

ESTTA Tracking number: **ESTTA798601**

Filing date: **02/01/2017**

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	NINA RICCI
Granted to Date of previous extension	02/01/2017
Address	39, avenue Montaigne Paris, 75008 FRANCE

Name	PUIG FRANCE
Granted to Date of previous extension	02/01/2017
Address	65-67 avenue des Champs Elysees Paris, 75008 FRANCE

Attorney information	Brooks R. Bruneau FisherBroyles, LLP 100 Overlook CenterSecond Floor Princeton, NJ 08540 UNITED STATES brooks.bruneau@fisherbroyles.com, denise.mcculloch@fisherbroyles.com, docketing@fisherbroyles.com Phone:609 454-6772
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Applicant Information

Application No	87030571	Publication date	10/04/2016
Opposition Filing Date	02/01/2017	Opposition Period Ends	02/01/2017
Applicant	LI CUNSHENG Room 2701, No.70, North of Wende Rd. Guangdong, CHINA		

Goods/Services Affected by Opposition

Class 025. First Use: 2016/01/10 First Use In Commerce: 2016/01/10
All goods and services in the class are opposed, namely: Clothing layettes; Coats; Girdles; Hats; Hosiery; Jackets; Leather coats; Neckties; Outer jackets; Overcoats; Shirts; Shoes; Suits; Trousers; Underwear

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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No use of mark in commerce before application or amendment to allege use was filed	Trademark Act Sections 1(a) and (c)
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols, or brings them into contempt, or disrepute	Trademark Act Section 2(a)
Other	Token use - no genuine use in U.S. commerce

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	563573	Application Date	08/18/1950
Registration Date	09/02/1952	Foreign Priority Date	NONE
Word Mark	NINA RICCI		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1936/03/03 First Use In Commerce: 1936/03/03 PERFUME		

U.S. Registration No.	947699	Application Date	04/07/1971
Registration Date	11/21/1972	Foreign Priority Date	NONE
Word Mark	NINA RICCI		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1946/10/00 First Use In Commerce: 1946/10/00 PERFUME, COLOGNE, TOILET WATER, DUSTINGPOWDER, HAIR SPRAY, AND BATH OIL		

U.S. Registration No.	1472777	Application Date	12/15/1986
Registration Date	01/19/1988	Foreign Priority Date	NONE
Word Mark	NINA NINA RICCI		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1983/11/15 First Use In Commerce: 1986/07/24 PERFUMES; COLOGNE; EAU DE TOILETTE; [ESSENTIAL OILS FOR USE IN THE MANUFACTUREOF PERFUMES;] AND BATH AND TOILET PRODUCTS, NAMELY, TOILET SOAP, [SPARKLING BATH SOAP, FOAMING SOAP, BATH OIL,] BODY CREAM, [DUSTING POWER]		

U.S. Registration No.	923259	Application Date	08/12/1970
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Registration Date	11/02/1971	Foreign Priority Date	NONE
Word Mark	NINA RICCI		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1935/00/00 First Use In Commerce: 1935/00/00 [WOMEN'S HOSIERY, LINGERIE, BRASSIERES, AND GIRDLES; SHOES, HATS,] SCARVES AND TIES		

U.S. Registration No.	1751360	Application Date	05/22/1992
Registration Date	02/09/1993	Foreign Priority Date	NONE
Word Mark	NINA RICCI		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1932/00/00 First Use In Commerce: 1959/00/00 outer garments; namely, gowns, dresses,skirts, blouses, slacks, coats and rain-coats		

