

ESTTA Tracking number: **ESTTA467531**

Filing date: **04/17/2012**

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	Facton Ltd.		
Entity	Corporation	Citizenship	The Netherlands
Address	Strawinskylaan 3105 Amsterdam, 1077 ZX NETHERLANDS		

Name	G-Star Raw C.V.		
Entity	Corporation	Citizenship	The Netherlands
Address	Keienbergweg 100 Amsterdam, 1101 GH NETHERLANDS		

Name	G-Star Inc.		
Entity	Corporation	Citizenship	Delaware
Address	599 Broadway 11th Floor New York, NY 10012 UNITED STATES		

Attorney information	Laura Popp-Rosenberg Fross Zelnick Lehrman & Zissu, P.C. 866 United Nations Plaza New York, NY 10017 UNITED STATES lpopp-rosenberg@frosszelnick.com, ghuron@frosszelnick.com Phone:2128135900		
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Applicant Information

Application No	85444648	Publication date	04/10/2012
Opposition Filing Date	04/17/2012	Opposition Period Ends	05/10/2012
Applicant	Revise Clothing, Inc. 20 Henry Street Teterboro, NJ 07608 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Denim jackets; Denims; Jackets; Jeans; Pants; Shorts; Skirts

Grounds for Opposition

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

U.S. Registration No.	2046947	Application Date	10/05/1994
Registration Date	03/25/1997	Foreign Priority Date	04/07/1994
Word Mark	G-STAR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: [soaps, perfumery, essential oils for personal use, hair lotions and cosmetics, namely mascara] Class 018. First use: suitcases, key cases, travelling trunks, athletic bags, wallets and umbrellas Class 025. First use: clothing, namely shirts, T-shirts, sweaters, jackets, warmup suits, shorts, jeans, trousers, blouses, socks, stockings, caps, hats and belts		

Related Proceedings	Opposition No. 91203062
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Attachments	Notice of Opposition (V-STAR BLACK) (F0994061).PDF (10 pages)(192609 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	/Laura Popp-Rosenberg/
Name	Laura Popp-Rosenberg
Date	04/17/2012

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

FACTON LTD., G-STAR RAW C.V.
and G-STAR INC.,

Opposers,

v.

REVISE CLOTHING, INC.,

Applicant.

NOTICE OF OPPOSITION

Opposers Facton Ltd., G-Star Raw C.V. and G-Star Inc. (collectively, “G-Star”) believe that they would be damaged by the issuance of a registration for the trademark V-STAR BLACK, as applied for in Application Serial No. 85/444,648, and therefore oppose the same. As grounds for their opposition, G-Star, by their attorneys Fross Zelnick Lehrman & Zissu, P.C., allege as follows:

1. G-Star is an international clothing and lifestyle company headquartered in the Netherlands and known for its edgy, industrial design concept. G-Star’s goods include but are not limited to an extensive clothing line featuring denim goods, as well as footwear and accessories, such as belts and headgear.
2. For many years, G-Star has used the mark G-STAR in connection with its business, goods and services.
3. Through G-Star’s extensive promotion and use of the G-STAR mark, and the success of G-Star’s offerings under that mark, the G-STAR mark has come to represent enormous goodwill of G-Star.

4. Dating to long before any date upon which the applicant can rely, the G-STAR mark has become uniquely identified with G-Star and has come to identify the goods and services of G-Star exclusively.

5. In addition to G-Star's common law rights in the G-STAR mark developed through many years of use, Opposer Facion Ltd. owns U.S. Registration No. 2,046,947 for the mark G-STAR for, *inter alia*, "clothing, namely shirts, T-shirts, sweaters, jackets, warmup suits, shorts, jeans, trousers, blouses, socks, stockings, caps, hats and belts" in International Class 25. This registration is valid, subsisting, and in full force and effect and, pursuant to 15 U.S.C. § 1065, incontestable. As such, this registration constitutes conclusive evidence of the validity of the registered mark and of the registration thereof, of G-Star's ownership of the mark, and of G-Star's exclusive right to use the mark in commerce in connection with the identified goods pursuant to 15 U.S.C. § 1115(b). The registration further places others on constructive notice of G-Star's claim of ownership of the mark pursuant to 15 U.S.C. § 1072. A true and correct copy of a printout from the U.S. Patent and Trademark Office online Trademark Applications and Registrations Retrieval ("TARR") database showing the foregoing registration is attached hereto as Exhibit 1.

6. Upon information and belief, applicant Revise Clothing, Inc. ("Applicant") is a New Jersey corporation with an address at 20 Henry Street, Teterboro, New Jersey 07608.

7. Upon information and belief, on or about October 11, 2011, Applicant filed intent-to-use Application Serial No. 85/444,648 (the "Application") to register the mark V-STAR BLACK for "Denim jackets; Denims; Jackets; Jeans; Pants; Shorts; Skirts" in International Class 25.

8. Applicant is not connected to G-Star in any way, and has not been authorized by G-Star to use the V-STAR BLACK mark.

9. Upon information and belief, G-Star's rights in the G-STAR mark are prior and superior to any rights Applicant may claim in the V-STAR BLACK mark.

