

ESTTA Tracking number: **ESTTA1027037**

Filing date: **01/06/2020**

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	THE HUT.COM Limited
Granted to Date of previous extension	01/05/2020
Address	5TH Floor, Voyager House Chicago Avenue Manchester Airport Manchester, M90 3DQ UNITED KINGDOM
Party who filed Extension of time to oppose	CHRISTOPHE ROBIN
Relationship to party who filed Extension of time to oppose	THE HUT.COM Limited has acquired rights in and to the trademark CHRISTOPHE ROBIN.

Attorney information	WILLIAM C. WRIGHT EPSTEIN DRANGEL LLP 60 EAST 42ND STREET, SUITE 2520 NEW YORK, NY 10165 UNITED STATES mail@ipcounselors.com 212-292-5390
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Applicant Information

Application No	87750531	Publication date	07/09/2019
Opposition Filing Date	01/06/2020	Opposition Period Ends	01/05/2020
Applicant	Williams-Sonoma, Inc. 3250 Van Ness Avenue San Francisco, CA 94109 UNITED STATES		


Goods/Services Affected by Opposition

Class 003. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: bath oils, non-medicated skin care lotions and oils, fragrance oils, namely, aromatic oils, potpourri, essential oils for use in aromatherapy
Class 004. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: scented candles, tea light candles, candles

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.	3637479	Application Date	02/12/2008
Registration Date	06/16/2009	Foreign Priority Date	NONE
Word Mark	CHRISTOPHE ROBIN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2000/06/30 First Use In Commerce: 2000/06/30 Hair conditioning shampoo, hair shampoo; hair conditioning oil and conditioning-mask Class 024. First use: First Use: 0 First Use In Commerce: 0 [Bath and household linens] Class 025. First use: First Use: 0 First Use In Commerce: 0 [Bathrobes]		

Attachments	77394663#TMSN.png(bytes) NOO ROBIN REST RENEWAL.pdf(448326 bytes)
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Signature	/WILLIAM C. WRIGHT/
Name	WILLIAM C. WRIGHT
Date	01/06/2020

William C. Wright
EPSTEIN DRANGEL LLP
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New York, NY 10165
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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**

THE HUT.COM,
Opposer,

v.

Williams-Sonoma, Inc.,
Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

In the matter of U.S. Trademark Application Serial No. 87750531, THE HUT.COM Limited, a UK private limited company having its principal place of business at 5TH Floor, Voyager House Chicago Avenue, Manchester Airport, Manchester, M90 3DQ, United Kingdom (hereinafter, “Opposer”), believes that it is or will be damaged by the registration of the trademark



(hereinafter, “Applicant’s Mark”), as reflected in U.S. Trademark Application Serial No. 87750531, in the name of Williams-Sonoma, Inc., a corporation organized and existing under the laws of the State of Delaware, with an address of 3250 Van Ness Avenue, San Francisco, California 94109 (hereinafter, “Applicant”), and hereby opposes the same.

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

1. Opposer has acquired rights in and to the trademark CHRISTOPHE ROBIN.
2. Opposer's predecessor in interest has worked with some of the biggest names in Hollywood and fashion, including Catherine Deneuve, Linda Evangelista, Tilda Swinton, Elle Macpherson, Claudia Schiffer, John Galliano, and Yves Saint Laurent, among others.
3. Opposer's predecessor in interest has also worked with L'Oréal Paris as a colorist creator and new product formulator.
4. Opposer's predecessor in interest has developed a line of cosmetic and hair products ("Goods"). Opposer's Goods are highly acclaimed and sold worldwide.
5. Opposer's Goods bear the mark CHRISTOPHE ROBIN.
6. Opposer is the owner of all rights, title, and interest in and to CHRISTOPHE ROBIN as a trademark (hereinafter, "Opposer's Mark") for Opposer's Goods.
7. Opposer, by and through its predecessor in interest, has expended vast amounts of time, effort, and money in developing, advertising and publicizing the sale of Opposer's Goods and Opposer's Mark.
8. Since long prior to any date in which Applicant can rely, Opposer, through its predecessor in interest, has continuously used in commerce Opposer's Mark for Opposer's Goods.
9. Opposer's Mark is a distinctive indicator of the origin of Opposer's Goods and is an extremely valuable symbol of Opposer's goodwill.
10. In addition to Opposer's common law rights, Opposer owns the incontestable U.S. registration of the mark CHRISTOPHE ROBIN, Reg. No. 3637479. A print-out of said 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, on January 10, 2018, Applicant filed an application with the USPTO for Applicant’s Mark, Serial No. 87750531, for “*bath oils, non-medicated skin care lotions and oils, fragrance oils, namely, aromatic oils, potpourri, essential oils for use in aromatherapy*” in Class 3 and “*scented candles, tea light candles, candles*” in Class 4 (hereinafter, “Application” and “Applicant’s Goods”, respectively).

