

ESTTA Tracking number: **ESTTA208720**

Filing date: **05/01/2008**

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	PREMIUM DENIM, LLC		
Entity	Limited Liability Company	Citizenship	California
Address	10119 JEFFERSON BLVD CULVER CITY, CA 90232 UNITED STATES		

Attorney information	Rod S. Berman Jeffer Mangels Butler & Marmaro LLP 1900 Avenue of the Stars, 7th Floor Los Angeles, CA 90067 UNITED STATES trademarkdocket@jmbm.com Phone:310-203-8080		
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Applicant Information

Application No	77159559	Publication date	04/01/2008
Opposition Filing Date	05/01/2008	Opposition Period Ends	05/01/2008
Applicant	Hamilton, Paige 1732 South Holt Avenue Los Angeles, CA 90035 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 2005/05/23 First Use In Commerce: 2007/03/08 All goods and services in the class are opposed, namely: MEN'S AND WOMEN'S ACCESSORIES, NAMELY, LAPTOP CARRYING CASES IN THE NATURE OF LAPTOP BAGS, EYEGLASSES, SUNGLASSES
Class 018. First Use: 2005/05/23 First Use In Commerce: 2007/03/08 All goods and services in the class are opposed, namely: MEN'S AND WOMEN'S ACCESSORIES, NAMELY, HANDBAGS, PURSES, POCKETBOOKS, WALLETS, WRISTLETS, TOTE BAGS, BEACH BAGS, TRAVEL BAGS, COSMETIC BAGS SOLD EMPTY, COIN PURSES, LUGGAGE, SUITCASES, GARMENT BAGS FOR TRAVEL, BACKPACKS, MESSENGER BAGS, PET CARRIERS, UMBRELLAS
Class 025. First Use: 2005/05/23 First Use In Commerce: 2007/03/08 All goods and services in the class are opposed, namely: MEN'S AND WOMEN'S APPAREL, NAMELY, SHOES, SANDALS, BOOTS, SCARVES, HATS, GLOVES, MITTENS, BELTS, SOCKS, TIGHTS, HOSIERY, LEGGINGS, TANK TOPS, CAMISOLES, TEE SHIRTS, PANTS, TROUSERS, JEANS, JACKETS, COATS, SWEATERS, CARDIGANS, DRESSES, SKIRTS, SHORTS, LOUNGEWEAR, SLEEPWEAR, UNDERWEAR, BRAS, LINGERIE, VESTS, COATS, BLOUSES, SHIRTS

Grounds for Opposition

Deceptiveness	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.	3308211	Application Date	07/08/2004
Registration Date	10/09/2007	Foreign Priority Date	NONE
Word Mark	PAIGE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 2006/02/28 First Use In Commerce: 2006/02/28 satchels		

U.S. Registration No.	3301653	Application Date	07/08/2004
Registration Date	10/02/2007	Foreign Priority Date	NONE
Word Mark	PAIGE PREMIUM DENIM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2005/01/15 First Use In Commerce: 2005/01/15 Clothing, namely jeans, pants, overalls, skirts, dresses, shirts, t-shirts, vests, jackets, coats, underwear, loungewear, sleepwear, scarves, belts, all of the foregoing of denim; headwear, namely hats, caps, and visors, all of the foregoing of denim		

U.S. Registration No.	3191044	Application Date	10/27/2004
Registration Date	01/02/2007	Foreign Priority Date	NONE
Word Mark	PAIGE PREMIUM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2005/01/15 First Use In Commerce: 2005/01/15 Clothing, namely jeans, pants, short pants, skirts, t-shirts, vests and jackets		

Attachments	78447492#TMSN.gif (1 page)(bytes) 78448029#TMSN.jpeg (1 page)(bytes) 78506684#TMSN.jpeg (1 page)(bytes) 20080501183414_MH6.pdf (5 pages)(54886 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	/Rod S. Berman/
Name	Rod S. Berman
Date	05/01/2008

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

Premium Denim, LLC,

Opposer,

v.

Paige Hamilton, United States individual,

Applicant.

Opposition No. _____

Appl. Serial No.: 77/159,559

Mark: PAIGE HAMILTON DESIGN

Published for Opposition:

April 1, 2008

Atty. Ref. No.: 66884-0001

NOTICE OF OPPOSITION

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

Opposer, Premium Denim, LLC, a California limited liability company, located at 10119 Jefferson Boulevard, Culver City, California 90232 ("Opposer"), believes that it is and will be damaged by the registration on the Principal Register of PAIGE HAMILTON DESIGN, the subject of Application Serial No. 77/159,559 (the "Application"), and Opposer hereby opposes registration of the foregoing mark.

