly and/or through its affiliates and licensees, has continuously used the marks BUDDHA-BAR and BUDDHA BAR and other BUDDHA-formative marks (collectively, the ""BUDDHA-BAR" Marks") in interstate commerce, alone and in connection with its others marks, for restaurant and bar services including USPTO Registration No. 3159703.

2. As a result of the widespread use in commerce by Opposer of the aforesaid BUDDHA-BAR Marks in connection with a wide variety of goods and services, the Marks have become famous, are highly distinctive, have acquired extensive goodwill, and are well known and recognized by the public as identifying high quality goods and services which have their origin with or have been authorized by the Opposer.

3. Opposer's inherently distinctive and famous BUDDHA-BAR Marks were in use in connection with a wide variety of goods and services prior to the acquisition of any rights Applicant may currently claim in its BUDDABAR and NY BUDDAHBAR mark – which marks are represented as intent to use in Applicants' applications.

4. Applicant's marks BUDDABAR and NY BUDDAHBAR in Applications Serial Nos. 77094776 and 77094755 respectively, are confusingly similar to both Opposer's family of BUDDHA-BAR Marks and Opposer's individual marks in sound, appearance and commercial impression.

5. Applicant's use of the marks BUDDABAR and/or NY BUDDAHBAR in connection with its proposed services is likely to cause in the minds of the public confusion, mistake or deception as to the source of origin of Applicant's services that would lead the public and prospective purchasers to believe that Applicant's services are those of the Opposer's and/or are provided by, sponsored by, approved by, licensed by, affiliated with the Opposer or are in some other way legitimately connected to Opposer and/or its services, goods, and/or licensed products.

COUNT TWO

6. Opposer repeats and realleges the allegations set forth in paragraphs 1 through 5 as though set forth herein.

7. Opposer's BUDDHA-BAR Marks are distinctive and famous within the meaning of Section 43(a) of the Trademark Act (15 U.S.C. §1125(a)), and became famous long prior to the acquisition of any rights Applicant may claim in its IRON ARMY mark.

8. Use of the marks BUDDABAR and/or NY BUDDAHBAR by Applicant is likely to cause or is causing dilution of the distinctive quality of Opposer's famous BUDDHA-BAR Marks under Section 43(c) of the Trademark Act (15 U.S.C. § 1125(c)).

9. Opposer will be damaged by the registration sought by Applicant because such registration would support and assist Applicant in the use of its mark and thereby dilute Opposer's rights in its distinctive and famous BUDDHA-BAR Marks.

COUNT THREE

10. Opposer repeats and realleges the allegations set forth in paragraphs 1 through 5 as though set forth herein.

11. In filing the subject applications, Applicant made a number of material misrepresentations under penalty of perjury, including that "he/she believes applicant to be 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; and that all statements made of his/her own knowledge are true.”

12. Given, among other things, Applicant’s affiliate’s relationship with Opposer, Applicant knew, or should have known, that these statement to be false when it was made.

13. Given the foregoing, the Applicant, upon information and belief, has committed Fraud in attempting to procure the subject applications, and the same are void *ab initio*

WHEREFORE, Opposer respectfully requests that this opposition be sustained and Applicant's applications to register the marks BUDDABAR and NY BUDDAHBAR be denied in all respects, and other further relief be granted as may be deemed to be just and proper.

The \$300.00 filing fee for this Notice of Opposition is being submitted herewith. Please address all correspondence regarding this opposition to:

Farhad Novian, Esq.
Novian & Novian LLP
1801 Century Park East, Suite 1201
Los Angeles, CA 90067

Respectfully Submitted

Dated August 28, 2007

NOVIAN & NOVIAN LLP

By: Josh Mendelsohn
JOSH MENDELSON