

ESTTA Tracking number: **ESTTA517717**

Filing date: **01/23/2013**

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	G-III Leather Fashions, Inc.
Granted to Date of previous extension	01/23/2013
Address	512 Seventh Avenue New York, NY 10018 UNITED STATES

Attorney information	Mark N. Mutterperl Fulbright & Jaworski LLP 666 Fifth Avenue New York, NY 10103 UNITED STATES Jparise@fulbright.com, mrosenfeld@fulbright.com, nyipdocket@fulbright.com Phone:212 318 3183
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Applicant Information

Application No	79023968	Publication date	09/25/2012
Opposition Filing Date	01/23/2013	Opposition Period Ends	01/23/2013
International Registration No.	0885181	International Registration Date	03/31/2006
Applicant	GLOBERIDE, Inc. 3-14-16, Maesawa Higashi Kurume Tokyo 203-8511, JAPAN		

Goods/Services Affected by Opposition


Class 018. All goods and services in the class are opposed, namely: Boston bags for use in association with golf and sold through sporting goods stores
Class 028. All goods and services in the class are opposed, namely: Golf clubs, golf bags, with or without wheels, golf gloves, golf balls

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	3908695	Application Date	05/11/2009
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No.			
Registration Date	01/18/2011	Foreign Priority Date	NONE
Word Mark	3 FOUR BY G-III SPORTS		
Design Mark			
Description of Mark	<p>The mark consists of the number "3" above four cross marks which are above the word "FOUR" which are above three cross marks in a half-circle. Below the three cross marks is the word "BY". The word "FOUR", the three cross marks and the word "BY" are bordered on the left and right side by two banners. Between the bottoms of the two banners is the word "G-III". Below the word "G-III" is the word "SPORTS".</p>		
Goods/Services	Class 025. First use: First Use: 2009/07/15 First Use In Commerce: 2009/07/15 Tops, shirts, jackets, pullovers, shorts and pants		


U.S. Registration No.	3897783	Application Date	05/11/2009
Registration Date	12/28/2010	Foreign Priority Date	NONE
Word Mark	3 FOUR BY G-III SPORTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2009/07/15 First Use In Commerce: 2009/07/15 Tops, shirts, jackets, pullovers, shorts and pants		

U.S. Registration No.	3359690	Application Date	06/09/2006
Registration Date	12/25/2007	Foreign Priority Date	NONE
Word Mark	G G-III SPORTS BY CARL BANKS		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2003/01/01 First Use In Commerce: 2003/01/01 Men's, women's and children's swim wear		

U.S. Registration No.	3130438	Application Date	08/25/2003
Registration Date	08/15/2006	Foreign Priority Date	NONE
Word Mark	G G-III SPORTS BY CARL BANKS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2003/01/01 First Use In Commerce: 2003/01/01 Men's and women's clothing, namely, anoraks, bottoms, coats, golf shirts, head wear, jackets, jogging suits, leather jackets, parkas, ponchos, pullovers, quilted vests, sweat shirts, t-shirts, tank tops and vests; and children's clothing, namely, jackets, jogging suits, leather jackets, parkas, ponchos, pullovers, quilted vests, sweatshirts, t-shirts and tank tops		

U.S. Registration No.	1620028	Application Date	10/31/1989
Registration Date	10/30/1990	Foreign Priority Date	NONE
Word Mark	G-III		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1974/00/00 First Use In Commerce: 1974/00/00 LADIES', MEN'S AND CHILDREN'S LEATHER AND SUEDE CLOTHING, NAMELY COATS, JACKETS, PANTS, SKIRTS, CULOTTES, DRESSES,		

SHORTS, SUITS, AND SHIRTS			
U.S. Application No.	77857398	Application Date	10/26/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	G-III APPAREL GROUP GLOBAL IDENTITY		
Design Mark			
Description of Mark	The mark consists of the image of a stylized globe design upon which a rectangle is superimposed. The wording "G-III APPAREL GROUP" is displayed on the rectangle. Around the image of the stylized globe design is a border which contains the word "GLOBAL" appearing above the globe design, and "IDENTITY" appearing below the design.		
Goods/Services	Class 035. First use: First Use: 1990/00/00 First Use In Commerce: 1990/00/00 Wholesale distributorships, featuring clothing, headwear, footwear, clothing accessories, bags, luggage, briefcases, portfolios, wallets, small leather goods, and travel accessories		

