

ESTTA Tracking number: **ESTTA209469**

Filing date: **05/06/2008**

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	Trussardi S.p.A.
Granted to Date of previous extension	05/07/2008
Address	Piazza Duse, 4 Milano, I-20122 ITALY

Attorney information	Jeffrey B. Sladkus Jeffrey B. Sladkus, LLC 1519 Wesley Parkway Atlanta, GA 30327 UNITED STATES jeff@sladlaw.com Phone:404 252 0900
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**Applicant Information**

Application No	77236218	Publication date	01/08/2008
Opposition Filing Date	05/06/2008	Opposition Period Ends	05/07/2008
Applicant	KAY CASPERSON, INC. 2351 TROON COURT SANIBEL, FL 33957 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 003. All goods and services in the class are opposed, namely: Cosmetics
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
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**Mark Cited by Opposer as Basis for Opposition**

U.S. Application No.	79036265	Application Date	02/19/2007
Registration Date	NONE	Foreign Priority Date	08/23/2006
Word Mark	TRUSSARDI INSIDE		
Design Mark			
Description of Mark	The trademark consists of the fanciful wording "TRUSSARDI INSIDE", in special characters, where the word "INSIDE" is positioned under the word		

	"TRUSSARDI"; the stylized device of a greyhound head appears above the two wordings.
Goods/Services	Class 003. First use: Perfumes, essential oils, astringent for cosmetic purposes, bath oil, bath salt, not for medical use, cleansing milk for toilet purposes, cosmetic preparations for slimming purposes, eye make-up remover, gel for massage, oil for massage, cream for massage, hand cream, skin nourishing cream, sunscreen cream, beauty mask, toilet soap, nail enamels; hair lotions and hair cleaning preparations, shampoos; deodorants for personal use and antiperspirants; dentifrices

Attachments	79036265#TMSN.jpeg ( 1 page )( bytes ) INSIDE Notice of Opposition 77236218 FINAL.pdf ( 4 pages )(42403 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	/Jeffrey B. Sladkus/
Name	Jeffrey B. Sladkus
Date	05/06/2008

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

Trussardi S.p.A.	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No.
	)	
Kay Casperson, Inc.	)	
Applicant.	)	

NOTICE OF OPPOSITION

In the matter of application to register a trademark under the Trademark Act of 1946, Serial No. 77/236218, for the mark INSIDE (stylized) filed July 23, 2007, in the name of Kay Casperson, Inc. (“Applicant”) published for opposition in the Trademark Official Gazette of January 8, 2008. The Opposer, Trussardi S.p.A., believes it will be damaged by registration of said alleged trademark and hereby opposes same.

The grounds for opposition are as follows:

1. The Opposer, Trussardi S.p.A. (“Trussardi”) is an Italian Joint Stock Company having a place of business in Milano, Italy. Opposer manufactures and retails among other consumer products, cosmetics, perfumes and skin care products (“Trussardi Goods”).
2. Trussardi is a world famous couture fashion house; renowned for its leather goods, couture clothing, perfume and skin care products.
3. Trussardi is the owner of International Registration Nos. 0918176, 640323, 524444 for the mark INSIDE and has international designations in over 29 countries.
4. Trussardi has been providing the Trussardi Goods in connection with its mark TRUSSARDI INSIDE & design (“Trussardi Mark”) since prior to the filing date of Applicant’s application.
5. Since prior to the filing date of the application opposed herein, Trussardi has, and is now, engaged in advertising, marketing, and selling the Trussardi Goods in connection with the Trussardi Mark in the United States and throughout the world.

6. Opposer has continuously used the Trussardi Mark in connection with the Trussardi Goods, and has advertised, promoted, marketed the Trussardi Mark to identify, designate, and distinguish the Trussardi Goods from those of others.

7. Opposer Trussardi currently has an application pending with the U.S. Patent and Trademark Office (“USPTO”) under Application Serial No. 79/036265 for:

*“Perfumes, essential oils, astringent for cosmetic purposes, bath oil, bath salt, not for medical use, cleansing milk for toilet purposes, cosmetic preparations for slimming purposes, eye make-up remover, gel for massage, oil for massage, cream for massage, hand cream, skin nourishing cream, sunscreen cream, beauty mask, toilet soap, nail enamels; hair lotions and hair cleaning preparations, shampoos; deodorants for personal use and antiperspirants; dentifrices”* in International Class 3.

8. Opposer will rely herein on its USPTO Application Serial No. 79/036265, International Registration No. 0918176 and U.S. common law rights in the Trussardi Mark.

9. Since Opposer's initial use of the Trussardi Mark, Trussardi has continuously used, advertised, promoted and offered the Trussardi Goods to its consumers through various trade channels and in commerce, with the result that Opposer's customers and the general public have come to know and associate the Trussardi Goods with the Trussardi Mark.

10. On July 23, 2007, Applicant filed an application to register the mark INSIDE (stylized). The Application was assigned serial no. 77/236218, and was published for opposition in the Official Gazette of January 8, 2008, identifying the following goods in class 3: “cosmetics”. (the “Application”)

11. Applicant filed its Application based upon Intent to Use and no Allegation of Use has yet to be filed in connection with the Application.

12. The mark sought to be registered by Applicant is confusingly similar to, Opposer's Trussardi Mark.

13. On information and belief, the goods identified in the Application in class 3 opposed herein are commercially related to the Trussardi Goods marketed and provided by Opposer under the Trussardi Mark and trade name; and will be promoted through the same or similar channels of trade, and to the same general class of purchasers, in and to which the Trussardi Goods are marketed and sold.

14. The registration and use of Applicant's mark is likely to cause confusion, mistake, and will deceive the general public as to the origin, sponsorship, and association of Applicant's goods with Opposer's Trussardi Mark, and will mislead the general purchasing public into believing that Applicant's goods are sold by, emanate from, or are in some way, directly or indirectly, associated with Trussardi, and the Trussardi Mark, to the damage and detriment of Trussardi.

15. If Applicant is granted registration of the Application, and Applicant obtains such rights as conferred under the Principal Register of the Trademark Act of 1946, Applicant will unlawfully gain an advantage to which it is not entitled under the Trademark Act of 1946, to the detriment and harm of Opposer.

**WHEREFORE**, this Opposer, Trussardi S.p.A., believes and alleges that it will be damaged by registration of Serial No. 77/236218 and prays that the present opposition be sustained and judgment in the present opposition be entered in favor of Opposer refusing registration of application serial no. 79/036265.

Respectfully submitted,

TRUSSARDI S.p.A.



By: \_\_\_\_\_

Jeffrey B. Sladkus, Esq.  
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**DATE: MAY 6, 2008**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and complete copy of the Notice of Opposition was deposited with United States Postal Service on May 6, 2008 by first class postage prepaid mail addressed to:

ERIN E. HOUCK-TOLL  
HENDERSON, FRANKLIN, STARNES & HOLT, P.A  
1715 MONROE ST  
FORT MYERS, FL 33901-3081

A handwritten signature in cursive script that reads "Jeffrey Sladkus".

By: \_\_\_\_\_  
Jeffrey Sladkus

Dated: May 6, 2008  
Atlanta, Georgia