

ESTTA Tracking number: **ESTTA1137659**

Filing date: **06/02/2021**

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	DOLCE & GABBANA TRADEMARKS, S.R.L.		
Entity	SocietÃ a responsabilitÃ limitat	Citizenship	Italy
Address	VIA GOLDONI, 10 MILAN, 20129 ITALY		
Attorney information	JASON L DEFRANCESCO HILL WALLACK LLP 21 ROSZEL RD. PRINCETON, NJ 08540 UNITED STATES Primary Email: jdefrancesco@hillwallack.com Secondary Email(s): ipdocket@hillwallack.com No phone number provided.		
Docket Number			

Applicant Information

Application No.	90024489	Publication date	05/11/2021
Opposition Filing Date	06/02/2021	Opposition Period Ends	06/10/2021
Applicant	AALISHAN EXPORTS 26 A RAMAKRISHNAPURAM, KARUR, TAMIL NADU KARUR, 639001 INX		

Goods/Services Affected by Opposition


Class 024. First Use: 2018/09/19 First Use In Commerce: 2018/09/19 All goods and services in the class are opposed, namely: Kitchen Linen; Table Linen; Bed Linen; Bedding, namely, bed sheets, duvets, mattress pads, comforters, protector, namely, bed covers, mattress cover; quilts, bedspreads, dust ruffles, shams, throws, bed blankets, Towels, Tea towels, Beach towels; Textile fabrics, namely, terry towels, washcloths and kitchen towels; Tablecloths of textiles; Table napkins of textiles; Window curtains; Fabric windowcoverings and treatments, namely, curtains, draperies, sheers, swags and valances; Shower curtains; Travelling rugs

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
No use of mark in commerce before application or amendment to allege use was filed	Trademark Act Sections 1(a) and (c)

Dilution by blurring	Trademark Act Sections 2 and 43(c)
Dilution by tarnishment	Trademark Act Sections 2 and 43(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)
Fraud on the USPTO	In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

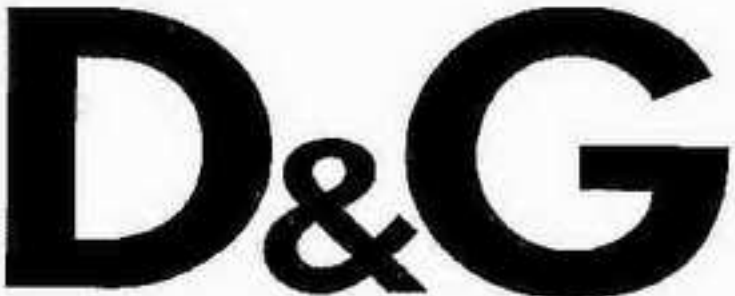
Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	5647919	Application Date	05/22/2018
Registration Date	01/08/2019	Foreign Priority Date	NONE
Word Mark	DOLCE & GABBANA		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 008. First use: First Use: 0 First Use In Commerce: 0 Hand tools, namely, levers and pruners, hand operated implements, namely, cutlery; side arms not including firearms, namely, hunting knives; razors</p> <p>Class 011. First use: First Use: 0 First Use In Commerce: 0 Apparatus for lighting, namely, lighting fixtures and tracks; apparatus for heating, namely, heating installations; apparatus for steam generating, namely, steam generators; apparatus for cooking, namely, gas and electric stoves; refrigerating apparatus in the nature of refrigerators; apparatus for drying in the nature of clothes drying machines, ventilating apparatus, namely, ventilation hoods; water supply apparatus, namely, water fountains; and apparatus for sanitary purposes, namely, sanitary installations in the nature of steam rooms</p> <p>Class 020. First use: First Use: 0 First Use In Commerce: 0 Furniture, mirrors, picture frames; goods in the nature of draw pulls, ornaments, plaques, statues and sculptures all made of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics</p> <p>Class 021. First use: First Use: 0 First Use In Commerce: 0 Household utensils, namely, spatulas, kitchen utensils, namely, kitchen tongs and containers for household use; combs and cleaning sponges; brushes, namely, cleaning brushes for household use; brush-making materials, namely, filaments; articles for cleaning purposes, namely, steelwool; unworked or semi-worked glass except glass used in building; beverage glassware, figurines of porcelain and earthenware</p> <p>Class 022. First use: First Use: 0 First Use In Commerce: 0 Ropes, string, nets, namely, fishing nets, commercial nets, and smoked,</p>		

	<p>seasoned stocking net for holding meat during curing, tents, awnings, tarpaulins, sails, sacks and bags for the transportation or storage of materials in bulk; padding and stuffing materials except of rubber or plastics; raw fibrous textile materials</p> <p>Class 024. First use: First Use: 0 First Use In Commerce: 0 Textiles, namely, textile fabric for making clothing and household furnishings, and textile goods, not included in other classes, namely, bed and table covers</p> <p>Class 027. First use: First Use: 0 First Use In Commerce: 0 Carpets, rugs, mats and matting, linoleum and other materials, namely, hard surface covering all for covering existing floors; non-textile wall hangings</p>
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U.S. Registration No.	3964224	Application Date	03/01/2010
Registration Date	05/24/2011	Foreign Priority Date	NONE