As grounds for this Opposition, it is alleged that:

1. On information and belief, Applicant is an individual, with a United States citizenship, with a principal address at 1732 South Holt Avenue, Los Angeles, California 90035.
2. The Application was filed on or about April 18, 2007, based on an alleged use in commerce of the PAIGE HAMILTON DESIGN mark in connection with goods in Int. Classes 9, 18 and 25. In the application, Opposer claimed a date of first use of May 23, 2005, and claimed a date of first use in commerce of March 8, 2007.

3. The Application was published for opposition on April 1, 2008 in connection with "Men's and women's accessories, namely, laptop carrying cases in the nature of laptop bags, eyeglasses, sunglasses" in Int. Cl. 9; "Men's and women's accessories, namely, handbags, purses, pocketbooks, wallets, wristlets, tote bags, beach bags, travel bags, cosmetic bags sold empty, coin purses, luggage, suitcases, garment bags for travel, backpacks, messenger bags, pet carriers, umbrellas" in Int. Cl. 18; and "Men's and women's apparel, namely, shoes, sandals, boots, scarves, hats, gloves, mittens, belts, socks, tights, hosiery, leggings, tank tops, camisoles, tee shirts, pants, trousers, jeans, jackets, coats, sweaters, cardigans, dresses, skirts, shorts, loungewear, sleepwear, underwear, bras, lingerie, vests, coats, blouses, shirts" in Int. Cl. 25 (collectively, "Applicant's Goods").

4. Opposer is the owner of record of Registration No. 3,308,211, filed on July 8, 2004 and issued on October 9, 2007, for the mark PAIGE, as well as the business and goodwill connected therewith. Opposer has been using the PAIGE mark in commerce in connection with satchels in International Class 18, as identified in the aforementioned registration, since prior to April 18, 2007, the filing date of the Application. Opposer has used the mark PAIGE since at least as early as February 28, 2006 and has used the mark in commerce since at least as early as February 28, 2006. Opposer's registration is unrevoked and uncancelled.

5. Opposer is the owner of record of Registration No. 3,301,653, filed on July 8, 2004 and issued on October 2, 2007, for the mark PAIGE PREMIUM DENIM, as well as the business and goodwill connected therewith. Opposer has been using the PAIGE PREMIUM DENIM mark in commerce in connection with apparel in International Class 25, as identified in the aforementioned registration, since prior to April 18, 2007, the filing date of the Application.

Opposer has used the mark PAIGE PREMIUM DENIM since at least as early as January 15, 2005 and has used the mark in commerce since at least as early as January 15, 2005. Opposer's registration is unrevoked and uncanceled.

6. Opposer is the owner of record of Registration No. 3,191,044, filed on October 27, 2004 and issued on January 2, 2007, for the mark PAIGE PREMIUM, as well as the business and goodwill connected therewith. Opposer has been using the PAIGE PREMIUM mark in commerce in connection with apparel in International Class 25, as identified in the aforementioned registration, since prior to April 18, 2007, the filing date of the Application. Opposer has used the mark PAIGE PREMIUM since at least as early as January 15, 2005 and has used the mark in commerce since at least as early as January 15, 2005. Opposer's registration is unrevoked and uncanceled.

7. Applicant's mark PAIGE HAMILTON DESIGN so resembles Opposer's marks PAIGE, PAIGE PREMIUM DENIM and PAIGE PREMIUM as to be likely, when used in connection with the goods set forth in the Application, to cause confusion, or to cause mistake, or to deceive.

8. On information and belief, Applicant's mark PAIGE HAMILTON DESIGN is only in use with "purses, handbags." On information and belief, Applicant's claim in the Application of use and use in commerce of Applicant's Goods except for purses and handbags is fraudulent or constitutes inequitable conduct.

WHEREFORE, and in accordance with Section 13 of the Trademark Act (15 U.S.C. § 1063), Opposer prays that this Opposition be sustained and that Application Serial No. 77/159,559 be refused registration.

Please charge the required fee of nine hundred dollars (\$900) to Deposit Account No. 10-0440. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0440.

Respectfully submitted,

Dated: May 1, 2008

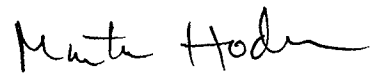
By: 

Rod S. Berman, Attorneys for Opposer
JEFFER, MANGELS, BUTLER & MARMARO LLP

CERTIFICATE OF SERVICE

It is hereby certified that on **May 1, 2008**, copies of the foregoing NOTICE OF OPPOSITION have been sent by first class mail, postage prepared to the Applicant of record:

Paige Hamilton
1732 South Holt Avenue
Los Angeles
California 90035



Marta Hodur