

ESTTA Tracking number: **ESTTA179753**

Filing date: **12/10/2007**

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	CPT Holdings, Inc.
Granted to Date of previous extension	12/26/2007
Address	10202 W. Washington Blvd. Culver City, CA 90232 UNITED STATES

Attorney information	Antonio Borrelli Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036-6799 UNITED STATES axb@cll.com, trademark@cll.com Phone:(212) 790-9200
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Applicant Information

Application No	77118795	Publication date	08/28/2007
Opposition Filing Date	12/10/2007	Opposition Period Ends	12/26/2007
Applicant	Josephs, Alana 9111 Sunset Blvd., Attn: K. Pals Los Angeles, CA 90069 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 025. All goods and services in the class are opposed, namely: Clothing, namely, shirts, under shirts, night shirts, rugby shirts, polo shirts, T-shirts, coordinated shirts and pants, jerseys, uniforms, athletic uniforms, pants, trousers, slacks, jeans, denim jeans, overalls, coveralls, jumpers, jump suits, shorts, boxer shorts, tops, crop tops, tank tops, halter tops, sweat shirts, sweat shorts, sweat pants, wraps, warm-up suits, jogging suits, blouses, skirts, dresses, sweaters, vests, fleece vests, pullovers, fleece pullovers, snow suits, parkas, anoraks, ponchos, jackets, dinner jackets, sports jackets, golf and ski jackets, reversible jackets, coats, blazers, suits, turtlenecks, swimwear, beachwear, caps, berets, hats, headbands, wristbands, sweat bands, headwear, ear muffs, aprons, scarves, bandanas, belts, suspenders, neckwear, neckties, ties, underwear, briefs, trunks, bras, sports bras, singlets, socks, loungewear, robes, bathrobes, underclothes, pajamas, thermal underwear, sleepwear, night gowns, lingerie, camisoles, hosiery, slippers, leg warmers, bodysuits, leggings, tights, leotards, unitards, gloves, mittens, footwear, shoes, tennis shoes, sneakers, boots, galoshes, sandals, zori, slippers and rainwear</p>

Grounds for Opposition

Other	Please see attached pleading.
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Attachments	genlet.pdf (1 page)(87333 bytes) gennoo.pdf (6 pages)(30554 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Antonio Borrelli/
Name	Antonio Borrelli
Date	12/10/2007

Cowan, Liebowitz & Latman, P.C.

Law Offices

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December 10, 2007

By Electronic Filing

Commissioner for Trademarks
P.O Box 1451
Alexandria, VA 22313-1451

Attention: Trademark Trial and Appeal Board

Re: CPT Holdings, Inc.
Notice of Opposition Against
Alana Josephs
Application to Register GENERATION YOUNG & RESTLESS
Attorney Ref. No. 13078.021

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 77/118,795, published in the Official Gazette of August 28, 2007. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$300 to cover the filing fee.

If the amount received is insufficient and additional fees are required, please charge our Deposit Account No. 03-3415.

Respectfully submitted,

/Richard S. Mandel/

Richard S. Mandel

Enclosure

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

In the Matter of Application Serial No. 77/118,795
Published in the Official Gazette of August 28, 2007

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CPT HOLDINGS, INC., :

Opposer, : Opposition No.

v. : **NOTICE OF OPPOSITION**

ALANA JOSEPHS, :

Applicant. :

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Opposer CPT Holdings, Inc., a Delaware corporation located at 10202 W. Washington Boulevard, Culver City, California 90232, believes that it would be damaged by registration of the mark shown in Serial No. 77/118,795 filed February 28, 2007 and having been granted an extension of time to oppose up to and including December 26, 2007, hereby opposes same.

As ground for opposition, it is alleged that:

1. For many years, Opposer, through its predecessors in interest and/or related companies (collectively, "Opposer"), has been engaged, and presently is engaged, in the business of providing entertainment services in various media and the merchandising of related goods.

2. Commencing long prior to the filing of Applicant's intent-to-use application, and continuing through the present day, Opposer has performed services or, through licensees,

marketed goods in interstate commerce in the United States, under the trademark THE YOUNG AND THE RESTLESS.

3. Opposer's highly popular television soap opera THE YOUNG AND THE RESTLESS was broadcast beginning in March 1973. THE YOUNG AND THE RESTLESS is currently the highest rated daytime drama on American television. THE YOUNG AND THE RESTLESS has won the Daytime Emmy Award for Outstanding Drama Series seven times.

4. Additionally, over the years Opposer has licensed its THE YOUNG AND THE RESTLESS mark for use on various products, including t-shirts, sweatshirts, baseball caps and other apparel, which has been and continues to be sold to members of the consuming public.