Word Mark	D&G
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Design Mark	
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Description of Mark	The mark consists of "D&G" in stylized letters.
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Goods/Services	<p>Class 003. First use: First Use: 0 First Use In Commerce: 0 Perfumes and cosmetics; lipsticks, bathfoams; essential oils for personal use, tanning oils, mascara, creamy foundation, foundation make-up in cream form, eyeliners, soaps for personal use, cold creams, vanishing creams, shaving creams, anti-wrinkle creams, nail varnish, nail polish, tooth pastes, skin lotions, hair lotions, eye shadow, deodorants for personal use, liquid soaps, aftershave lotions, beauty masks, cotton sticks and wool for cosmetics purposes, eyebrow pencils, hair waving preparations, hair colorants spray, make up powder, make up removing preparations, shampoos, talcum powder</p> <p>Class 009. First use: First Use: 0 First Use In Commerce: 0 Eyeglasses; sunglasses; eyeglass frames; lenses for sunglasses and eyeglasses; contact lenses; eyeglass cases; eyeglass chains; timers</p> <p>Class 014. First use: First Use: 0 First Use In Commerce: 0 Wristwatches, pocket watches; alarm clocks; digital clocks; watch cases; watch chains; watch glasses; watch straps; chronographs for use as timepieces; jewelry and costume jewelry</p> <p>Class 018. First use: First Use: 0 First Use In Commerce: 0 Leather articles, namely, tote bags; handbags; suitcases; wallets; briefcases; traveling trunks; key cases of leather; leather traveling cases for clothing; umbrellas; walking sticks; rucksacks; saddlery; furs</p>
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	<p>Class 025. First use: First Use: 0 First Use In Commerce: 0 Clothing, namely, coats, mantles, raincoats, overcoats, greatcoats, dusters, fur cloaks, fur coats and jackets, fur hats, fur muffs, fur stoles, dresses, suits, suits made of leather, skirts, jackets, knitwear, namely, knit jackets, knitted caps, knitted gloves, and polo knit tops, trousers, shorts sets, Bermuda shorts, jeans, waistcoats, shirts, t-shirts, tops, blouses, jerseys, sweaters, vests, blazers, cardigans, stockings, socks, underwear, dressing gowns, corsets, brassiere, underpants, night-gowns, shifts, pajamas, singlets, garters, petticoats, bathrobes, bathing suits, beach-wraps, sun suits, sport overalls, sport jackets, ski pants, waterproof clothing, namely, coats, blazers, jackets, trench coats, and rain suits, wind-resistant jackets, anoraks, sweatsuits, ties, neckties, scarves, shawls, mufflers, foulards, caps, hats, hoods, gloves, sashes, belts; footwear, beach footwear, athletic footwear, boots, shoes and slippers</p>
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U.S. Registration No.	3983305	Application Date	03/01/2010
Registration Date	06/28/2011	Foreign Priority Date	NONE
Word Mark	DOLCE & GABBANA		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 003. First use: First Use: 0 First Use In Commerce: 0 Perfumes and cosmetics; lipsticks, bathfoams; essential oils for personal use, tanning oils, mascara, creamy foundation, foundation make-up in cream form, eyeliners, soaps for personal use, cold creams, vanishing creams, shaving creams, anti-wrinkle creams, nail varnish, nail polish, tooth pastes, skin lotions, hair lotions, eye shadow, deodorants for personal use, liquid soaps, aftershave lotions, beauty masks, cotton sticks and wool for cosmetics purposes, eyebrow pencils, hair waving preparations, hair colorants spray, make up powder, make up removing preparations, shampoos, talcum powder</p> <p>Class 009. First use: First Use: 0 First Use In Commerce: 0 Eyeglasses; sunglasses; eyeglass frames; lenses for sunglasses and eyeglasses; contact lenses; eyeglass cases; eyeglass chains; timers</p> <p>Class 014. First use: First Use: 0 First Use In Commerce: 0 Wristwatches, pocket watches; alarm clocks; digital clocks; watch cases; watch chains; watch glasses; watch straps; chronographs for use as timepieces; jewelry and costume jewelry</p> <p>Class 018. First use: First Use: 0 First Use In Commerce: 0 Leather articles, namely, tote bags; handbags; suitcases; wallets; briefcases; traveling trunks; key cases of leather; leather traveling cases for clothing; umbrellas; walking sticks; rucksacks; saddlery; furs</p> <p>Class 025. First use: First Use: 0 First Use In Commerce: 0 Clothing, namely, coats, mantles, raincoats, overcoats, greatcoats, dusters, fur</p>		


