

ESTTA Tracking number: **ESTTA897810**

Filing date: **05/18/2018**

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	Christos Acquisition, LLC		
Entity	Limited Liability Company	Citizenship	New York
Address	318 West 39th Street, 6th Floor New York, NY 10018 UNITED STATES		

Attorney information	Robert L. Epstein Epstein Drangel LLP 60 East 42nd Street, Suite 2520 New York, NY 10165 UNITED STATES Email: mail@ipcounselors.com Phone: 212-292-5390
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Applicant Information

Application No	87712324	Publication date	05/15/2018
Opposition Filing Date	05/18/2018	Opposition Period Ends	06/14/2018
Applicant	Christos Dovas New York Corp. 445 Park avenue 9th FL New York, NY 10022 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Retail stores featuring clothing, evening wear, bridal wear and accessories, fashion accessories, handbags, hats, boleros, shoes, jewelry, cosmetics; Wholesalestore services featuring clothing, evening wear, bridal wear and accessories, fashion accessories, handbags, hats, boleros, shoes, jewelry, cosmetics

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2486465	Application Date	02/10/1998
Registration Date	09/11/2001	Foreign Priority Date	NONE
Word Mark	CHRISTOS		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1984/08/00 First Use In Commerce: 1984/08/00 WEDDING GOWNS, BRIDAL VEILS AND HEADPIECES

Attachments	Notice of Opposition 87712324.pdf(355726 bytes)
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Signature	/Robert L. Epstein/
Name	Robert L. Epstein
Date	05/18/2018

Robert L. Epstein
EPSTEIN DRANGEL LLP
60 East 42nd Street, Suite 2520
New York, NY 10165
Tel: 212-292-5390
Fax: 212-292-5391
E-Mail: mail@ipcounselors.com
Attorney for Opposer

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

_____	x	
	:	
CHRISTOS ACQUISITION, LLC	:	
	:	
Opposer,	:	Opposition No.
	:	
v.	:	
	:	
	:	
CHRISTOS DOVAS NEW YORK	:	
	:	
Applicant.	:	
_____	x	

NOTICE OF OPPOSITION

In the matter of U.S. Trademark Application Serial No. 87712324, Christos Acquisition, LLC, a Limited Liability Company organized and existing under the laws of New York and located and doing business at 318 West 39th Street, New York, NY 10018, (hereinafter, “Opposer”), believes that it is or will be damaged by the registration of the trademark CHRISTOS DOVAS NEW YORK (hereinafter, “Applicant’s Mark”), in International Class 35, as reflected in U.S. Trademark Application Serial No. 87712324, in the name of Christos Dovas New York, a New York corporation, whose address is 445 Park Ave., New York, NY 10022

(hereinafter, “Applicant”), and hereby opposes the same in International Class 35.

As grounds for its opposition, Opposer, by and through its undersigned attorney alleges as follows:

1. Christos Yiannakou was an internationally famous wedding gown designer born in Cyprus.

2. From 1984 until his retirement in 2005, Christos Yiannakou designed and sold wedding apparel under the CHRISTOS trademark in the United States and throughout the world.

3. In 2005, Opposer acquired ownership of Christos Inc., the company owned by Christos Yiannakou, including the U.S. and worldwide rights to the trademark CHRISTOS.

4. Opposer is associated with the famous wedding gown designer Amsale Aberra and Opposer is currently a division of The Amsale Group, one of the world’s leading bridal apparel suppliers.

5. As a result of extensive and continuous use of the CHRISTOS trademark in U.S. and worldwide commerce for over thirty years, the CHRISTOS trademark has become a famous trademark, particularly in the wedding apparel industry, first associated with Mr. Yiannakou and his company, and more recently with Ms. Aberra and The Amsale Group, as representing the best designed and highest quality garments and accessories in the bridal industry, and related retail and wholesale store services.

6. Opposer is the owner of all rights, title, and interest in and to the trademark CHRISTOS (hereinafter, “Opposer’s Mark”) for wedding gowns, bridal veils and headpieces and related goods and accessories, as well as related retail and wholesale store services (hereinafter, “Opposer’s Goods and Services”).

7. Opposer has expended vast amounts of time, effort, and money in developing,

advertising and publicizing Opposer's Goods and Services, and Opposer's Mark.

8. Since long prior to any date in which Applicant can rely, Opposer has continuously used in U.S. and worldwide commerce Opposer's Mark for Opposer's Goods and Services.