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

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

14. Opposer has been harmed, and continues to be harmed, by the 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. Applicant’s Mark is so similar to Opposer’s Mark in sound, appearance, meaning, and/or commercial impression as to be likely to cause confusion, mistake or deception as to the source of origin or sponsorship of the goods 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 Goods originate with, are sponsored by, and/or are otherwise affiliated with Opposer.

18. Applicant’s Goods, as set forth in the Application, are the same as or similar to Opposer’s Goods, are or will be offered for sale to the same general class of purchasers and are or

will be sold through the same or similar channels of trade in which Opposer's Goods are or will be sold.

19. Applicant's Mark is a colorable imitation or misappropriation of Opposer's Mark and will enable Applicant to reap where it has not sown 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.

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

Dated: January 6, 2020

EPSTEIN DRANGEL, LLP
By: / William C. Wright /
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EXHIBIT A



United States Patent and Trademark Office

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CHRISTOPHE ROBIN

Word Mark	CHRISTOPHE ROBIN
Goods and Services	IC 003. US 001 004 006 050 051 052. G & S: Hair conditioning shampoo, hair shampoo; hair conditioning oil and conditioning mask. FIRST USE: 20000630. FIRST USE IN COMMERCE: 20000630 (CANCELLED) IC 024. US 042 050. G & S: [Bath and household linens] (CANCELLED) IC 025. US 022 039. G & S: [Bathrobes]
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77394663
Filing Date	February 12, 2008
Current Basis	1A;44E
Original Filing Basis	1A;1B
Published for Opposition	December 23, 2008
Registration Number	3637479
Registration Date	June 16, 2009
Owner	(REGISTRANT) ROBIN, CHRISTOPHE INDIVIDUAL FRANCE 34 quai Henri IV Paris FRANCE 75004
Attorney of Record	William C. Wright
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20190403.
Renewal	1ST RENEWAL 20190403

**Live/Dead
Indicator**

LIVE

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BULK DATA: Since May 7 at 12 a.m., the TSDR Application Programming Interface (API) has not included all information. Images of trademark registration certificates issued since July 2016 and some office actions are absent in the API. Customers who need to retrieve a copy of a registration certificate or an office action should download it directly from the TSDR documents tab.

INTERMITTENT SYSTEM ISSUES: Due to high-volume usage, you may experience intermittent issues on the Trademark Status and Document Retrieval (TSDR) system between 6 – 8 a.m. ET. Refreshing your web browser should resolve the issue. If you still need assistance accessing a document, email teas@uspto.gov and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

STATUS **DOCUMENTS** **MAINTENANCE**

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Mark: CHRISTOPHE ROBIN

CHRISTOPHE ROBIN

US Serial Number: 77394663

Application Filing Date: Feb. 12, 2008

US Registration Number: 3637479

Registration Date: Jun. 16, 2009

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: Apr. 03, 2019

Publication Date: Dec. 23, 2008

Mark Information

Mark Literal Elements: CHRISTOPHE ROBIN

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Foreign Information

Foreign Registration Number: 005819982

Foreign Registration Date: Jun. 03, 2008

Foreign Application/Registration Country: EUROPEAN UNION

Foreign Expiration Date: Oct. 04, 2017

Goods and Services

Note:

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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: Hair conditioning shampoo, hair shampoo; hair conditioning oil and conditioning mask

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 05

Class Status: ACTIVE

Basis: 1(a) 44(e)

First Use: Jun. 30, 2000

Use in Commerce: Jun. 30, 2000

For: [Bath and household linens]

International Class(es): 024 - Primary Class

U.S Class(es): 042, 050

Class Status: SECTION 8 - CANCELLED

Basis: 1(a) 44(e)

For: [Bathrobes]

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: SECTION 8 - CANCELLED

Basis: 1(a) 44(e)

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44E: Yes

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: ROBIN, CHRISTOPHE

Owner Address: 34 quai Henri IV
Paris FRANCE 75004

Legal Entity Type: INDIVIDUAL

Citizenship: FRANCE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: William C. Wright

Docket Number: 2585-500US

Attorney Primary Email mail@ipcounselors.com

Attorney Email Authorized: Yes

Address:

Correspondent

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Correspondent Name/Address: William C. Wright
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Domestic Representative