	cloaks, fur coats and jackets, fur hats, fur muffs, fur stoles, dresses, suits, suits made of leather, skirts, jackets, knitwear, namely, knit jackets, knitted caps, knitted gloves, and polo knit tops, trousers, shorts sets, Bermuda shorts, jeans, waistcoats, shirts, t-shirts, tops, blouses, jerseys, sweaters, vests, blazers, cardigans, stockings, socks, underwear, dressing gowns, corsets, brassiere, under-pants, night-gowns, shifts, pajamas, singlets, garters, petticoats, bathrobes, bathing suits, beach-wraps, sun suits, sport overalls, sport jackets, ski pants, waterproof clothing, namely, coats, blazers, jackets, trench coats, and rain suits, wind-resistant jackets, anoraks, sweatsuits, ties, neckties, scarves, shawls, mufflers, foulards, caps, hats, hoods, gloves, sashes, belts; footwear, beach footwear, athletic footwear, boots, shoes and slippers
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U.S. Registration No.	2148585	Application Date	04/15/1996
Registration Date	04/07/1998	Foreign Priority Date	03/13/1996

Word Mark	DOLCE & GABBANA
Design Mark	DOLCE & GABBANA

Description of Mark	NONE
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Goods/Services	<p>Class 020. First use: First Use: 0 First Use In Commerce: 0 [furniture; metal furniture; plastic furniture; office furniture; school furniture; wardrobes; divans; tables; armchairs; chairs; beds; mattresses; pillows; bedside tables; sideboards; wood and plastic ladders; umbrella stands,] ((non-metal key rings;)) [magazine racks;] ((non-metal clothes hooks;)) [head rest pillows; garden furniture; camping furniture; mirrors; picture frames; wood, cane, reed, wicker, horn, bone, ivory, whalebone, coral, cork, shell, amber, mother of pearl and meerschaum figures, figurines, statues and statuettes; raw or semi-worked ivory; kitchen cabinets and medicine cabinets; hand fans;] ((jewel boxes not of precious metal; non-metal bottle caps and closures;)) [metal container sealing; letter boxes not in metal or in brickwork; non-metal curtain rods and rings]</p> <p>Class 021. First use: First Use: 0 First Use In Commerce: 0 [utensils and containers for domestic and kitchen use in general, namely, pots, dishes, drinking glasses, napkin holders ((not of precious metal)), toothpick holders ((not of precious metal)); toilet utensils in general, namely, tooth-brushes, hair and cleaning combs, hair and pot cleaning brushes, sponges, soap dishes, soap dispensers; cleaning instruments and materials in general, namely, brooms, non-electric carpet sweepers, cleaning rags, buckets, basins, hand operated coffee grinders, hand operated peppermills; unworked or semi-worked glass, namely, pressed glass, opaline glass; articles made of glass, porcelain and majolica, namely, glass beverage ware, pots, flower pots, jars, jugs, figurines; bottles sold empty; flower pot holders]</p> <p>Class 022. First use: First Use: 0 First Use In Commerce: 0 [raw textile fibres; ropes; strings; nets; tents; tarpaulins; camping tents; sacks for the transportation or storage of material in bulk; padding materials not of rubber or plastic]</p> <p>Class 024. First use: First Use: 0 First Use In Commerce: 0 textiles in general, namely, brocades, cotton fabrics, diapered linen, linen cloth, flannel, rayon, silk, taffeta, tulle and velvet fabrics; woolen cloth; chiffon; elastic fabrics; textile fabrics of imitation animal skins; fiberglass fabrics for textile use;</p>
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	adhesive fabrics for application by heat for clothing articles and curtains; textile or plastic material curtains; [tapestry wall hanging and upholstery textiles; flags (not of paper); bed blankets and linens; table cloths; household linens; bath linens; textile handkerchiefs; textile handkerchiefs to remove makeup] fabrics for boots and shoes		
U.S. Registration No.	5940748	Application Date	10/02/2018
Registration Date	12/24/2019	Foreign Priority Date	07/25/2018
Word Mark	DG		
Design Mark			
Description of Mark	The mark consists of the stylized "DG" within the center of a framed heart, having a blazing torch centered thereabove at the top of the heart, whereby the outer perimeter of the frame is crusted with half circle shapes and finger-like projections extending therefrom.		
Goods/Services	<p>Class 003. First use: First Use: 0 First Use In Commerce: 0 Cosmetics; perfumes; perfumes in solid form; antiperspirants as toiletries; non-medicated soap; non-medicated liquid soap; cakes of toilet soap; bath foam; dentifrices; shampoos; essential oils; hairlotions; permanent waving and hair curling preparations; cosmetics in the form of gels; tints for the hair; face creamsfor cosmetic purposes; mascara; eyeliner; eyeshadow; make-up pencils; sun bronzers; lipsticks; foundation; cosmetic body creams; nail polish; preparations for reinforcing the nails; nail varnish removers; cosmetic oils; suntan creams</p> <p>Class 009. First use: First Use: 0 First Use In Commerce: 0 Eyeglasses; sunglasses; eyeglass frames; sunglass lens; contact lenses; eyeglass cases; eyeglass chains; optical inspection apparatus and optical receivers andtransmitters; cases adapted for computers; cases adapted for mobile phones; leather cases for mobile phones; mobile telephone cases made of leather or imitations of leather; leather cases for smartphones; leather cases for tablet computers; bags adapted for laptops; carrying cases for cellular phones; electronic book reader covers; cases for spectacles and sunglasses; cases for smartphones; casesfor tablet computers; cases for telephones; camcorder covers; flip covers for tablet computers; mobile telephone coversmade of cloth or</p>		

