

ESTTA Tracking number: **ESTTA330426**

Filing date: **02/03/2010**

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	Guess? IP Holder L.P.
Granted to Date of previous extension	02/03/2010
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	77621331	Publication date	10/06/2009
Opposition Filing Date	02/03/2010	Opposition Period Ends	02/03/2010
Applicant	Mario Foroni Via Padre Giacomelli, 2 Valeggio Sul Mincio, 37067 ITALY		

**Goods/Services Affected by Opposition**


Class 025. All goods and services in the class are opposed, namely: Clothing, namely, coats, mantles, raincoats, dresses, suits, skirts, jackets, trousers, jeans, waistcoats, shirts, t-shirts, blouses, jerseys, sweaters, blazers, cardigans, stockings, socks, underwear, corsets, nightgowns; pajamas, bathrobes, bathing suits, sun suits, sport jackets, wind-resistant jackets, anoraks, sweatsuits, ties, neckties, scarves, shawls, foulards, caps, hats, gloves, sashes, belts; footwear, namely, boots, shoes and slippers
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**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.	2112157	Application Date	10/22/1996
Registration Date	11/11/1997	Foreign Priority Date	NONE


Word Mark	?
Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1994/05/00 First Use In Commerce: 1995/04/00 jeans; apparel, namely, pants and shorts

U.S. Registration No.	2180127	Application Date	02/20/1997
Registration Date	08/11/1998	Foreign Priority Date	NONE
Word Mark	?		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1994/05/00 First Use In Commerce: 1995/04/00 men's, women's, boys', girls', children's and infant's apparel, namely, underwear, footwear, swimwear, [ capes, ] headwear, [ aprons, ] robes, pajamas, hosiery, gloves, [ suspenders, ] belts, neckties, undershirts, socks, shirts, T-shirts, sweatpants, sweatshirts, knit tops, skirts, pants, scarves, handkerchiefs, blouses, cardigans, gowns, golf shirts, jogging suits, turtlenecks, suits and polo shirts; women's panties, bras, tank tops, crop tops, bustiers, camisoles, tap pants and teddies; men's briefs and boxer shorts		

U.S. Registration No.	2180141	Application Date	02/24/1997
Registration Date	08/11/1998	Foreign Priority Date	NONE
Word Mark	? U.S.A.		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1994/05/00 First Use In Commerce: 1995/04/00 men's, women's, boys', girls', children's and infant's apparel, namely, underwear, footwear, swimwear, [capcs], headwear, [aprons, robes,] pajamas, hosiery, gloves, [suspenders,] belts, neckties, undershirts, socks, shirts, T-shirts, sweatpants, sweatshirts, knit tops, skirts, pants, scarves, handkerchiefs, blouses, cardigans, [gowns,] golf shirts, jogging suits, turtlenecks, suits and polo shirts; women's panties, bras, tank tops, crop tops, bustiers, camisoles, tap pants and teddies; men's briefs and boxer shorts

U.S. Registration No.	2406370	Application Date	01/07/2000
Registration Date	11/21/2000	Foreign Priority Date	NONE

Word Mark	NONE
Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1994/05/00 First Use In Commerce: 1995/05/00 MEN#S, WOMEN#S, BOYS# , GIRLS# , CHILDREN#S AND INFANT#S APPAREL, NAMELY, UNDERWEAR, FOOTWEAR, SWIMWEAR, CAPS, HEADWEAR, APRONS, ROBES, PAJAMAS, HOSIERY, GLOVES, SUSPENDERS, BELTS, NECKTIES, UNDERSHIRTS, SOCKS, SHIRTS, T-SHIRTS, SWEATPANTS, SWEATSHIRTS, KNIT TOPS, SKIRTS, PANTS, TROUSERS, SHORTS, SWEATERS, JEANS, VESTS, COATS, JACKETS, OVERALLS, BLAZERS, DRESSES, SCARVES, BLOUSES, CARDIGANS, GOWNS, GOLF SHIRTS, JOGGING SUITS, TURTLENECKS, SUITS AND POLO SHIRTS; WOMEN#S PANTIES, BRAS, TANK TOPS, CROP TOPS, BUSTIERS, CAMISOLES, TAP PANTS, TEDDIES; MEN#S BRIEFS AND BOXER SHORTS

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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	02/03/2010

**TRADEMARK**

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

In the matter of Application No. 77/621,331  
Published in the Official Gazette of October 6, 2009

Guess? IP Holder L.P.