10. The V-STAR BLACK mark is highly similar to the G-STAR mark in appearance, sound, connotation and commercial impression, adding only the descriptive term BLACK. Among other things, as fashion houses frequently use colors to designate different design grades, consumers could believe that V-STAR BLACK designates a special sub-category of G-STAR goods.

11. The goods identified in the Application are identical and/or closely related to the goods offered by G-Star under the G-STAR mark and for which G-Star owns an incontestable trademark registration.

12. Use by Applicant of the V-STAR BLACK mark for the goods identified in the Application is likely to create the erroneous impression that Applicant's goods originate with, are sponsored or approved by, or are otherwise connected with the G-STAR mark or the goods and services provided by G-Star under that mark. Any use of the V-STAR BLACK mark by Applicant is, therefore, likely to cause confusion, cause mistake or to deceive the public, in violation of 15 U.S.C. § 1052(d).


13. As a result of the foregoing, registration to Applicant of the V-STAR BLACK mark would be inconsistent with G-Star's prior exclusive rights in the G-STAR mark and would threaten to destroy G-Star's investment and goodwill in the G-STAR mark. G-Star therefore will be injured by registration of the V-STAR BLACK mark.

WHEREFORE, G-Star respectfully requests that this opposition be sustained and that registration to the V-STAR BLACK mark in all respects be denied.

Dated: New York, New York
April 17, 2012

Respectfully submitted,

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By:  _____

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Giselle C.W. Huron

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Attorneys for Opposers

EXHIBIT 1

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2012-04-17 11:36:13 ET

Serial Number: 74582326 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 2046947

Mark (words only): G-STAR

Standard Character claim: No

Current Status: [The registration has been renewed.](#)

Date of Status: 2007-03-17

Filing Date: 1994-10-05

Transformed into a National Application: No

Registration Date: 1997-03-25

Register: [Principal](#)

Law Office Assigned: [LAW OFFICE 106](#)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: [830 -Post Registration](#)

Date In Location: 2007-03-17

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. [FACTON LTD.](#)

Address:

FACTON LTD.
STRAWINSKYLAAN 3105
AMSTERDAM 1077 ZX
Netherlands

Legal Entity Type: Corporation**State or Country of Incorporation:** Hungary

GOODS AND/OR SERVICES

International Class: 003**Class Status:** Section 8 - Cancelled**Basis:** 44(e)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**International Class:** 018**Class Status:** Active

suitcases, key cases, travelling trunks, athletic bags, wallets and umbrellas

Basis: 44(e)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**International Class:** 025**Class Status:** Active

clothing, namely shirts, T-shirts, sweaters, jackets, warmup suits, shorts, jeans, trousers, blouses, socks, stockings, caps, hats and belts

Basis: 44(e)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Foreign Application Number: 825048**Foreign Registration Number:** 545551**Foreign Registration Date:** 1994-04-07**Country:** Benelux**Foreign Filing Date:** 1994-04-07**Foreign Expiration Date:** 2004-04-07

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2012-02-06 - Notice Of Suit

2009-07-15 - Automatic Update Of Assignment Of Ownership

2009-03-03 - Attorney Revoked And/Or Appointed

2009-03-03 - TEAS Revoke/Appoint Attorney Received

2007-03-17 - First renewal 10 year

2007-03-17 - Section 8 (10-year) accepted/ Section 9 granted

2007-03-06 - Assigned To Paralegal

2007-01-17 - Combined Section 8 (10-year)/Section 9 filed

2007-01-17 - TEAS Section 8 & 9 Received

2006-12-15 - Case File In TICRS

2006-09-06 - Automatic Update Of Assignment Of Ownership

2006-08-30 - Automatic Update Of Assignment Of Ownership

2006-08-22 - Applicant/Correspondence Changes (Non-Responsive) Entered

2006-08-22 - TEAS Change Of Owner Address Received

2006-08-22 - TEAS Change Of Correspondence Received

2006-08-07 - PAPER RECEIVED

2003-10-30 - Section 8 (6-year) accepted & Section 15 acknowledged

2003-09-12 - Section 8 (6-year) and Section 15 Filed

2003-09-12 - PAPER RECEIVED

1997-03-25 - Registered - Principal Register

1996-07-08 - Extension Of Time To Oppose Received

1996-06-04 - Published for opposition

1996-05-03 - Notice of publication

1995-11-07 - Approved For Pub - Principal Register

1995-11-02 - Communication received from applicant

1995-09-06 - Communication received from applicant

1995-08-25 - Assigned To Examiner

1995-03-06 - Non-final action mailed

1995-03-03 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Susan Upton Douglass

Correspondent

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Domestic Representative

Susan Upton Douglass

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CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of April 2012, I caused a true and correct copy of the foregoing NOTICE OF OPPOSITION to be sent by First Class Mail, postage pre-paid, in an envelope addressed to the Correspondent of Record, Gordon E. R. Troy, Esq., Gordon E. R. Troy, P.C., P.O. Box 368, Charlotte, Vermont 05445.



Giselle C.W. Huron