9. Opposer's Mark has become famous and is a distinctive indicator of the origin of Opposer's Goods and Services, and is an extremely valuable symbol of Opposer's goodwill.

10. In addition to Opposer's common law rights, Opposer owns U.S. Trademark Registration No. 2,486,465, issued September 11, 2001, of CHRISTOS for wedding gowns, bridal veils and headpieces. U.S. Trademark Registration No. 2,486,465 has become incontestable. A print-out of Opposer's registration from the electronic database records of the United States Patent and Trademark Office (hereinafter, "USPTO") is attached hereto as **Exhibit A**.

11. Notwithstanding Opposer's prior rights in and to Opposer's Mark, Applicant filed with the USPTO Application Serial No. 87712324 on December 7, 2017 to register Applicant's Mark (hereinafter "Applicant's Application") for Retail stores featuring clothing, evening wear, bridal wear and accessories, fashion accessories, handbags, hats, boleros, shoes, jewelry, cosmetics; Wholesale store services featuring clothing, evening wear, bridal wear and accessories, fashion accessories, handbags, hats, boleros, shoes, jewelry, cosmetics (hereinafter "Applicant's Services").

12. Upon information and belief, Applicant was aware of Opposer's Mark and Opposer's Goods and Services before it filed Applicant's Application.

13. There is no issue of priority as the filing date of Applicant's Application and any alleged dates of first use in commerce of Applicant's Mark are subsequent to Opposer's filing date, Opposer's registration date, and the actual date of use in commerce of Opposer's Mark, individually and collectively.

14. Opposer has been harmed, and continues to be harmed, by Applicant's Application.

COUNT ONE
(Likelihood of Confusion)

15. Opposer repeats and re-alleges each and every allegation set forth in the foregoing paragraphs as though fully set forth herein.

16. Opposer's Mark CHRISTOS is identical to the first word of Applicant's Mark CHRISTOS DOVAS NEW YORK in sound, appearance, meaning, and/or commercial impression, and so similar to Applicant's Mark CHRISTOS DOVAS NEW YORK as a whole in sound, appearance, meaning, and/or commercial impression, in view of Applicant being located in New York and rendering retail and wholesale store services in New York, as to be likely to cause confusion, mistake or deception as to the source of origin or sponsorship of the goods and services for which the marks are used or are intended to be used on or in connection with.

17. Applicant's Mark is likely to cause the mistaken belief that Applicant's Services originate with, are sponsored by, and/or are otherwise affiliated with Opposer.

18. Applicant's Services, as set forth in Applicant's Application, are the same as, similar to or commercially related to Opposer's Goods and Services, are or will be offered to the same general class of purchasers and are or will be rendered through the same or similar channels of trade in which Opposer's Goods and Services are or will be sold or rendered.

19. Applicant's Mark is a colorable imitation or misappropriation of Opposer's Mark and will enable Applicant to unfairly benefit from Opposer's reputation by trading on the goodwill of Opposer's business as symbolized by Opposer's Mark.

20. Applicant's Mark is likely to cause irreparable loss, injury and damage to Opposer's business and to the extensive goodwill and reputation associated with Opposer's Mark.

COUNT TWO
(Dilution)

21. Opposer repeats and re-alleges each and every allegation set forth in the foregoing paragraphs as though fully set forth herein.

22. Before the filing date of Applicant's Application, Opposer's Mark had acquired distinctiveness and a high degree of consumer recognition and, as a result of the long and continuous use of the same by Opposer and by Opposer's predecessor, has become famous.

23. Upon information and belief, the registration or commercial use of Applicant's Mark will cause, or is likely to cause, dilution of the distinctive quality of Opposer's Mark and would thereby diminish the capacity of Opposer's Mark to identify and distinguish Opposer's Goods and Services from the goods and services of others.

WHEREFORE, Opposer believes it will be damaged by the registration of Applicant's Mark for Applicant's Services, in International Class 35, as set forth in Applicant's Application, and as such respectfully requests that the present opposition be sustained and registration of Applicant's Mark be denied.