5. As a result, among other things, of the extensive advertising, promotion and broadcast of THE YOUNG AND THE RESTLESS show and advertising, promotion and sale of related merchandise, Opposer has become identified and associated with goods and services bearing or offered in connection with THE YOUNG AND THE RESTLESS mark among members of the general public in the United States. In addition, Opposer's THE YOUNG AND THE RESTLESS mark has become famous among members of the general public in the United States.

6. Opposer is the owner of a federal trademark registration, Registration No. 1,677,114, for the mark THE YOUNG AND THE RESTLESS for "television entertainment services in the nature of a continuing dramatic program" in International Class 41. This registration is subsisting, valid and in full force and effect, and has become incontestable.

7. On February 28, 2007, Applicant Alana Josephs filed an intent-to-use application (the "Application") in the United States Patent and Trademark Office, Serial No. 77/118,795, for registration on the Principal Register of the trademark GENERATION YOUNG & RESTLESS

for “clothing, namely, shirts, under shirts, night shirts, rugby shirts, polo shirts, t-shirts, coordinated shirts and pants, jerseys, uniforms, athletic uniforms, pants, trousers, slacks, jeans, denim jeans, overalls, coveralls, jumpers, jump suits, shorts, boxers shorts, tops, crop tops, tank tops, halter tops, sweat shirts, sweat shorts, sweat pants, wraps, warm-up suits, jogging suits, blouses, skirts, dresses, sweaters, vests, fleece vests, pullovers, fleece pullovers, snowsuits, parkas, anoraks, ponchos, jackets, dinner jackets, sports jackets, golf and ski jackets, reversible jackets, coats, blazers, suits, turtlenecks, swimwear, beachwear, caps, berets, hats, headbands, wristbands, sweat bands, headwear, ear muffs, aprons, scarves, bandanas, belts, suspenders, neckwear, neckties, ties, underwear, briefs, trunks, bras, sports bras, singlets, socks, loungewear, robes, bathrobes, underclothes, pajamas, thermal underwear, sleepwear, night gowns, lingerie, camisoles, hosiery, slippers, leg warmers, bodysuits, leggings, tights, leotards, unitards, gloves, mittens, footwear, shoes, tennis shoes, sneakers, boots, galoshes, sandals, zori, slippers and rainwear” in International Class 25.

8. Upon information and belief, Applicant made no use of the GENERATION YOUNG & RESTLESS mark prior to the February 28, 2007 filing date of the Application, which is long after Opposer’s first use of its THE YOUNG AND THE RESTLESS mark.

9. Upon information and belief, Applicant has made no use of the GENERATION YOUNG & RESTLESS mark for any of the goods identified in the Application as of today.

10. Upon information and belief, the goods for which Applicant seeks to register the mark GENERATION YOUNG & RESTLESS in International Class 25 are closely related to the goods and services in connection with which Opposer has used and is using its trademark THE YOUNG AND THE RESTLESS.

11. Applicant's mark GENERATION YOUNG & RESTLESS so resembles Opposer's trademark THE YOUNG AND THE RESTLESS as to be likely, when applied to Applicant's goods, to cause confusion, or to cause mistake or to deceive, because the public is likely to believe that Applicant's GENERATION YOUNG & RESTLESS goods have their origin with Opposer or that such goods are approved, endorsed or sponsored by Opposer or associated in some way with Opposer.

12. Opposer's THE YOUNG AND THE RESLTLESS mark is distinctive and famous and has enjoyed distinctiveness and fame since long prior to the February 28, 2007 filing date of the Application.

13. Applicant's intended use of the GENERATION YOUNG & RESTLESS mark in connection with the goods identified in the Application is likely to dilute Opposer's famous THE YOUNG AND THE RESTLESS mark by rendering it less distinctive.

14. Accordingly, Opposer would be injured by the granting of a certificate of registration for the mark GENERATION YOUNG & RESTLESS to Applicant for the goods recited in the Application in International Class 25, because such registration would tend (a) to cause confusion, or to cause mistake, or to deceive; (b) to falsely suggest a connection with Opposer and/or its goods and services; (c) to damage Opposer's valuable goodwill in its trademark THE YOUNG AND THE RESTLESS; (d) to interfere with Opposer's sale of its own goods and services under its THE YOUNG AND THE RESTLESS mark; and (e) to dilute the distinctiveness of Opposer's THE YOUNG AND THE RESTLESS mark.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Notice of Opposition was served upon the correspondent for the opposed application by mailing a copy thereof by first class mail, postage prepaid, on December 10, 2007 addressed as follows:

Michael Guido, Esq.
Carroll, Guido & Groffman, LLP
9111 Sunset Blvd., Attn: K. Pals
Los Angeles, CA 90069

/Richard S. Mandel/
RICHARD S. MANDEL, ESQ.