U.S. Application No.	77301629	Application Date	10/11/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	G G-III SPORTS FOR HER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2007/01/25 First Use In Commerce: 2007/01/25 Clothing, namely, anoraks, blazers, blouses, cardigans, coats, leather coats, overcoats, raincoats, sport coats, jackets, leather jackets, miniskirts, pants, shirts, skirts, slacks, sport shirts, sweaters, v-neck sweaters, topcoats, trousers, fur coats, suit coats, fur cloaks, fur jackets, wind resistant jackets, jeans, knit shirts, polo shirts, knit and woven tops, turtlenecks and turtleneck sweaters, ponchos, shorts, Bermuda shorts, vests, dresses, shoes, swimwear, denim tops		

	and bottoms		
U.S. Application No.	85698229	Application Date	08/08/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	GIII GIII SPORTS BY CARL BANKS		
Design Mark			
Description of Mark	The mark consists of The letter G followed by three vertical lines. Underneath G III is the letter G followed by three vertical lines and the words Sports by Carl Banks.		
Goods/Services	Class 025. First use: First Use: 2012/01/25 First Use In Commerce: 2012/01/25 Clothing; anoraks, bottoms, coats, golf shirts, jackets, jogging suits, leather jackets, parkas, ponchos, pullovers, quilted vests, sweat shirts, t-shirts, tank tops, vests		

Attachments	77733783#TMSN.jpeg (1 page)(bytes) 77733606#TMSN.jpeg (1 page)(bytes) 78905057#TMSN.jpeg (1 page)(bytes) 76978155#TMSN.gif (1 page)(bytes) 77857398#TMSN.jpeg (1 page)(bytes) 77301629#TMSN.jpeg (1 page)(bytes) 85698229#TMSN.jpeg (1 page)(bytes) 79023 1.pdf (4 pages)(51044 bytes) 79023 2.pdf (5 pages)(91629 bytes) 79023 9.pdf (3 pages)(51769 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	/Jessica S. Parise/
Name	Jessica S. Parise
Date	01/23/2013

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

G-III Leather Fashions, Inc.

Opposer,

v.

Globeride, Inc.,

Applicant.

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Opposition No. _____

Application Serial No. 79/023,968

Published: September 25, 2012

NOTICE OF OPPOSITION

G-III Leather Fashions, Inc. (“G-III”), a corporation organized and existing under the laws of the State of New York, having a place of business at 512 Seventh Avenue, New York, New York 10018 (“Opposer”) believes it will be damaged by the registration of the mark GIII, which is the subject of Application Serial No. 79/023,968 (“Applicant’s Mark”) and opposes that application under the provisions of 15 U.S.C. § 1063.

Application Serial No. 79/023,968 covers “Boston bags for use in association with golf and sold through sporting goods stores,” in Class 18; and “Golf clubs, golf bags, with or without wheels, golf gloves, golf balls” in Class 28.

This mark was published for opposition in the Trademark Official Gazette on September 25, 2012, and an extension of time to oppose has been granted to Opposer until January 23, 2013.

As grounds for the opposition, Opposer alleges the following:

1. For decades, Opposer has been engaged in the business, *inter alia*, of manufacturing and selling apparel and related accessories including bags.

2. Since at least as early as 1974, prior to the filing and alleged priority date of Applicant's Mark, Opposer has used trademarks containing G-III in in the United States for its goods.

3. Opposer is the owner of numerous federal trademark registrations containing the term G-III, including, for example, an incontestable registration for G-III, Registration No. 1,620,028 (collectively, the "G-III Marks"). Copies of the registration certificates for the G-III Marks are attached hereto.

4. Opposer has prominently and extensively used, promoted and advertised its G-III Marks for its goods since at least 1974, through varied promotional and advertising media.