EPSTEIN DRANGEL, LLP

Dated: May 18, 2018

By: / Robert L. Epstein /
Robert L. Epstein
60 East 42nd Street, Suite 2520
New York, NY 10165
Tel: 212-292-5390
Fax: 212-292-5391
E-Mail: mail@ipcounselors.com
Attorney for Opposer

EXHIBIT A



[Trademarks](#) > **Trademark Electronic Search System (TESS)**

TESS was last updated on Fri May 18 03:47:02 EDT 2018

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Record 1 out of 1

[TSDR](#) | [ASSIGN Status](#) | [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark CHRISTOS
Goods and Services IC 025. US 022 039. G & S: WEDDING GOWNS, BRIDAL VEILS AND HEADPIECES. FIRST USE: 19840800. FIRST USE IN COMMERCE: 19840800
Mark Drawing Code (1) TYPED DRAWING
Serial Number 75431745
Filing Date February 10, 1998
Current Basis 1A
Original Filing Basis 1A
Published for Opposition June 19, 2001
Registration Number **2486465**
International Registration Number 1024067
Registration Date September 11, 2001
Owner (REGISTRANT) CHRISTOS INC. CORPORATION NEW YORK 241 WEST 37TH STREET NEW YORK NEW YORK 10018
(LAST LISTED OWNER) CHRISTOS ACQUISITION, LLC LIMITED LIABILITY COMPANY NEW YORK 318 West 39th Street, 6th Floor NEW YORK NEW YORK 10018
Assignment Recorded ASSIGNMENT RECORDED
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20100920.
Renewal 1ST RENEWAL 20100920
Live/Dead Indicator LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)

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[STATUS](#) [DOCUMENTS](#) [MAINTENANCE](#)

[Back to Search](#)

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Mark: CHRISTOS

No Image exists for this case.

US Serial Number: 75431745

Application Filing Date: Feb. 10, 1998

US Registration Number: 2486465

Registration Date: Sep. 11, 2001

Register: Principal

Mark Type: Trademark

TM5 Common Status

LIVE/REGISTRATION/Issued and Active

Descriptor:



The trademark application has been registered with the Office

Status: The registration has been renewed.

Status Date: Sep. 20, 2010

Publication Date: Jun. 19, 2001

Mark Information

Mark Literal Elements: CHRISTOS

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

International Registration [1024067](#)
Number:

International Application(s) [A0018014/1024067](#)
/Registration(s) Based on
this Property:

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and

- Asterisks *.* identify additional (new) wording in the goods/services.

For: WEDDING GOWNS, BRIDAL VEILS AND HEADPIECES

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 1984

Use in Commerce: Aug. 1984

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amei

Filed ITU: No

Currently ITU: No

Ame

Filed 44D: No

Currently 44D: No

Amei

Filed 44E: No

Currently 44E: No

Amei

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: CHRISTOS ACQUISITION, LLC

Owner Address: 318 West 39th Street, 6th Floor
NEW YORK, NEW YORK UNITED STATES 10018

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: NEW YORK

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent C. ONEILL BROWN

Name/Address: CHRISTOS ACQUISITION, LLC
318 WEST 39TH STREET
6TH FLOOR
NEW YORK, NEW YORK UNITED STATES 10018

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 20, 2010	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	73376
Sep. 20, 2010	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Sep. 16, 2010	TEAS SECTION 8 & 9 RECEIVED	
Mar. 31, 2008	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	73376
Mar. 12, 2008	ASSIGNED TO PARALEGAL	73376

Mar. 06, 2008	TEAS SECTION 8 & 15 RECEIVED	
Feb. 05, 2007	CASE FILE IN TICRS	
Sep. 11, 2001	REGISTERED-PRINCIPAL REGISTER	
Jun. 19, 2001	PUBLISHED FOR OPPOSITION	
Jun. 06, 2001	NOTICE OF PUBLICATION	
Feb. 09, 2001	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 19, 1999	LETTER OF SUSPENSION MAILED	
Oct. 15, 1999	ASSIGNED TO EXAMINER	73289
Oct. 15, 1999	ASSIGNED TO EXAMINER	72623
Oct. 15, 1999	ASSIGNED TO EXAMINER	73289
Sep. 23, 1999	ASSIGNED TO EXAMINER	73289
Sep. 18, 1998	NON-FINAL ACTION MAILED	
Sep. 18, 1998	ASSIGNED TO EXAMINER	72623
Sep. 16, 1998	ASSIGNED TO EXAMINER	72623
Sep. 11, 1998	ASSIGNED TO EXAMINER	60785

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Sep. 11, 2011

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Sep. 20, 2010

Assignment Abstract Of Title Information

Summary

[Convey](#)

Total Assignments: 2

Registrant: CHRISTOS INC.