textile materials; covers for tablet computers; flip covers for smart phones; tablet computers; cellular phones; cell phone straps; hands-free headsets for cell phones; headsets for mobile telephones; wireless headsets for use with cellular phones; cases adapted for cellular phones; flip covers for mobile phones; universal serial bus cables; USB chargers; downloadable e-books in the field of fashion; smartwatches; waterproof cases for smart phones; smartglasses; smart-phones in the shape of a watch; wearable smart phones; smartbands, namely, smartwatch bands; smartphones

Class 014. First use: First Use: 0 First Use In Commerce: 0
Wristwatches; pocket watches; alarm clocks; digital clocks; watch cases being parts of watches; watch chains; watch glasses; watch bands; chronographs for use as watches; jewellery; paste jewellery

Class 018. First use: First Use: 0 First Use In Commerce: 0
Leatherware, namely, travelling bags; all purposes carrying bags; handbags; clutches as purses; suitcases; pocket wallets; leather purses; purses; school bags; document cases of leather; travelling trunks; key-cases of leather and skins; vanity cases, not fitted; garment carriers, namely, garment bags for travel; rucksacks; umbrellas; walking sticks; saddlery

Class 025. First use: First Use: 0 First Use In Commerce: 0
Clothing, namely, coats, mantles, raincoats, dresses, suits, skirts, jackets, trousers, jeans, waistcoats, shirts, T-shirts, blouses, jerseys, sweaters, pullovers, blazers, cardigans, sports jackets, wind-resistant jackets; bath robes; bathing suits; belts as clothing; neckties; scarfs; gloves as clothing; underwear; pajamas; nightgowns; stockings; tights; shawls; sashes for wear; footwear; headwear

U.S. Registration No.	5816265	Application Date	10/02/2018
Registration Date	07/30/2019	Foreign Priority Date	07/25/2018
Word Mark	DG		
Design Mark			
Description of Mark	The mark consists of the stylized representation of a heart, featuring a stylized tied ribbon design near its top-center, and flowery designs lining its outer border,		


	with the literal element "DG" in the center of the heart.
Goods/Services	<p>Class 003. First use: First Use: 0 First Use In Commerce: 0 Cosmetics; perfumes; perfumes in solid form; antiperspirants in the nature of toilettries; non-medicated bar soap; non-medicated liquid soap; cakes of toilet soap; bath foam; dentifrices; shampoos; essential oils; hair lotions; permanent waving and hair curling preparations; cosmetics in the form of gels; tints for the hair, namely, hair color; face creams for cosmetic purposes; mascara; eye-liner; eyeshadow; make-up pencils; sun bronzers in the nature of skin bronzer; lipsticks; foundation; cosmetic body creams; nail polish; nail care preparations for reinforcing the nails; nail varnish removers; cosmetic oils; suntan creams</p> <p>Class 009. First use: First Use: 0 First Use In Commerce: 0 Eyeglasses; sunglasses; eyeglass frames; lens in the nature of eyeglass lenses; contact lenses; eyeglass cases; eyeglass chains; optical inspection apparatus and optical receivers, and transmitters of electronic signals; cases adapted for computers; cases adapted for mobile phones; leather cases for mobile phones; mobile telephone cases made of leather or imitations of leather; leather cases for smartphones; leather cases for tablet computers; bags adapted for laptops; carrying cases for cellular phones; electronic book reader covers; cases for spectacles and sunglasses; cases for smartphones; cases for tablet computers; cases for telephones; camcorder covers; flip covers for tablet computers; mobile telephone covers made of cloth or textile materials; covers for tablet computers; flip covers for smart phones; tablet computers; cellular phones; cell phone straps; hands-free headsets for cell phones; headsets for mobile telephones; wireless headsets for use with cellular phones; cases adapted for cellular phones; flip covers for mobile phones; universal serial bus (USB) cables; USB battery chargers; downloadable e-books in the field of fashion; smartwatches; waterproof cases for smart phones; smartglasses; smartphones in the shape of a watch; wearable smart phones; smartbands, namely, armbands specially adapted for personal electronic devices, namely, smartphones; smartphones</p> <p>Class 014. First use: First Use: 0 First Use In Commerce: 0 Wristwatches; pocket watches; alarm clocks; digital clocks; watch cases, namely, cases adapted for holding watches; watch chains; jewellery; paste jewellery</p> <p>Class 018. First use: First Use: 0 First Use In Commerce: 0 Leatherware, including travelling bags; travelling bags; handbags; clutches in the nature of purses; suitcases; pocket wallets; leather purses; purses; school bags; document cases of leather; travelling trunks; key-cases of leather and skins; vanity cases, not fitted; garment carriers in the nature of garment bags for travel; rucksacks; umbrellas; walking sticks; saddlery</p> <p>Class 025. First use: First Use: 0 First Use In Commerce: 0 Clothing, namely, coats, mantles, raincoats, dresses, suits, skirts, jackets, trousers, jeans, waistcoats, shirts, T-shirts, blouses, jerseys, sweaters, pullovers, blazers, cardigans, sports jackets, wind-resistant jackets; bath robes; bathing suits; belts in the nature of clothing; neckties; scarfs; gloves in the nature of clothing; underwear; pajamas; nightgowns; stockings; tights; shawls; sashes for wear; footwear; headwear</p>