5. Opposer's goods are available throughout the United States.

6. As a result of Opposer's extensive investment and effort in promoting its G-III Marks, the designations have become recognized as uniquely associated with Opposer. Opposer has developed significant and valuable goodwill and reputation in its G-III Marks.

7. Applicant seeks registration of the mark GIII (stylized),



for "Boston bags for use in association with golf and sold through sporting goods stores," in Class 18 and "Golf clubs, golf bags, with or without wheels, golf gloves, golf balls" in Class 28.

8. Applicant's alleged mark GIII consists of or comprises a mark which so resembles Opposer's previously used and registered G-III Marks as to be likely, when used for the recited goods, to cause confusion, or to cause mistake or to deceive, in violation of Section 2(d) of the Trademark Act of 1946, 15 U.S.C. § 1052 (d).

9. Opposer is not connected in any way with the Applicant or the alleged use by Applicant of the G-III designation.

10. Registration of Applicant's alleged mark would be inconsistent with Opposer's federal trademark rights and rights under the common law and would be damaging to Opposer.

WHEREFORE, Opposer requests that Application Serial No. 79/023,968 be rejected, that no registration be issued on that application, and that this opposition be sustained in favor of Opposer.

Respectfully submitted,

G-III Leather Fashions, Inc.

Date: January 23, 2013

By: /Jessica S. Parise/
Mark N. Mutterperl
Jessica S. Parise
FULBRIGHT & JAWORSKI L.L.P.
666 Fifth Avenue
New York, New York 10103



Attorneys for Opposer

United States of America

United States Patent and Trademark Office



Reg. No. 3,908,695

Registered Jan. 18, 2011

Int. Cl.: 25

TRADEMARK

PRINCIPAL REGISTER

G-III LEATHER FASHIONS, INC. (NEW YORK CORPORATION)
35TH FLOOR
512 SEVENTH AVENUE
NEW YORK, NY 100184202

FOR: TOPS, SHIRTS, JACKETS, PULLOVERS, SHORTS AND PANTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 7-15-2009; IN COMMERCE 7-15-2009.

OWNER OF U.S. REG. NOS. 1,620,028, 3,130,438, AND 3,359,690.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SPORTS", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE NUMBER "3" ABOVE FOUR CROSS MARKS WHICH ARE ABOVE THE WORD "FOUR" WHICH ARE ABOVE THREE CROSS MARKS IN A HALF-CIRCLE. BELOW THE THREE CROSS MARKS IS THE WORD "BY". THE WORD "FOUR", THE THREE CROSS MARKS AND THE WORD "BY" ARE BORDERED ON THE LEFT AND RIGHT SIDE BY TWO BANNERS. BETWEEN THE BOTTOMS OF THE TWO BANNERS IS THE WORD "G-III". BELOW THE WORD "G-III" IS THE WORD "SPORTS".

SN 77-733,783, FILED 5-11-2009.

WARREN L. OLANDRIA, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

3 FOUR BY G-III SPORTS

Reg. No. 3,897,783

Registered Dec. 28, 2010

Int. Cl.: 25

TRADEMARK

PRINCIPAL REGISTER

G-III LEATHER FASHIONS, INC. (NEW YORK CORPORATION)
35TH FLOOR
512 SEVENTH AVENUE
NEW YORK, NY 100184202

FOR: TOPS, SHIRTS, JACKETS, PULLOVERS, SHORTS AND PANTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 7-15-2009; IN COMMERCE 7-15-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,620,028, 3,130,438, AND 3,359,690.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SPORTS", APART FROM THE MARK AS SHOWN.

SN 77-733,606, FILED 5-11-2009.

WARREN L. OLANDRIA, EXAMINING ATTORNEY



David S. Kybas

Director of the United States Patent and Trademark Office

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,359,690

Registered Dec. 25, 2007

TRADEMARK
PRINCIPAL REGISTER



G-III BRANDS, LTD. (DELAWARE CORPORATION)
SUITE 1704
300 DELAWARE AVENUE
WILMINGTON, DE 19801

FOR: MEN'S, WOMEN'S AND CHILDREN'S
SWIM WEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 1-1-2003; IN COMMERCE 1-1-2003.