Assignment 1 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [3194/0467](#)

Pages: 4

Date Recorded: Nov. 15, 2005

Supporting Documents: [assignment-tm-3194-0467.pdf](#)

Assignor

Name: [CHRISTOS INC.](#)

Execution Date: Oct. 15, 2005

Legal Entity Type: CORPORATION

State or Country Where Organized: NEW YORK

AssigneeName: [CHRISTOS ACQUISITION, LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: NEW YORK

Address: 347 WEST 39TH STREET
SUITE 11
NEW YORK, NEW YORK 10018**Correspondent**

Correspondent Name: MARC D. LEVE

Correspondent Address: 111 WEST 40TH STREET 33RD FLOOR
SILVERBERG STONEHILL & GOLDSMITH, P.C.
NEW YORK, NY 10018**Domestic Representative - Not Found****Assignment 2 of 2**

Conveyance: SECURITY INTEREST

Reel/Frame: [3434/0672](#)

Pages: 10

Date Recorded: Nov. 28, 2006

Supporting Documents: [assignment-tm-3434-0672.pdf](#)**Assignor**Name: [CHRISTOS ACQUISITION, LLC](#)

Execution Date: Nov. 22, 2006

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: NEW YORK

AssigneeName: [ROSENTHAL & ROSENTHAL, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: NEW YORK

Address: 1370 BROADWAY
NEW YORK, NEW YORK 10018**Correspondent**

Correspondent Name: ROBIN E. SILVERMAN

Correspondent Address: 437 MADISON AVENUE
NEW YORK, NY 10022**Domestic Representative - Not Found****Proceedings****Summary**

Party type

Proceedings

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91238866](#)

Filing Date: Dec 15, 2017

Status: Terminated

Status Date: Apr 10, 2018

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Kostarellos Christos

Correspondent Address: MATTHEW D ASBELL
LADAS & PARRY LLP
1040 AVENUE OF THE AMERICAS
NEW YORK NY UNITED STATES , 10018

Correspondent e-mail: nyustmp@ladas.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CHRISTOS COSTARELLOS	Abandoned - After Inter-Partes Decision	79177017	

Plaintiff(s)

Name: Christos Acquisition, LLC

Correspondent Address: ROBERT L EPSTEIN
EPSTEIN DRANGEL LLP
60 EAST 42ND STREET, SUITE 2520
NEW YORK NY UNITED STATES , 10165

Correspondent e-mail: mail@ipcounselors.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CHRISTOS	Renewed	75431745	2486465

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 15, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 10, 2018	Feb 19, 2018
3	PENDING, INSTITUTED	Jan 10, 2018	
4	NOTICE OF DEFAULT	Mar 01, 2018	
5	BD DECISION: SUSTAINED	Apr 10, 2018	
6	TERMINATED	Apr 10, 2018	

Type of Proceeding: Opposition

Proceeding Number: [91117779](#)

Filing Date: Feb 17, 2000

Status: Terminated

Status Date: Dec 13, 2000

Interlocutory Attorney: PETER W CATALDO

Defendant

Name: CHRISTOPHER CHRONIS DESIGNS PTY. LTD.

Correspondent Address: DAVID EHRLICH

FROSS ZELNICK LEHRMAN & ZISSU, P.C.
866 UNITED NATIONS PLAZA
NEW YORK NY UNITED STATES , 10017

Associated marks

Mark	Application Status	Serial Number	Registration Number
CHRISTOS	Abandoned - After Inter-Partes Decision	75385079	

Plaintiff(s)

Name: CHRISTOS INC.

Correspondent Address: JAMES R. GUERETTE
LOEB & LOEB LLP
345 PARK AVENUE 18TH FLOOR
NEW YORK NY UNITED STATES , 10154

Associated marks

Mark	Application Status	Serial Number	Registration Number
CHRISTOS	Renewed	75431745	2486465

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 17, 2000	
2	NOTICE SENT; TRIAL DATES RESET; ANSWER DUE	Apr 11, 2000	May 21, 2000
3	PENDING, INSTITUTED	Apr 11, 2000	
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	May 19, 2000	
5	NOTICE OF DEFAULT	Sep 14, 2000	
6	BOARD'S DECISION: SUSTAINED	Dec 13, 2000	
7	TERMINATED	Dec 13, 2000	