

ESTTA Tracking number: **ESTTA704603**

Filing date: **10/26/2015**

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	Dooney & Bourke, Inc.
Granted to Date of previous extension	10/25/2015
Address	One Regent Street Norwalk, CT 06856 UNITED STATES

Attorney information	Peter H. Ajemian Greenberg Traurig, LLP 3773 Howard Hughes Pkwy. Ste. 400N Las Vegas, NV 89169 UNITED STATES lvttab@gtlaw.com, AjemianP@gtlaw.com Phone:702-792-3773
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Applicant Information

Application No	86275445	Publication date	04/28/2015
Opposition Filing Date	10/26/2015	Opposition Period Ends	10/25/2015
Applicant	Dressage, LLC 46 East 65th Street, Unit 1B New York, NY 10065 UNITED STATES		

Goods/Services Affected by Opposition

Class 018. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: ACCESSORIES, NAMELY, ATTACH# CASES, BACKPACKS, BILLFOLDS, BRIEFCASES, COIN PURSES, CREDIT CARD CASES, KEY CASES, KNAPSACKS, LUGGAGE, PURSES, SUITCASES, TRAVELLING TRUNKS, UMBRELLAS, WALLETS; BAGS, NAMELY, BEACH BAGS, DIAPER BAGS, DUFFEL BAGS, HANDBAGS, SCHOOLBAGS, SPORT BAGS, TOTE BAGS

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.	3393874	Application Date	07/09/2007
Registration Date	03/11/2008	Foreign Priority Date	NONE

Word Mark	CABRIOLET
Design Mark	CABRIOLET
Description of Mark	NONE
Goods/Services	Class 018. First use: First Use: 1997/07/01 First Use In Commerce: 1997/07/01 Handbags, Briefcases, luggage, wallets,tote bags, backpacks, and coin purses Class 024. First use: First Use: 1997/03/00 First Use In Commerce: 1997/08/01 Fabric for the manufacture of handbags,Briefcases, luggage, wallets, tote bags, backpacks, key fobs, coin purses and eyeglass cases

U.S. Registration No.	3393873	Application Date	07/09/2007
Registration Date	03/11/2008	Foreign Priority Date	NONE
Word Mark	CABRIO		
Design Mark	CABRIO		
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 1997/07/01 First Use In Commerce: 1997/07/01 Handbags, Briefcases, luggage, wallets,tote bags, backpacks, and coin purses		

Attachments	76679203#TMSN.png(bytes) 76679202#TMSN.png(bytes) CAPRIOLE opp 420560607_1.pdf(94917 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	/Peter H. Ajemian/
Name	Peter H. Ajemian
Date	10/26/2015

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

In the matter of Trademark Application Serial No. 86/275445
For the mark CAPRIOLE
Applications filing date: May 8, 2014.

DOONEY & BOURKE, INC.

Opposer,

v.

DRESSAGE, LLC

Applicant.

Opposition No.:

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

NOTICE OF OPPOSITION

Dooney & Bourke, Inc. (“D&B” or “Opposer”), is a Connecticut corporation, having its principal place of business at One Regent Street Norwalk, Connecticut 06856. Opposer believes that it will be damaged by the registration of the mark set forth in Application Serial No. 86/275445 for CAPRIOLE, owned by Dressage, LLC (“Applicant”), and hereby files this notice of opposition against said mark. Opposer’s standing and grounds for the Opposition are alleged as follows:

FACTS COMMON TO ALL CLAIMS

1. Opposer owns registrations for the marks: CABRIOLET for “Handbags, Briefcases, luggage, wallets, tote bags, backpacks, and coin purses” in class 18, and “Fabric for the manufacture of handbags, Briefcases, luggage, wallets, tote bags, backpacks, key fobs, coin purses and eyeglass cases” in class 24, with a first use date at least as early as July 1, 1997 (U.S. Reg. No. 3393874); and CABRIO for “Handbags, Briefcases, luggage, wallets, tote bags,

backpacks, and coin purses” in class 18, with a first use date at least as early as July 1, 1997 (U.S. Reg. No. 3393873) (collectively “Opposer’s Marks”).

2. Applicant has filed Application Serial No. 86/275445 for CAPRIOLE in class 18 for “accessories, namely, attaché cases, backpacks, billfolds, briefcases, coin purses, credit card cases, key cases, knapsacks, luggage, purses, suitcases, traveling trunks, umbrellas, wallets; Bags, namely, beach bags, diaper bags, duffel bags, handbags, schoolbags, sport bags, tote bags” (“Applicant’s Mark”). Applicant filed its application on an intent-to-use basis under Trademark Act Section 1(b) on May 8, 2014.

CLAIM I: PRIORITY AND LIKELIHOOD OF CONFUSION

3. Opposer repeats and re-alleges each and every allegation contained in all preceding paragraphs and incorporates the same as though fully set forth herein.

4. Opposer owns federal registrations for Opposer’s Marks, and has been continuously using Opposer’s Marks in commerce in connection with the various listed goods since at least July 1, 1997.

5. Opposer has invested, and will continue to invest substantial amounts of time, money, and effort in advertising and promoting Opposer’s Marks.

6. As a result of Opposer’s efforts in promoting its goods under its marks, Opposer’s Marks have become imbued with the extensive goodwill and consumer recognition of Opposer’s goods.

7. Applicant’s Mark is confusingly similar to Opposer’s Marks in appearance, sound, connotation and commercial impression, and the goods identified by Applicant’s Mark in the opposed application are closely related to the goods identified by Opposer’s Marks.

8. Opposer will be damaged by the registration of Applicant’s Mark because Opposer has been using Opposer’s Marks in commerce in connection with the various listed goods. Therefore, the registration of Applicant’s Mark will not only impair Opposer’s ability to obtain additional federal registrations for its marks, but it will also limit Opposer’s ability to

protect Opposer's Marks from infringement and dilution by others, and will otherwise cause irreparable injury to Opposer's business, reputation, and goodwill.

9. Opposer's Marks have priority over Applicant's Mark, based on Opposer's Marks' first use dates of at least as early as July 1, 1997, and registration dates of March 11, 2008, all of which precede the May 8, 2014 application filing date of Applicant's Mark.

10. Applicant's proposed mark CAPRIOLE so resembles Opposer's Marks in terms of appearance, sound, connotation and commercial impression, as to be likely, when applied to Applicant's goods, to cause confusion, mistake, or to deceive under Section 2(d) of the Lanham Act, as amended, 15 U.S.C. § 1052(d).

11. Applicant's proposed mark CAPRIOLE is confusingly similar to Opposer's Marks so that registration of Applicant's Mark would be inconsistent with and damaging to Opposer's rights in and to Opposer's Marks in connection with the goods with which they are used.

12. WHEREFORE, Opposer prays that Application Serial No. 86/275445 be rejected, and that the mark therein sought, for the goods therein specified, be denied and refused.

Respectfully submitted,

By: /Peter H. Ajemian/
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Suite 400 North
Las Vegas, Nevada 89169
(702) 792-3773
Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that on October 26, 2015 I served the foregoing NOTICE OF OPPOSITION upon:

CHESTER ROTHSTEIN
AMSTER, ROTHSTEIN & EBENSTEIN LLP
90 PARK AVE FL 21
NEW YORK, NEW YORK UNITED STATES 10016-1301

by causing a full, true and correct copy thereof to be sent by mailing in a sealed, first class postage prepaid envelope, and deposited with the United States Postal Service in Las Vegas, Nevada.

/Peter H. Ajemian/
AN EMPLOYEE OF GREENBERG TRAURIG, LLP