

ESTTA Tracking number: **ESTTA229579**

Filing date: **08/11/2008**

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	S?o Paulo Alpargatas S.A.
Granted to Date of previous extension	08/10/2008
Address	Rua Urussui, 300 Sao Paulo, 04542-903 BRAZIL

Attorney information	Frank D. Decolvenaere Gottlieb, Rackman & Reisman, P.C. 270 Madison Avenue New York, NY 10016-0601 UNITED STATES efiling@grr.com, fdecolvenaere@grr.com
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Applicant Information

Application No	77262735	Publication date	02/12/2008
Opposition Filing Date	08/11/2008	Opposition Period Ends	08/10/2008
Applicant	Bhavana Global Services, LLC 2682 CLAIBOURNE RD. Annapolis, MD 21403 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Caps; Tops; Shirts; Sport shirts; Sweat shirts; T-shirts; Jackets; Robes; Saris; Women's ceremonial dresses; Tunics; Caftans

Grounds for Opposition

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

U.S. Registration No.	3069819	Application Date	08/26/2004
Registration Date	03/21/2006	Foreign Priority Date	NONE
Word Mark	HAVAIANAS		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 025. First use: First Use: 1993/11/00 First Use In Commerce: 1993/11/00 Footwear

U.S. Registration No.	1906924	Application Date	09/13/1993
Registration Date	07/18/1995	Foreign Priority Date	NONE
Word Mark	HAVAIANAS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1993/11/00 First Use In Commerce: 1993/11/00 footwear		

U.S. Registration No.	1858280	Application Date	09/13/1993
Registration Date	10/11/1994	Foreign Priority Date	NONE
Word Mark	HAVAIANAS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: footwear		

Attachments	76608720#TMSN.gif (1 page)(bytes) 74435305#TMSN.gif (1 page)(bytes) Notice of Opp'n & Exhibits.pdf (14 pages)(1546401 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	/frank decolvenaere/
Name	Frank D. Decolvenaere
Date	08/11/2008

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

In the Matter of Application Serial No. 77/262,735
Filed: August 23, 2007
Mark: BHAVANA DIAMOND
Applicant: Bhavana Global Services, LLC

-----X		
Sao Paulo Alpargatas S.A.,	:	
	:	
Opposer,	:	
	:	Opposition No.
-against-	:	
	:	
Bhavana Global Services, LLC,	:	
	:	
Applicant.	:	
-----X		

NOTICE OF OPPOSITION

Sao Paulo Alpargatas S.A. (hereinafter "Opposer"), through its attorneys, believes that it will be damaged by the registration of the trademark BHAVANA DIAMOND for "Caps; Tops; Shirts; Sport shirts; Sweat shirts; T-shirts; Jackets; Robes; Saris; Women's ceremonial dresses; Tunics; Caftans" in International Class 25 of Application Serial No. 77/262,735, in the name of Bhavana Global Services, LLC (hereinafter "Applicant"), and hereby opposes said application. As grounds for the Opposition, Opposer alleges on knowledge as to Opposer and otherwise on information and belief, as follows:

1. Opposer is a corporation organized under the laws of Brazil with an address at Rua Urussui, 300, Sao Paulo 04542-903, Brazil.
2. Applicant is a Maryland limited liability company with an address at 2682 Claibourne Rd., Annapolis, MD 21403, U.S.A.
3. Opposer is engaged in the manufacture, distribution and sale of clothing,

footwear and related goods.

4. On August 23, 2007, Applicant filed an application to register the mark BHAVANA DIAMOND for "Caps; Tops; Shirts; Sport shirts; Sweat shirts; T-shirts; Jackets; Robes; Saris; Women's ceremonial dresses; Tunics; Caftans" in International Class 25, Application Serial No. 77/262,735, and for services in International Classes 35, 36 and 41. Said application was filed on an intent to use basis with no claimed date of first use anywhere or in commerce which may lawfully be regulated by Congress. Applicant has not filed an amendment to allege use of the mark for the application.

5. Opposer has been using its HAVAIANAS and HAVAIANAS & Design marks in interstate and/or foreign commerce in connection with footwear since at least as early as 1993. Thus, Opposer has been using the HAVAIANAS and HAVAIANAS & Design marks in connection with footwear since well prior to the filing date of Applicant's application.

6. Through use and promotion in interstate and/or foreign commerce of the HAVAIANAS and HAVAIANAS & Design marks since at least as early as 1993, Opposer has acquired valuable goodwill in those marks with the result that the marks have come to indicate to the trade and purchasing public footwear having its source of origin in Opposer. The aforementioned marks are assets of considerable value to Opposer.

7. Opposer is the owner of Registration No. 3,069,819 for the mark HAVAIANAS for footwear in International Class 25, claiming a date of first use of November, 1993. A copy of the printout of the U.S. Patent and Trademark Office ("PTO") trademark database record for this registration is attached as Exhibit "A" and made a part hereof.

8. Opposer is also the owner of Registration No. 1,906,924 for the mark HAVAIANAS & Design for footwear in International Class 25, claiming a date of first use of November, 1993. A copy of the printout of the U.S. PTO trademark database record for this registration is attached as Exhibit "B" and made a part hereof. Opposer is also the owner of Registration No. 1,858,280 for the mark HAVAIANAS for footwear in International Class 25, registered June 22, 1994. A copy of the printout of the U.S. PTO trademark database record for this registration is attached as Exhibit "C" and made a part hereof.