Domestic Representative Name: William C. Wright

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Domestic Representative e-mail: mail@ipcounselors.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Apr. 03, 2019	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Apr. 03, 2019	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	74272
Apr. 03, 2019	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	74272
Apr. 03, 2019	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	74272
Mar. 04, 2019	TEAS SECTION 8 & 9 RECEIVED	
Jun. 16, 2018	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
May 13, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Apr. 28, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Apr. 28, 2015	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	73376
Apr. 28, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	73376
Apr. 15, 2015	TEAS SECTION 8 & 15 RECEIVED	
Jun. 16, 2009	REGISTERED-PRINCIPAL REGISTER	
May 08, 2009	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
Jan. 12, 2009	EXTENSION OF TIME TO OPPOSE RECEIVED	
Dec. 23, 2008	PUBLISHED FOR OPPOSITION	
Dec. 03, 2008	NOTICE OF PUBLICATION	
Nov. 19, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	71441
Nov. 19, 2008	ASSIGNED TO LIE	71441
Nov. 14, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 24, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Oct. 24, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 24, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 22, 2008	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 22, 2008	NON-FINAL ACTION E-MAILED	6325

May 22, 2008	NON-FINAL ACTION WRITTEN	77300
May 22, 2008	ASSIGNED TO EXAMINER	77300
Feb. 15, 2008	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Apr. 03, 2019

Assignment Abstract Of Title Information - None recorded

Proceedings

Summary

Party type

Proceedings

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91245280](#)

Filing Date: Dec 12, 2018

Status: Pending

Status Date: Dec 13, 2018

Interlocutory Attorney: LAWRENCE (LARRY) T STANLEY

Defendant

Name: Williams-Sonoma, Inc.

Correspondent Address: ANTHONY J MALUTTA
KILPATRICK TOWNSEND & STOCKTON LLP
1100 PEACHTREE STREET, SUITE 2800, MAILSTOP IP DOCKETING 22
ATLANTA GA UNITED STATES , 30309

Correspondent e-mail: tmadmin@kilpatricktownsend.com , amalutta@kilpatricktownsend.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ROBIN	Opposition Pending	87978036	

Plaintiff(s)

Name: Christopher Robin

Correspondent Address: WILLIAM C WRIGHT
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
CHRISTOPHE ROBIN	REGISTERED AND	77394663	363747

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RENEWED

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 12, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 13, 2018	Jan 22, 2019
3	PENDING, INSTITUTED	Dec 13, 2018	
4	D MOT FOR EXT W/ CONSENT	Jan 22, 2019	
5	EXTENSION OF TIME GRANTED	Jan 22, 2019	
6	D MOT FOR EXT W/ CONSENT	Feb 21, 2019	
7	EXTENSION OF TIME GRANTED	Feb 21, 2019	
8	D MOT FOR EXT W/ CONSENT	Mar 25, 2019	
9	EXTENSION OF TIME GRANTED	Mar 26, 2019	
10	D MOT FOR EXT W/ CONSENT	Apr 19, 2019	
11	EXTENSION OF TIME GRANTED	Apr 19, 2019	
12	D MOT FOR EXT W/ CONSENT	May 22, 2019	
13	EXTENSION OF TIME GRANTED	May 22, 2019	
14	D MOT FOR EXT W/ CONSENT	Jun 21, 2019	
15	EXTENSION OF TIME GRANTED	Jun 21, 2019	
16	ANSWER	Jul 22, 2019	

Type of Proceeding: Extension of Time

Proceeding Number: [77394663](#)

Filing Date: Jan 12, 2009

Status: Terminated

Status Date: May 08, 2009

Interlocutory Attorney:

Defendant

Name: ROBIN, CHRISTOPHE

Correspondent Address: DERMOT M. SHERIDAN
 EPSTEIN DRANGEL BAZERMAN & JAMES, LLP
 60 E 42ND ST RM 820
 NEW YORK NY UNITED STATES , 10165-0808

Associated marks

Mark	Application Status	Serial Number	Registration Number
CHRISTOPHE ROBIN	REGISTERED AND RENEWED	77394663	3637479

Potential Opposer(s)

Name: Disney Enterprises, Inc.

Correspondent Address: David M. Kelly
 Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
 901 New York Avenue, N.W.
 Washington DC UNITED STATES , 20001-4413

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Correspondent e-mail: david.kelly@finnegan.com , dj.underwood@finnegan.com , docketing@finnegan.com

Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Jan 12, 2009	
2	EXTENSION OF TIME GRANTED	Jan 12, 2009	

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