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

Proceeding	91188035
Party	Defendant ADVANCE WATCH COMPANY LTD.
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**UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD**

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Guess? IP Holder L.P. and Guess?, Inc.  
Opposers

Opposition No. 91188035  
Application No. 77/304,064

v.


Advance Watch Company Ltd.

Applicant.

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**MOTION TO STRIKE MATTER  
FROM THE RENEWED AMENDED NOTICE OF OPPOSITION**

Pursuant to Federal Rule of Civil Procedure 12(f), Applicant, Advance Watch Company Ltd. (“Applicant”), hereby moves to strike certain matter from the Renewed Amended Notice of Opposition filed by Guess? IP Holder L.P. and Guess?, Inc.’s (“Opposers”) against Application No. 77/304,064.<sup>1</sup>

Applicant submits that Paragraph 2 should be struck, in its entirety, from the Renewed Amended Notice of Opposition. Paragraph 2 alleges: “Since long prior to Applicant’s priority date, Opposers have continuously and extensively used in commerce the mark GC in connection with the sale of chronometric instruments, jewelry, and watches.” Paragraph 2 does not define “the mark GC” or encompass US Registration No. 3,605,306 for the stylized  mark, which registration is first identified in Paragraph 3.

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<sup>1</sup>“The Board also has the authority to strike an impermissible or insufficient claim (or portion of a claim) from a pleading.” TBMP 506.01 (and cases cited therein).

In an apparent attempt to broadly define their rights, Opposers fail to specifically identify “the mark GC” as the stylized  mark of US Registration No. 3,605,306, which does not include a Standard Character claim. Indeed, the Board noted this deficiency in reviewing Opposers’ Amended Notice of Opposition submitted in connection with Opposers’ Motion to Amend. The Board stated in its October 1, 2009 Order:

[O]pposers have not even included the GC mark which is the subject of their newly-issued registration as part of their definition of “GC Marks” identified in the amended notice of opposition. By failing to identify with specificity the alleged common law GC marks and the goods associated therewith upon which opposers wish to rely as a basis for their likelihood of confusion claim, opposers have failed to provide applicant fair notice of opposers’ claim of likelihood of confusion and, therefore, opposers’ proposed amendment is deemed futile.

As Paragraph 2 is currently phrased, it is not clear whether Opposers allege rights in the letters “GC” in standard characters. In fact, Opposers never indicate that the trademark identified in US Registration No. 3,605,306 is in stylized form, without a Standard Character claim, although the mark is described in the USPTO TARR record as follows: “The mark consists of ‘Gc’ in stylized form.”

In light of Opposers’ continued failure to properly plead the mark(s) on which it intends to rely, Applicant is unable to determine whether Opposers’ intend to enforce claimed rights in the letters “GC” in standard characters for goods in International Class 14. “The primary purpose of pleadings, under the Federal Rules of Civil procedure, is to give fair notice of the claims or defenses asserted.” TBMP 506.01 (and cases cited therein).

Therefore, Applicant respectfully requests that the Board strike Paragraph 2 from the Renewed Amended Notice of Opposition, effectively limiting Opposers' alleged rights to the stylized  mark shown in US Registration No. 3,605,306.

Respectfully submitted,

**BROOKS KUSHMAN P.C.**

By:



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Dated: December 8, 2009

**CERTIFICATE OF SERVICE**

I certify that I served:

**MOTION TO STRIKE MATTER  
FROM THE RENEWED AMENDED NOTICE OF OPPOSITION**

on December 8, 2009 by:

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