U.S. Registration No.	3108433	Application Date	06/28/2004
Registration Date	06/27/2006	Foreign Priority Date	NONE
Word Mark	D&G		

Design Mark	
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Description of Mark	NONE
Goods/Services	<p>Class 003. First use: First Use: 1999/00/00 First Use In Commerce: 1999/00/00 Perfumes, solid perfumes [, personal deodorants, soaps for personal use; liquid-soaps, toilet soaps, bath foams,] [toothpastes, shampoos, essential oils for personal use, hair lotions,] [hair gels, bath gels,] [styling gels, hair dyes,] [face creams, eye-liners, eye shadows, make up pencils, face earth, lipsticks, fond de teint, body creams] [, nail polishes, nail hardeners, nail polish removers, tanning oils and creams]</p> <p>Class 009. First use: First Use: 1998/00/00 First Use In Commerce: 1998/00/00 Spectacles, sunglasses, spectacle frames, spectacle lenses, spectacle cases [,contact lenses]</p> <p>Class 014. First use: First Use: 2001/00/00 First Use In Commerce: 2001/00/00 Watches, clocks, wristwatches, [table clocks, pocket watches,] alarm clocks, digital clocks, waterproof clocks, watchcases, [watch chains,] watch crystals and lenses, watch bands, chronographs for use as a watch, jewelry articles and costume jewelry articles</p> <p>Class 018. First use: First Use: 2004/06/28 First Use In Commerce: 2004/06/28 Tote bags, book bags and shoulder bags, handbags, suitcases, briefcases, purses, [document cases,] hand purses, key cases, traveling trunks, leather and imitation of hides and leather sold in bulk, [parasols,] umbrellas, [walking sticks, harnesses and other saddlery articles]</p> <p>Class 025. First use: First Use: 2004/06/28 First Use In Commerce: 2004/06/28 Clothing for men, women and children namely suits made of leather, shirts, blouses, skirts, jackets, trousers, shorts, vests, jerseys, pajamas, stockings, singlets, corsets, garters, pants, petticoats, hats, scarves, neckties, raincoats, overcoats, greatcoats, bathing suits, sport overalls, wind-resistant jackets, skipants, belts, fur coats, fur hats, dressing gowns, footwear namely slippers, shoes, sports shoes and boots</p>

U.S. Registration No.	2598761	Application Date	03/08/2000
Registration Date	07/23/2002	Foreign Priority Date	NONE
Word Mark	D&G DOLCE GABBANA		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 014. First use: First Use: 2000/02/00 First Use In Commerce: 2001/06/04 WATCHES, CLOCKS, WRISTWATCHES, TABLE CLOCKS, POCKET WATCHES, ALARM CLOCKS, DIGITAL CLOCKS, WATERPROOF CLOCKS, WATCH CASES, WATCH CHAINS, WATCH CRYSTALS AND LENSES, WATCH BANDS, CHRONOGRAPHS FOR USE AS A WATCH, JEWELRY ARTICLES, AND COSTUMEJEWELRY ARTICLES

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	DG, D&G and DOLCE & GABBANA		
Goods/Services	manufacturing, advertising and retail of kitchen linens; table linens; bed linen; bedding; quilts, bedspreads, shams, throws, bed blankets, towels; textiles; textile fabrics; tablecloths; napkins; curtains; window coverings and treatments; Shower curtains; rugs; clothing; housewares; bags; cosmetics; jewelry; utensils; eyewear; cosmetics; soap		

Attachments	87930816#TMSN.png(bytes) 77947474#TMSN.png(bytes) 77947061#TMSN.png(bytes) 75088143#TMSN.png(bytes) 79252182#TMSN.png(bytes) 79253428#TMSN.png(bytes) 76599454#TMSN.png(bytes) 75938268#TMSN.png(bytes) NOOP DG Collections.pdf(202312 bytes)
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Signature	/jdefrancesco/
Name	Jason L DeFrancesco
Date	06/02/2021

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

In re application no. 90024489
Mark: DG COLLECTIONS
Published in Official Gazette May 11, 2021

DOLCE & GABBANA TRADEMARKS,
S.R.L.,

Opposer,

v.

