

ESTTA Tracking number: **ESTTA301948**

Filing date: **08/19/2009**

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 parties oppose registration of the indicated application.

Opposers Information

Name	Guess?, Inc.
Granted to Date of previous extension	08/19/2009
Address	1444 South Alameda Street Los Angeles, CA 90021 UNITED STATES

Name	Guess? IP Holder L.P.
Granted to Date of previous extension	08/19/2009
Address	1444 South Alameda Street Los Angeles, CA 90021 UNITED STATES

Attorney information	Michael J. MacDermott Christie, Parker & Hale, LLP P.O. Box 7068 Pasadena, CA 91109-7068 UNITED STATES pto@cph.com Phone:626-795-9900
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Applicant Information

Application No	77481834	Publication date	04/21/2009
Opposition Filing Date	08/19/2009	Opposition Period Ends	08/19/2009
Applicant	GC Boutique Franchise Enterprises, Inc. 55 W. Bankview Drive Frankfort, IL 60423 UNITED STATES		


Goods/Services Affected by Opposition


Class 035. First Use: 2008/05/01 First Use In Commerce: 2008/05/08
All goods and services in the class are opposed, namely: retail stores for women's apparel and accessories therefor

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.	2908407	Application Date	06/27/2003
Registration Date	12/07/2004	Foreign Priority Date	NONE
Word Mark	GC		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2003/09/30 First Use In Commerce: 2003/09/30 EYEWEAR, NAMELY, EYEGLASS FRAMES, LENSES AND CASES, SUNGLASSES; EYEWEAR ACCESSORIES, NAMELY, EYEGLASS CLEANING CLOTHS		

U.S. Registration No.	3605306	Application Date	05/19/2008
Registration Date	04/14/2009	Foreign Priority Date	NONE
Word Mark	GC		
Design Mark			
Description of Mark	The mark consists of "Gc" in a stylized form.		
Goods/Services	Class 014. First use: First Use: 1989/01/01 First Use In Commerce: 1997/01/01 Bracelets; Earrings; Horological and chronometric instruments and parts thereof; Cuff links and tie clips; Lapel pins; Necklaces; Rings; Watchbands; Wrist watches; Key rings of precious metal; Jewelry; Pocket watches; Clocks		

U.S. Registration No.	2215792	Application Date	04/10/1997
Registration Date	01/05/1999	Foreign Priority Date	NONE

Word Mark	GC COLLECTION
Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1996/01/18 First Use In Commerce: 1996/01/18 apparel, namely, pants, overalls, shorts, skirts, shirts, T-shirts, blouses, tank tops, jackets, dresses, coats, sweaters, sweatshirts and sweatpants

Attachments	78268264#TMSN.jpeg (1 page)(bytes) 77478564#TMSN.jpeg (1 page)(bytes) 75272341#TMSN.gif (1 page)(bytes) 110.2.90 - Notice of Opposition.pdf (4 pages)(102346 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	/Michael J. MacDermott/
Name	Michael J. MacDermott
Date	08/19/2009

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

In the matter of trademark application **Serial No. 77/481,834**
For the mark GC BOUTIQUE (stylized)
Published in the Trademark *Official Gazette* on April 21, 2009

<p>Guess?, Inc. and Guess? IP Holder L.P. Opposers, v. GC Boutique Franchise Enterprises, Inc. Applicant.</p>	<p>Opposition No. NOTICE OF OPPOSITION</p>
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Guess?, Inc., a Delaware corporation, and Guess? IP Holder L.P., a Delaware limited liability partnership, whose address is 1444 South Alameda Street, Los Angeles, California 90021 (collectively referred to as "Opposers"), believe that they will be damaged by registration of the mark GC BOUTIQUE (stylized), as shown in United States Trademark Application Serial No. **77/481,834** (hereinafter "Applicant's Mark") in International Class 35 and hereby opposes its registration.

As grounds for opposition, Opposers allege that:

1. Since prior to Applicant's priority date, Opposers, their predecessors and related companies have been continuously engaged in the manufacture and sale of a wide variety of

fashion and other consumer products, including apparel, eyewear, bags, and leather goods, jewelry, watches and retail services related thereto.

2. Since long prior to Applicant's priority date, Opposers have continuously and extensively used in commerce the mark GC, alone and in combination with other terms and designs (hereinafter the "GC Marks"), in connection with the sale of a variety of fashion and products and accessories, including apparel, jewelry, watches and eyewear.

3. Through the widespread use and advertising of their GC Marks over a long period of time and by virtue of the quality of goods sold in connection with the GC Marks, Opposers have built up a valuable goodwill and reputation in connection with the GC Marks, which would be jeopardized by Applicant's use and registration of the mark GC BOUTIQUE (stylized).

4. Opposer Guess? IP Holder L.P. is the owner of Registration No. 2215792 issued January 5, 1999 on the Principal Register for the mark GC COLLECTION (stylized) in connection with various items of apparel in Class 25. Said registration is valid and subsisting and has become incontestable under the provisions of Section 15 of the Trademark Act.

5. Opposer Guess? IP Holder L.P. is the owner of Registration No. 2908407 issued December 7, 2004 on the Principal Register for the mark GC (stylized) for various eyewear products in Class 9. Said registration is valid and subsisting.

6. Opposer Guess?, Inc. is the owner of Registration No. 3605306 issued April 14, 2009 on the Principal Register for the mark GC (stylized) for jewelry and watches in International Class 14. Said registration is valid and subsisting.

7. Applicant's services for which it seeks to register the mark GC BOUTIQUE (stylized), namely retail stores for women's apparel and accessories therefor, are closely related to the goods sold by Opposers under the GC Marks.

8. Applicant's Mark so resembles Opposers' GC Marks, previously used in commerce and registered by Opposers and not abandoned, as to be likely, when used in connection with the services of Applicant, to cause confusion or to cause mistake or to deceive.

9. Opposers are informed and believe that Applicant did not make use of the mark GC BOUTIQUE (stylized) in connection with any of the services in Application Serial No. 77/481,834 prior to its alleged first use of May 1, 2008.


WHEREFORE, Opposer prays that this Opposition be sustained and that application Serial No. 77/481,834 be refused.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

Date August 19, 2009

By _____


Michael J. MacDermott
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626/795-9900

Docket No. 110.2*90/G440

CERTIFICATE OF SERVICE

I certify that on August 19, 2009, the foregoing **NOTICE OF OPPOSITION** is being served by mailing a copy thereof by first-class mail addressed to:

Davis Chin, Esq.
Law Offices of Davis Chin & Associates
10281 W. Lincoln Hwy
Frankfort, IL 60423-1279

By _____



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