Opposition No.

Opposer,

v.

Mario Foroni

Applicant.

NOTICE OF OPPOSITION

Opposer Guess? IP Holder L.P., a limited partnership organized and existing under the laws of the State of Delaware, whose address is 1444 S. Alameda Street, Los Angeles, California 90021 (hereinafter referred to as "Opposer"), believes that it will be damaged by registration of the mark Question Mark and Design shown in Serial No. 77/621,331, filed November 25, 2008 by applicant Mario Foroni (hereinafter "applicant") and hereby opposes the same.

As grounds of opposition, it is alleged that:

1. Since in or about the year 1981, Opposer, its predecessor and their related companies (hereinafter collectively "Opposer") have been continuously engaged in the sale of clothing.
2. Since prior to applicant's priority date, Opposer has continuously and extensively used in commerce in the United States various marks incorporating a prominent question mark design ("the Question Mark Design marks") in connection with apparel and various fashion accessories.
3. Opposer is the owner of Registration No. 2,112,157 of a Question Mark Design mark,

issued November 11, 1997, for jeans, pants and shorts in Class 25. Said registration is valid and subsisting and has become incontestable under the provisions of Section 15 of the Trademark Act.

4. Opposer is the owner of Registration No. 2,180,127 of a Question Mark Design mark, issued August 11, 1998, for 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 is the owner of Registration No. 2,180,141 of the mark Question Mark "U.S.A." and Design, issued August 11, 1998, for 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.

6. Opposer is the owner of Registration No. 2,406,370 of a Question Mark Design mark issued November 21, 2000 for 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.

7. Opposer, through the use of its Question Mark Design marks, and by virtue of the goods sold thereunder, has built up a valuable goodwill and reputation in connection with said marks which would be jeopardized by the applicant's use and registration of the mark Question Mark and Design for clothing, namely, coats, mantles, raincoats, dresses, suits, skirts, jackets, trousers, jeans, waistcoats, shirts, t-shirts, blouses, jerseys, sweaters, blazers, cardigans, stockings, socks, underwear, corsets, nightgowns; pajamas, bathrobes, bathing suits, sun suits, sport jackets, wind-resistant jackets, anoraks, sweatsuits, ties, neckties, scarves, shawls, foulards, caps, hats, gloves, sashes, belts; footwear, namely, boots, shoes and slippers.

8. The goods for which applicant seeks to register its mark Question Mark and Design are identical or closely related to the goods sold by Opposer under its Question Mark Design marks.

9. The applicant's mark Question Mark and Design so resembles Opposer's Question Mark Design marks, previously used in commerce and/or registered in the United States Patent and Trademark Office and not abandoned, as to be likely, when applied to the goods of applicant, to cause confusion or to cause mistake or to deceive.

10. Opposer is informed and believes that applicant did not make use in commerce of the mark of Application Serial No. 77/621,331 for the goods stated therein prior to the filing date of its application.

11. Opposer is informed and believes that applicant has not as of this date used the mark of Application Serial No. 77/621,331 in connection with the goods identified therein.

12. Opposer would be damaged by the issuance to applicant of a registration of the mark Question Mark and Design for the goods set forth in Application Serial No. 77/621,331.

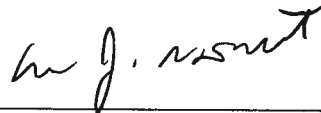
WHEREFORE, Opposer prays that this opposition be sustained and that registration of Application Serial No. 77/621,331 be refused.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

Dated: February 3, 2010

By



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Michael J. MacDermott  
Attorneys for Opposer  
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(626) 683-4536

**CERTIFICATE OF TRANSMISSION AND SERVICE**

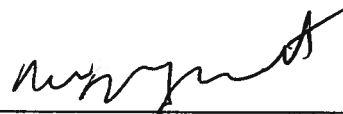
I certify that on February 3, 2010, the foregoing **NOTICE OF OPPOSITION** is being electronically transmitted to:

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

It is further certified that on February 3, 2010, the foregoing **NOTICE OF OPPOSITION** is being served by mailing a copy thereof by first-class mail addressed to:

Mark Lebow, Esq.  
YOUNG & THOMPSON  
209 Madison Street, Suite 500  
Alexandria, VA 22314-1764

By \_\_\_\_\_



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