AALISHAN EXPORTS M. MARIMUTHU,

Applicant.

Opposition No.: _____

**NOTICE OF OPPOSITION
PURSUANT TO 15 U.S.C. § 1063**

In the matter of trademark application Serial No. 90024489 filed by Applicant, AALISHAN EXPORTS M. MARIMUTHU, for registration of a confusingly similar mark for “Kitchen Linen; Table Linen; Bed Linen; Bedding, namely, bed sheets, duvets, mattress pads, comforters, protector, namely, bed covers, mattress cover; quilts, bedspreads, dust ruffles, shams, throws, bed blankets, Towels, Tea towels, Beach towels; Textile fabrics, namely, terry towels, washcloths and kitchen towels; Tablecloths of textiles; Table napkins of textiles; Window curtains; Fabric window coverings and treatments, namely, curtains, draperies, sheers, swags and valances; Shower curtains; Travelling rugs” (“Applicant’s Goods”) as published in the Official Gazette May 11, 2021, Opposer, DOLCE & GABBANA

TRADEMARKS, S.R.L. (DOLCE & GABBANA) believes it will be damaged by registration, and hereby opposes same.

Grounds therefore are as follows,

1. DOLCE & GABBANA is a società a responsabilità limitata organized and existing according to the laws of Italy with an address at Via Goldoni, 10, Milan, Italy, 20129 (“Opposer”).
2. AALISHAN EXPORTS M. MARIMUTHU, a citizen of India SOLE PROPRIETORSHIP INDIA with an address at 26 A RAMAKRISHNAPURAM, KARUR, Tamil nadu KARUR INDIA 639001 (“Applicant”).
3. On June 28, 2020, Applicant filed Application Serial No. 90024489 for registration of Applicant’s Mark on the USPTO Principal Register for Applicant’s Goods (“Applicant’s Application”).
4. The mark in Applicant’s Application consists of stylized DG COLLECTIONS with COLLECTIONS disclaimed (“Applicant’s Mark”, wherein DG is the dominant portion of the mark).
5. At the time of filing Applicant’s Application, Applicant submitted a verification that swore to Applicant’s trademark use of Applicant’s Mark on all Applicant’s Goods.
6. At the time of filing Applicant’s Application however Applicant knowingly did not have trademark use of the Applicant’s Mark on all Applicant’s Goods. By representing to the contrary, Applicant made a material misstatement of fact with intention to mislead the

USPTO thereby committing fraud such that Applicant's Application is invalid and void *ab initio*.

7. To the extent Applicant had use of Applicant's Mark on Applicant's Goods, said use was not trademark use or Applicant ceased said use with no intention to resume to wit, Applicant's Mark abandoned, and Applicant's Application is invalid and void.

8. Opposer owns numerous common law and at law trademarks, across a variety and constantly expanding classes of goods and services related but not limited to retail, manufacture and marketing of IC 024 goods including, shower curtains, textiles, textile fabric for making clothing and household furnishings, bed and table covers, brocades, cotton fabrics, diapered linen, linen cloth, flannel, rayon, silk, taffeta, tulle and velvet fabrics; woolen cloth; chiffon; elastic fabrics; textile fabrics of imitation animal skins; fiberglass fabrics for textile use; adhesive fabrics for application by heat for clothing articles and curtains; textile or plastic material curtains; tapestry wall hanging and upholstery textiles; flags; blankets and linens; table cloths; household linens; bath linens; textile handkerchiefs; textile handkerchiefs to remove makeup, fabrics for boots and shoes.

9. Opposer further owns numerous common law and at law trademarks, across a variety and constantly expanding classes of goods and services not limited to retail, manufacture and marketing of goods related to IC 024 and Applicant's Goods, including, kitchen effects, tools and appliances, napkins, tablecloths, carpets, rugs, mats and matting, linoleum and other materials, namely, hard surface covering all for covering existing floors; non-textile wall hangings, bathing suits, furniture, glassware, utensils, eyewear, cosmetics, soap, beachwear and related clothing.

10. Opposer’s use of Applicant’s Goods are marketed, sold and advertised under the Opposers name DOLEC & GABBANA and letters D G, including variations thereof. Consumers associate DG in the relevant market as being consistent with, related to, associated with or same as surnames “Dolce” and “Gabbana,” the owners–designers and founders of Applicant (i.e., DOLCE & GABBANA, DOLCE and GABBANA), which is similarly associated with D G in written and spoken form (collectively, “Opposer’s Mark”).