9. The goods set forth in the application opposed herein are similar and/or closely related to the goods for which Opposer has used and is using its HAVAIANAS and HAVAIANAS & Design marks. The goods set forth in the application opposed herein are similar and/or closely related to the goods set forth in Opposer's aforesaid Registrations Numbers 1,858,280, 1,906,924 and 3,069,819.

10. The goods set forth in the application opposed herein are and/or will be sold through the same and/or similar channels of trade in which Opposer's products are and/or will be sold and/or otherwise marketed. The goods set forth in the application opposed herein are and/or will be sold and/or otherwise marketed to the same general class of purchasers as Opposer's products under Opposer's mark.

11. Applicant has made no use of the BHAVANA DIAMOND mark in connection with the goods set forth in its Application Serial No. 77/262,735.

12. The mark sought to be registered by Applicant is confusingly similar to Opposer's HAVAIANAS and HAVAIANAS & Design marks and so resembles Opposer's HAVAIANAS and HAVAIANAS & Design marks so as to be likely, when used on or in connection with the goods recited in the application opposed herein and/or closely related

goods, to cause confusion, to cause mistake, and/or to deceive the trade and/or the public, such that the trade and/or the public are likely to believe that Applicant's goods have their origin with Opposer and/or that such goods are approved, endorsed or sponsored by Opposer or associated in some way with Opposer.

13. Opposer therefore is likely to be damaged by registration of Applicant's BHAVANA DIAMOND mark for the goods set forth in the application opposed herein.

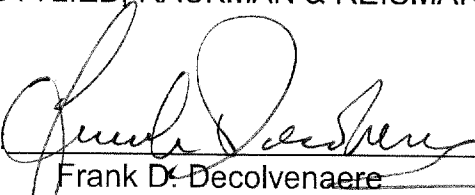
14. In view of the above allegations, Applicant is not entitled to federal registration of its BHAVANA DIAMOND mark for the goods set forth in the application opposed herein.

WHEREFORE, it is respectfully requested that this Opposition be sustained and that the registration sought by Application Serial No. 77/262,735 be denied for the goods set forth in the application opposed herein (which goods are in International Class 25).

Dated: New York, New York
August 11, 2008

Respectfully submitted,

GOTTLIEB, RACKMAN & REISMAN, P.C.

By 
Frank D. Decolvenaere

Attorneys for Applicant
270 Madison Avenue
New York, New York 10016-0601
(212) 684-3900

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing NOTICE OF OPPOSITION was served on Robert A. Rosenbloum, Applicant's attorney of record, on February 12, 2008, via first class mail, postage prepaid, addressed as follows:

Sherry H. Flax
SAUL EWING LLP
500 E PRATT ST
BALTIMORE, MD 21202-3133

Dated: August 11, 2008

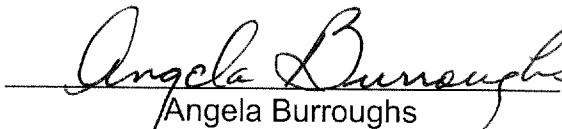

Angela Burroughs

Exhibit A



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HAVAIANAS

Word Mark HAVAIANAS
Translations The English translation of the term "HAVAIANAS" is "HAWAIIAN".
Goods and Services IC 025. US 022 039. G & S: Footwear. FIRST USE: 19931100. FIRST USE IN COMMERCE: 19931100
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 76608720
Filing Date August 26, 2004
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition December 27, 2005
Registration Number 3069819
Registration Date March 21, 2006
Owner (REGISTRANT) Sao Paulo Alpargatas S.A. CORPORATION BRAZIL Rua Urussui, 300 04542-903 Sao Paulo, SP BRAZIL
Attorney of Record Barbara H. Loewenthal
Type of Mark TRADEMARK
Register PRINCIPAL-2(F)
Live/Dead Indicator LIVE

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Exhibit B



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Word Mark	HAVAIANAS
Translations	The English translation of the term "HAVAIANAS" is "HAWAIIAN."
Goods and Services	IC 025. US 022 039. G & S: footwear. FIRST USE: 19931100. FIRST USE IN COMMERCE: 19931100
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.03.02 - Ovals, plain single line; Plain single line ovals
Serial Number	74435305
Filing Date	September 13, 1993
Current Filing Basis	1A
Original Filing Basis	1B
Supplemental Register Date	February 10, 1995
Registration Number	1906924
Registration Date	July 18, 1995
Owner	(REGISTRANT) Sao Paulo Alpargatas S/A CORPORATION BRAZIL Rua Urussui, 300 (045420903) Sao Paulo - SP BRAZIL
Attorney of Record	BARBARA H. LOEWENTHAL
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HAVAIANAS" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	SUPPLEMENTAL
Affidavit Text	SECT 8 (6-YR). SECTION 8(10-YR) 20051207.
Renewal	1ST RENEWAL 20051207
Live/Dead Indicator	LIVE

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Typed Drawing

Word Mark	HAVAIANAS
Translations	The English translation of the term "HAVAIANAS" is "Hawaiian".
Goods and Services	IC 025. US 039. G & S: footwear
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	74435304
Filing Date	September 13, 1993
Current Filing Basis	44E
Original Filing Basis	44E
Supplemental Register Date	June 22, 1994
Registration Number	1858280
Registration Date	October 11, 1994
Owner	(REGISTRANT) Sao Paulo Alpargatas S/A CORPORATION BRAZIL Rua Urussui, 300 (045420903) Sao Paulo - SP BRAZIL
Type of Mark	TRADEMARK
Register	SUPPLEMENTAL
Affidavit Text	SECT 8 (6-YR). SECTION 8(10-YR) 20040925.
Renewal	1ST RENEWAL 20040925
Live/Dead Indicator	LIVE

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