OWNER OF U.S. REG. NOS. 1,620,028, 3,130,438
AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "SPORTS", APART FROM THE
MARK AS SHOWN.

THE NAME(S), PORTRAIT(S), AND/OR SIGNA-
TURE(S) SHOWN IN THE MARK IDENTIFIES
CARL BANKS, WHOSE CONSENT(S) TO REGISTER
IS SUBMITTED.

SER. NO. 78-905,057, FILED 6-9-2006.

RONALD AIKENS, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,130,438

Registered Aug. 15, 2006

**TRADEMARK
PRINCIPAL REGISTER**



G-III BRANDS, LTD. (DELAWARE CORPORATION)
300 DELAWARE AVENUE, SUITE 1704
WILMINGTON, DE 19801

FOR: MEN'S AND WOMEN'S CLOTHING, NAMELY, ANORAKS, BOTTOMS, COATS, GOLF SHIRTS, HEAD WEAR, JACKETS, JOGGING SUITS, LEATHER JACKETS, PARKAS, PONCHOS, PULLOVERS, QUILTED VESTS, SWEAT SHIRTS, T-SHIRTS, TANK TOPS AND VESTS; AND CHILDREN'S CLOTHING, NAMELY, JACKETS, JOGGING SUITS, LEATHER JACKETS, PARKAS, PONCHOS, PULLOVERS, QUILTED VESTS, SWEAT-

SHIRTS, T-SHIRTS AND TANK TOPS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 1-1-2003; IN COMMERCE 1-1-2003.

THE NAME SHOWN IN THE MARK IDENTIFIES "CARL BANKS", WHOSE CONSENT TO REGISTER IS SUBMITTED WITH THIS APPLICATION.

SN 76-978,155, FILED 8-25-2003.

LAURA KOVALSKY, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office

Reg. No. 1,620,028

Registered Oct. 30, 1990

**TRADEMARK
PRINCIPAL REGISTER**

G-III

G-III APPAREL GROUP, LTD. (DELAWARE
CORPORATION)
345 WEST 37TH STREET
NEW YORK, NY 10018

LOTTES, DRESSES, SHORTS, SUITS, AND
SHIRTS, IN CLASS 25 (U.S. CL. 39).
FIRST USE 0-0-1974; IN COMMERCE
0-0-1974.

FOR: LADIE'S, MEN'S AND CHILDREN'S
LEATHER AND SUEDE CLOTHING, NAMELY
COATS, JACKETS, PANTS, SKIRTS, CU-

SER. NO. 73-835,260, FILED 10-31-1989.
JERI J. FICKES, EXAMINING ATTORNEY

STATUS DOCUMENTS

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Mark: G-III APPAREL GROUP GLOBAL IDENTITY



US Serial Number: 77857398

Application Filing Date: Oct. 26, 2009

Register: Principal

Mark Type: Service Mark

Status: Suspension check completed. Application remains suspended.

Status Date: Aug. 27, 2012

Mark Information

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Related Properties Information

Goods and Services

Basis Information (Case Level)

Current Owner(s) Information

Attorney/Correspondence Information

Prosecution History

TM Staff and Location Information

Assignment Abstract of Title Information

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STATUS DOCUMENTS

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Mark: G G-III SPORTS FOR HER



US Serial Number: 77301629

Application Filing Date: Oct. 11, 2007

Register: Principal

Mark Type: Trademark

Status: Suspension check completed. Application remains suspended.

Status Date: Aug. 24, 2012

Mark Information

[expand all](#)

Goods and Services

Basis Information (Case Level)

Current Owner(s) Information

Attorney/Correspondence Information

Prosecution History

TM Staff and Location Information

Assignment Abstract of Title Information

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STATUS DOCUMENTS

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Mark: GIII GIII SPORTS BY CARL BANKS



US Serial Number: 85698229

Application Filing Date: Aug. 08, 2012

Register: Principal

Mark Type: Trademark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Oct. 18, 2012

Mark Information

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Goods and Services

Basis Information (Case Level)

Current Owner(s) Information

Attorney/Correspondence Information

Prosecution History

TM Staff and Location Information