U.S. Registration No.	2859297	Application Date	07/31/2001
Registration Date	07/06/2004	Foreign Priority Date	NONE
Word Mark	NINA RICCI		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1935/00/00 First Use In Commerce: 1935/00/00 bathing suits, bathrobes, beach coverups, [berets,] bermuda shorts, blazers, blouses, body suits, boleros, bow ties, boxer shorts, brassieres, briefs, bustiers, camisoles, capes, cardigans, chemises, corsets, cuffs, dressing gowns, evening gowns, footwear, foundation garments, fur stoles, fur jackets, fur coats, lingerie, garter belts, gloves, halter tops,[hats], hosiery, jackets, jeans, jerseys, [kimonos,] knit shirts, leggings, miniskirts, mufflers, neckerchiefs, neckties, negligees, night shirts, pants, pantsuits, [parkas,] polo shirts, ponchos, pullovers, overcoats, quilted vests, [rainwear,] leather jackets, leather coats, [sarongs,] scarves, shawls, shoes, shirts, [golf shirts,] slacks, [sleepwear,] socks, [sport coats,] sport shirts, stockings, suits, sweatshirts, sweat suits, sweaters, T-shirts, tank tops, teddies, ties, tights, top coats, trousers, tunics, turtlenecks, [tuxedos,] underwear, veils, suits, vests, and wraps		

Attachments	73635314#TMSN.png(bytes) 76292782#TMSN.png(bytes) CRICCI Notice of Opposition.pdf(68990 bytes)
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Signature	/brooks r. bruneau/
Name	Brooks R. Bruneau
Date	02/01/2017

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

NINA RICCI	:	OPPOSITION NO.:
and	:	
PUIG FRANCE,	:	Application No. 87030571
Opposers,	:	Mark: CRICCI
v.	:	Class 25
LI CUNSHENG,	:	Published: October 4, 2016
Applicant.	:	
	:	

NOTICE OF OPPOSITION

Nina Ricci, a Société à Responsabilité Limitée of France, with a business address of 39, avenue Montaigne, Paris France F-75008, and PUIG France, a Société Par Actions Simplifiée of France, 65-67 avenue des Champs Elysées Paris, France 75008 (hereinafter both collectively referred to as “Opposers”) believe they will be damaged by the registration of the mark CRICCI for “Clothing layettes; Coats; Girdles; Hats; Hosiery; Jackets; Leather coats; Neckties; Outer jackets; Overcoats; Shirts; Shoes; Suits; Trousers; Underwear” and all the goods listed in Class 25 and as set forth in U.S. Trademark Application Serial No. 87030571, filed May 10, 2016 and published October 4, 2016, and oppose said application. As grounds for this Opposition it is alleged that:

1. Prior to the May 10, 2016 filing date of the CRICCI trademark application, Opposers established rights in, and registered, the following United States Trademarks:

MARK	REGISTRATION NO.	CLASS
NINA RICCI	563573	3
NINA RICCI	947699	3
NINA NINA RICCI	1472777	3
NINA RICCI	923259	25
NINA RICCI	1751360	25
NINA RICCI	2859297	25

2. The above listed trademarks and registrations are hereinafter collectively referred to as “NINA RICCI Marks”.

3. Opposers’ rights in the NINA RICCI Marks were first registered on September 2, 1952, and use of the NINA RICCI trademark dates back to at least as early as 1935 in connection with clothing.

4. Opposers’ rights in its NINA RICCI Marks are registered in classes 3 and 25, and extend into other related goods and services based upon continuous use in U.S. commerce prior to January 10, 2016.

5. There is no doubt as to seniority in this case. Opposers’ use of the NINA RICCI Marks in connection with the Class 25 and Class 3 products predate Applicant’s claimed dates of first use by over eight decades.

6. Despite alleging use of the CRICCI mark in U.S. commerce in connection with all the goods listed in Application Serial No. 87030571, Applicant did not have use or genuine use of the CRICCI mark in U.S. commerce in connection with all of the goods listed in Application Serial No. 87030571 at time of filing that application.

7. The examples of use submitted to the United States Trademark Office by the Applicant with a Declaration signed under 18 U.S.C. Section 1001, are not examples of actual use of the mark in U.S. commerce as asserted by Applicant.

COUNT ONE
Non-Use of the Mark with all the Goods
And
False Application Declaration

8. Opposers repeat and reallege the statements and allegations set forth above as if fully set forth in this Count.

9. Applicant did not have use of the its CRICCI mark in U.S. commerce on all the goods listed in U.S. Application Serial No. 87030571 at the time of filing the application.