In addition to common law rights, Opposer’s Mark is further subject to several trademarks registered on the Principal Register of the USPTO, including,

MARK	No.	GOODS/SERVICES
DOLCE & GABBANA	5647919	Textiles, namely, textile fabric for making clothing and household furnishings, and textile goods, not included in other classes, namely, bed and table covers; Household utensils, namely, spatulas, kitchen utensils, namely, kitchen tongs and containers for household use; combs and cleaning sponges; brushes, namely, cleaning brushes for household use; brush-making materials, namely, filaments; articles for cleaning purposes, namely, steelwool; unworked or semi-worked glass except glass used in building; beverage glassware, figurines of porcelain and earthenware; raw fibrous textile materials
D&G	3964224	Clothing, namely, coats, mantles, raincoats, overcoats, greatcoats, dusters, fur cloaks, fur coats and jackets, fur hats, fur muffs, fur stoles, dresses, suits, suits made of leather, skirts, jackets, knitwear, namely, knit jackets, knitted caps, knitted gloves, and polo knit tops, trousers, shorts sets, Bermuda shorts, jeans, waistcoats, shirts, t-shirts, tops, blouses, jerseys, sweaters, vests, blazers, cardigans, stockings, socks, underwear, dressing gowns, corsets, brassiere, underpants,

MARK	No.	GOODS/SERVICES
		night-gowns, shifts, pajamas, singlets, garters, petticoats, bathrobes, bathing suits, beach-wraps, sun suits, sport overalls, sport jackets, ski pants, waterproof clothing, namely, coats, blazers, jackets, trench coats, and rain suits, wind-resistant jackets, anoraks, sweatsuits, ties, neckties, scarves, shawls, mufflers, foulards, caps, hats, hoods, gloves, sashes, belts; footwear, beach footwear, athletic footwear, boots, shoes and slippers
DOLCE & GABBANA	3983305	Clothing, namely, coats, mantles, raincoats, overcoats, greatcoats, dusters, fur cloaks, fur coats and jackets, fur hats, fur muffs, fur stoles, dresses, suits, suits made of leather, skirts, jackets, knitwear, namely, knit jackets, knitted caps, knitted gloves, and polo knit tops, trousers, shorts sets, Bermuda shorts, jeans, waistcoats, shirts, t-shirts, tops, blouses, jerseys, sweaters, vests, blazers, cardigans, stockings, socks, underwear, dressing gowns, corsets, brassiere, underpants, night-gowns, shifts, pajamas, singlets, garters, petticoats, bathrobes, bathing suits, beach-wraps, sun suits, sport overalls, sport jackets, ski pants, waterproof clothing, namely, coats, blazers, jackets, trench coats, and rain suits, wind-resistant jackets, anoraks, sweatsuits, ties, neckties, scarves, shawls, mufflers, foulards, caps, hats, hoods, gloves, sashes, belts; footwear, beach footwear, athletic footwear, boots, shoes and slippers
DOLCE & GABBANA	2148585	textiles in general, namely, brocades, cotton fabrics, diapered linen, linen cloth, flannel, rayon, silk, taffeta, tulle and velvet fabrics; woolen cloth; chiffon; elastic fabrics; textile fabrics of imitation animal skins; fiberglass fabrics for textile use; adhesive fabrics for application by heat for clothing articles and curtains; textile or plastic material curtains; [tapestry wall hanging and upholstery textiles; flags (not of paper); bed

MARK	No.	GOODS/SERVICES
		blankets and linens; table cloths; household linens; bath linens; textile handkerchiefs; textile handkerchiefs to remove makeup] fabrics for boots and shoes
DG	5940748	Leatherware, namely, travelling bags; all purposes carrying bags; handbags; clutches as purses; suitcases; pocket wallets; leather purses; purses; school bags; document cases of leather; travelling trunks; key-cases of leather and skins; vanity cases, not fitted; garment carriers, namely, garment bags for travel; rucksacks; umbrellas; walking staffs; saddlery; Clothing, namely, coats, mantles, raincoats, dresses, suits, skirts, jackets, trousers, jeans, waistcoats, shirts, T-shirts, blouses, jerseys, sweaters, pullovers, blazers, cardigans, sports jackets, wind-resistant jackets; bath robes; bathing suits; belts as clothing; neckties; scarfs; gloves as clothing; underwear; pajamas; nightgowns; stockings; tights; shawls; sashes for wear; footwear; headwear
DG	5816265	Leatherware, including travelling bags; travelling bags; handbags; clutches in the nature of purses; suitcases; pocket wallets; leather purses; purses; school bags; document cases of leather; travelling trunks; key-cases of leather and skins; vanity cases, not fitted; garment carriers in the nature of garment bags for travel; rucksacks; umbrellas; walking staffs; saddlery; Clothing, namely, coats, mantles, raincoats, dresses, suits, skirts, jackets, trousers, jeans, waistcoats, shirts, T-shirts, blouses, jerseys, sweaters, pullovers, blazers, cardigans, sports jackets, wind-resistant jackets; bath robes; bathing suits; belts in the nature of clothing; neckties; scarfs; gloves in the nature of clothing; underwear; pajamas; nightgowns; stockings; tights; shawls; sashes for wear; footwear; headwear

