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August 19, 2009

Commissioner for Trademarks
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

Re: Notice of Opposition
Trademark: Handprint Design (Grant)
Serial No.: 77/499,505

Dear Sir/Madam:

Enclosed is a **Notice of Opposition** for filing with respect to the above-identified trademark application together **PTO-2038** authorizing the payment of the $300.00 filing fee.

The Commissioner is authorized to charge Kilpatrick Stockton LLP's Deposit Account No. 11-0860 if there is a deficiency in the enclosed filing fee.

Please stamp and return the attached postcard to acknowledge receipt of the enclosed original documents. Thank you for your assistance with this matter.

Sincerely,

Tywanda H. Lord

Enclosures

08-19-2009

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

GENESCO BRANDS INC.,	)	
	)	
Opposer,	)	
	)	Serial No.: 77/499,505
v.	)	Opposition No._____
	)	
DOROTHY GRANT LTD.	)	
	)	
Applicant.	)	

NOTICE OF OPPOSITION

Opposer Genesco Brands Inc., a corporation organized and existing under the laws of the State of Delaware, believes that it will be damaged by registration to Applicant Dorothy Grant Ltd. ("Applicant") of the design mark shown in Application Serial No. 77/499,505 and states the following under 15 U.S.C. § 1063 and 37 C.F.R. §§ 2.101 and 2.104 for its opposition to that application:

1. Opposer is the licensor of the well-known chain of over six hundred JOURNEYS retail stores located in major shopping malls throughout the United States, which are owned and operated by Opposer's predecessor and licensee, Genesco, Inc. (Opposer and Genesco, Inc. are collectively referred to as "Genesco"). The JOURNEYS stores sell a wide range of footwear, clothing, fashion accessories, novelties, bags, backpacks, and other goods.

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2. All of the JOURNEYS stores and virtually all advertising for JOURNEYS stores prominently feature the design mark depicted below (the "Handprint Design Mark"), which is owned by Genesco.

3. Genesco's Handprint Design Mark is also used on clothing, footwear, accessories, bags, novelties, and other products sold in JOURNEYS stores. Genesco owns federal Registration No. 2,054,259 for the Handprint Design Mark for "shoes and clothing, namely, shirts, T-shirts, sweatshirts, jackets, socks and hats" in International Class 25 and federal Registration No. 3,232,063 for the Handprint Design Mark for "retail store services in the fields of footwear, apparel, backpacks, sports bags, jewelry and fashion accessories " in International Class 35.

4. Genesco has used the Handprint Design Mark in commerce in connection with the advertising, promotion, distribution, and sale of footwear and clothing and other goods, as well as retail store services, since at least as early as December 31, 1987.

5. By virtue of continuous and extensive sales and advertising of the Handprint Design Mark in connection with Genesco's retail stores and the products sold in them, Genesco's Handprint Design Mark is widely and favorably known by the public throughout the United States.

6. Genesco's Handprint Design Mark is symbolic of the substantial goodwill and consumer recognition established by Genesco as a result of the outstanding quality and extensive sales of products through its retail stores throughout the United States for many years. Genesco has expended large amounts of money, time, and effort in advertising and promoting such goods and services under the Handprint Design Mark. By reason of Genesco's extensive use and advertising of the Handprint Design Mark and resulting favorable public recognition, the Handprint Design Mark uniquely identifies Genesco and its products and services to the public. As such, Genesco has acquired extensive common law rights in the Handprint Design Mark in connection with its footwear, clothing and other goods, as well as with its retail store services.

7. Applicant filed application Serial No. 77/499,505 on June 16, 2008 (the "Application"), to register the handprints design mark shown below ("Applicant's Design Mark").

According to the Application, which was published for opposition in the Official Gazette of April 21, 2009, Applicant seeks registration of Applicant's Design Mark for use with "Backpacks; Briefcases; Handbags; Purses" in International Class 18.

8. Opposer was granted extensions of time through and including August 19, 2009, to oppose this application.

9. Genesco continuously has used its Handprint Design Mark since long prior to Applicant's alleged date of first use.

10. Applicant's Design Mark is closely similar in appearance to Genesco's Handprint Design Mark.

11. By the application opposed herein, Applicant seeks to register Applicant's Design Mark for goods that are identical or closely related to the goods Genesco has offered and continues to offer under its Handprint Design Mark, including without limitation bags and backpacks.

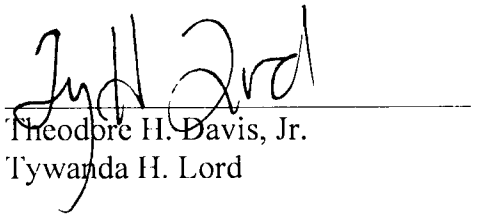
12. Genesco will be damaged by the registration of Applicant's Design Mark because the mark so resembles Genesco's previously used Handprint Design Mark as to be likely to cause consumer confusion, mistake and deception. Consumers familiar with Genesco's Handprint Design Mark would be likely to believe that Applicant's goods are products of Genesco or are endorsed, sponsored, or licensed by Genesco, when such is not the case. Thus, registration of Applicant's Design Mark on the Principal Register would be inconsistent with Genesco's rights in its Handprint Design Mark and in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), with consequent injury to Genesco, the public, and the trade.

13. On WHEREFORE, Opposer Genesco Brands, Inc. believes it will be damaged by registration of Applicant's Design Mark and prays that such registration not be allowed

The required fee for instituting this opposition proceeding is being submitted herewith. Please charge any deficiency or refund in the filing fee to Deposit Account No. 11-0860.

Please recognize Theodore H. Davis, Jr., Tywanda H. Lord, and the law firm of Kilpatrick Stockton LLP as attorneys for Opposer in connection with this opposition proceeding.

Respectfully Submitted:



Theodore H. Davis, Jr.
Tywanda H. Lord

KILPATRICK STOCKTON LLP
1100 Peachtree Street
Suite 2800
Atlanta, GA 30309-4530
(404) 815-6500

Attorneys for Opposer
Genesco Brands Inc.

Express Mail #:	**EB 168606082 US**
Date of Deposit:	August 19, 2009
Trademark:	HAND DESIGN
Serial No.:	77/499,505
Applicant:	Dorothy Grant Ltd.
Document:	NOTICE OF OPPOSITION

CERTIFICATE OF MAILING

I hereby certify that the foregoing Notice of Opposition is being deposited with the United States Postal Service as Express Mail **EB 168606082 US** addressed to: Commissioner of Trademarks, Attn: TTAB, P.O. Box 1451, Alexandria, VA 22313-1451 on **August 19, 2009.**

Tywanda Harris Lord

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

GENESCO BRANDS INC.,	)	
	)	
Opposer,	)	
	)	Serial No.: 77/499,505
v.	)	Opposition No._____
	)	
DOROTHY GRANT LTD.	)	
	)	
Applicant.	)	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing NOTICE OF OPPOSITION have been served on Applicant Dorothy Grant Ltd. by mailing said copy on August 19, 2009, via First Class Mail, postage prepaid, and addressed as follows:

Thomas J. Hoffman
P.O. Box 566
Gambier, OH 43022-0566

This the 19th day of August, 2009.

Tywanda H. Lord
KILPATRICK STOCKTON LLP
1100 Peachtree Street
Suite 2800
Atlanta, GA 30309-4530
(404) 815-6500

Attorney for Genesco Brands, Inc.