10. At the time of filing Application Serial No. 87030571, Applicant knew that it did not have any genuine and valid use of the CRICCI mark in connection with all the goods listed in the Class 25 application.

11. The Applicant knowingly submitted the application to misrepresent and deceive the United States Trademark Office into believing there had been use of the CRICCI mark in U.S. commerce in connection with all the listed goods listed in the pending application.

12. Application Serial No. 87030571 is void ab initio for false statements made regarding use of the mark in U.S. commerce in the Application Declaration signed under 18 U.S.C. Section 1001:

Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. § 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant is using the mark in commerce on or in connection with the goods/services in the application; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e), the applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature: /LI CUNSHENG/ Date Signed: 05/10/2016

Signatory's Name: LI CUNSHENG

Signatory's Position: Owner

13. In the alternative, application Serial No. 87030571 should be denied under

Trademark Act Section 1 for lack of genuine and bona fide use in U.S. commerce, and/or mere token use of the CRICCI mark in connection with any or all the listed goods in the pending application in violation of the Declaration signed with the application.

COUNT TWO

Likelihood of Confusion and False Connection

14. Opposers repeat and reallege the statements and allegations set forth above as if fully set forth in this Count.

15. The commercial impression created by Applicant's CRICCI mark is that of a variation of the NINA RICCI Marks or a direct reference to the NINA RICCI Marks.

16. Because the Applicant's CRICCI mark is so similar to Opposers' NINA RICCI Marks and/or looks like a variation of the NINA RICCI Marks in terms of sight, sound and connotation, registration of Applicant's mark is likely to cause confusion, mistake or deception among consumers as to the source of Applicant's goods, and is likely to suggest an association, affiliation or sponsorship of said goods between Applicant and Opposers, causing damage to Opposers. Moreover, any faults, disappointments, complaints or other dissatisfaction a consumer might experience with the goods of Applicant offered under the CRICCI mark would inure to the detriment of Opposers. As such, Applicant is not entitled to registration pursuant to Trademark Act Section 2(d).

17. Additionally, the similarity between Applicant's CRICCI mark and the NINA RICCI Marks of Opposers is so close that CRICCI is easily mistaken for NINA RICCI and that CRICCI creates a false suggestion of a connection between Applicant and Opposers when used in connection with goods in Class 25.

18. Opposers assert that the CRICCI mark sought to be registered is a close approximation of the NINA RICCI Marks and name previously registered and used by Opposers.

19. The CRICCI mark would be recognized as a close approximation of the NINA RICCI Marks and name use by Opposers, and the mark CRICCI would be recognized as that close approximation such that consumers are likely to recognize the CRICCI mark as pointing unmistakably to Opposers and the NINA RICCI Marks.

20. Opposers are not connected to or affiliated with the Applicant, Applicant's activities or Applicant's CRICCI mark.

21. The reputation of Opposers and of the NINA RICCI Marks is of such a nature that a connection between Applicant and Opposers would be presumed by consumers when Applicant's mark is used with the Class 25 goods listed in the pending application.

22. Accordingly, Applicant's CRICCI mark falsely suggests a common connection with Opposers and the NINA RICCI Marks in violation of Lanham Act Section 2(a), and is therefore not entitled to registration.

WHEREFORE, Opposers request that the Board sustain this Opposition and refuse registration to Application Serial No. 87030571.

Respectfully submitted:

**NINA RICCI
PUIG FRANCE**

Dated: February 1, 2017

By: /Brooks R. Bruneau/
Brooks R. Bruneau
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CERTIFICATE OF ELECTRONIC FILING

I hereby certify this Notice of Opposition was electronically filed with the
Trademark Trial and Appeal Board this 1st day of February, 2017.

/Brooks R. Bruneau/

(Signature)

February 1, 2017

(Date of Signature)

SERVICE BY THE BOARD

Pursuant to 37 CFR Section 2.105 the Trademark Trial and Appeal Board shall prepare a notice of institution, which shall identify the proceeding as an opposition, number of the proceeding, and the application(s) involved; and the notice shall designate a time, not less than thirty days from the mailing date of the notice, within which an answer must be filed.