MARK	No.	GOODS/SERVICES
D&G	3108433	Tote bags, book bags and shoulder bags, handbags, suitcases, briefcases, purses, [document cases,] hand purses, key cases, traveling trunks, leather and imitation of hides and leather sold in bulk, [parasols,] umbrellas, [walking sticks, harnesses and other saddlery articles]; Clothing for men, women and children namely suits made of leather, shirts, blouses, skirts, jackets, trousers, shorts, vests, jerseys, pajamas, stockings, singlets, corsets, garters, pants, petticoats, hats, scarves, neckties, raincoats, overcoats, greatcoats, bathing suits, sport overalls, wind-resistant jackets, ski pants, belts, fur coats, fur hats, dressing gowns, footwear namely slippers, shoes, sports shoes and boots.
D&G DOLCE GABBANA	2598761	Watches, clocks, wristwatches, table clocks, pocket watches, alarm clocks, digital clocks, waterproof clocks, watch cases, watch chains, watch crystals and lenses, watch bands, chronographs for use as a watch, jewelry articles, and costume jewelry articles

(Goods and services subject to paragraph ¶¶ 8, 9, 10 and registrations therefore, collectively referred to as “Opposer’s Goods and Services”)

11. Opposer is now, and has been for many years prior to any lawful date that can be claimed by Applicant, engaged in the continuous use and sale of Opposer’s Goods and Services in interstate commerce under Opposer’s Mark, and Opposer has priority.

12. Opposer’s Goods and Services have been widely–advertised, promoted, offered for sale and sold throughout the world and interstate commerce under Opposer’s Mark and Opposer’s Mark has become distinctive and famous, long prior to any date as of the filing of Applicant’s Application or any other date that can be claimed by Applicant to offset same.

13. Applicant's Goods are identical, closely related and/or similar to Opposer's Goods and Services, are within Opposer's ever expanding natural progression of goods and services, and travel in the same channels of trade to the same consumer as Opposer.

14. Use of Applicant's Mark shall point uniquely and unmistakably to Opposer such that consumers who encounter Applicant's Mark will recognize Applicant's Mark as pointing uniquely and unmistakably to Opposer and Opposer's Mark.

15. Applicant's Mark is identical and/or substantially similar to Opposer's Mark such that use of Applicant's Mark is likely to cause confusion with Opposer and Opposer's Mark, use of which is without consent or permission of Opposer.

16. Applicant's Mark falsely suggests a connection with Opposer and Opposer's Mark and will bring Opposer into contempt or disrepute under Section 2(a) of the Lanham Act, 15 U.S.C. §1052(a).

17. Registration of Applicant's Mark will cause the relevant purchasing public to erroneously assume and thus be confused, misled, or deceived, into believing Applicant's Goods are made, licensed, controlled, sponsored, authorized or in some way connected, related or associated with Opposer in violation of Section 2(b) the Lanham Act, 15 U.S.C. § 1052(d).

18. The association that shall arise from the similarity between Applicant's Mark and Opposer's Mark will harm the reputation of Opposer and Opposer's Mark thereby resulting in dilution by tarnishment in violation of Section 43(c) of the Lanham Act, 15 U.S.C.

§1125(c). There is an overwhelming likelihood that this association will impugn Opposer's Goods and Services and injure its business reputation.

19. The association that shall arise from similarity between Applicant's Mark and Opposer's Mark will impair the distinctiveness of Opposer's Mark and result in dilution by blurring in violation of Section 43(c) of the Lanham Act, 15 U.S.C. §1125(c). There is an overwhelming likelihood that this association will impugn Opposer's Goods and Services and injure its business reputation.

20. Issuance of registration for Applicant's Mark shall create a false and misleading connection with the Opposer, all to the irreparable damage of the consumer, the Opposer and Opposer's Mark.

21. Issuance of registration for Applicant's Mark shall create a cloud on Opposer's right to use Opposer's Mark on or in association with Opposer's Goods and Services.

WHEREFORE, Opposer, DOLCE & GABBANA TRADEMARKS, S.R.L, prays registration of Application Serial No. 90024489 be denied and this Opposition sustained.

Dated: June 2, 2021

Respectfully submitted,
Hill Wallack LLP

By: /Jason DeFrancesco/
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via e-mail upon MEGHA B HOURASKAR <lstm@mdblawoffices.com> on June 2, 2021.

/Jason DeFrancesco/
Jason DeFrancesco