

ESTTA Tracking number: **ESTTA114826**

Filing date: **12/15/2006**

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	Stussy, Inc.		
Entity	Corporation	Citizenship	California
Address	17426 Daimler Street Irvine, CA 92614 UNITED STATES		
Attorney information	John R. Sommer John R. Sommer, Attorney-at-Law 17426 Daimler Street Irvine, CA 92614 UNITED STATES sommer@stussy.com Phone:949 752 5344		

Applicant Information

Application No	76242441	Publication date	11/28/2006
Opposition Filing Date	12/15/2006	Opposition Period Ends	12/28/2006
International Registration No.	NONE	International Registration Date	NONE
Applicant	SHIN, KYU HO 164-9, Samjeon-dong Songpa-ku, Seoul, KOREA, REPUBLIC OF		

Goods/Services Affected by Opposition

<p>Class 018. All goods and services in the class are opposed, namely: leather goods, trunks, bags and umbrellas, namely, portable cosmetic cases not filled with any contents; fur skin, namely, fur pelts; artificial fur skin, namely imitation fur pelts, non-precious materials purses, student's bags in the nature of backpacks, beach parasols, parasols, sticks for mountain-climbing, leather straps, namely, hand and shoulder carrying straps</p>
<p>Class 025. All goods and services in the class are opposed, namely: clothing, shoes and hats, namely, low shoes, sports anorak, horse riding pants, men's suits, jeogori, namely Korean jackets, sweater, hats, leather belts</p>

Attachments	Opposition.PDF (6 pages)(241863 bytes)
Signature	/John R. Sommer/
Name	John R. Sommer

Date	12/15/2006
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial No. 76/242,441
Published for Opposition in the OFFICIAL GAZETTE of November 28, 2006

STUSSY, INC., Opposer,	:	Opposition No.:
	:	
v.	:	
	:	
KYU HO SHIN, Applicant.	:	

NOTICE OF OPPOSITION

Stussy, Inc. (“Opposer”), a California corporation having its principal place of business at 17426 Daimler Street, Irvine, California 92614, believes it will be damaged by registration of the device mark SS shown in Serial No. 76/242,441 in International Class 18 and 25, filed by Kyu Ho Shin (“Applicant”), and hereby opposes the same.

As grounds for this Opposition, it is alleged:

1. On or about April 18, 2001, Applicant filed an intent to use application with the United States Patent and Trademark Office to register the SS device mark (consisting of two back-to-back letter “S”s)(hereinafter “Applicant’s Mark”) for “leather goods, trunks, bags and umbrellas, namely, portable cosmetic cases not filled with any contents; fur skin, namely, fur pelts; artificial fur skin, namely imitation fur pelts, non-precious materials purses, student's bags in the nature of backpacks, beach parasols, parasols, sticks for mountain-climbing, leather straps, namely, hand and shoulder carrying straps” in International Class 18 and for “clothing, shoes and hats, namely, low shoes, sports anorak, horse riding pants, men's suits, jeogori, namely Korean jackets, sweater, hats, leather belts” in International Class 25.

2. Previously Applicant filed its Application Serial Number 76/242556 for “covers of textile for furniture and household items, namely, covers for laundry machines, curtains of textile or plastic (except for shower curtains), television covers, piano covers, quilts, mattress covers, covers, bed blankets, bed covers, cushion covers; handkerchiefs of textile, towels of textile; silk fabric, cotton fabric, woolen cloth, artificial sweat fabric, embroidery fabric, synthetic fiber fabric, mixed hempen fabric, chemical fiber union cloth” in International Class 24; and for “Shoe accessories, namely, shoe hooks, shoe buckles, shoe ornaments (not of precious metal), laces (except for embroidered laces); hair ribbons, hair pins, barrettes; belt ornaments, namely, pins, spangles; buckles and brooches for clothing; ornamental ribbons, hair grips and hair bands; buttons, hooks and snaps for clothing” in International Class 26. Opposer filed an Opposition against such Application and such Application was abandoned thereafter.

2. Since at least as early as October 18, 1989, Opposer has been using the SS Link Mark (consisting of two back-to-back and interlocking letter “S”s) (hereinafter “SS Link Mark”) on a variety of goods and services as listed on the registrations listed below, among others goods and services:

<u>Class</u>	<u>Reg. No.</u>	<u>Reg. Date</u>	<u>Goods (partial list)</u>
06	2,426,975	02/06/01	Metal products
09	2,399,916	10/31/00	Sunglasses, CDs
14	2,515,116	12/04/01	Jewelry
16	2,450,863	05/15/01	Printed matter, stickers, etc.
18	2,343,524	04/18/00	Bags, luggage, etc.
19	California 105461	08/27/99	Foam and plastic signs
20	2,444,295	04/17/01	Signs
22	California 105994	02/02/00	Bags for storage
24	2,590,655	07/09/02	Labels
25	2,225,736	02/23/99	Clothing, headwear
26	2,450,864	05/15/01	Belt buckles
28	2,426,974	02/06/01	Toys

3. Specifically, Opposer is the owner of U.S. Registration No. 2,176,426 in International Class 18 and Reg. No. 2,225,736 in International Class 25, both for the SS Link Device. Both Registrations are incontestable within the meaning of Section 15.

4. There is no issue as to priority. Applicant's priority date for his intent-to-use application is the filing date, April 18, 2001. Opposer's priority dates for the registrations are: Class 18: first use: September 1, 1992 and filed June 16, 1999; Class 25: first use January 1, 1992 and filed January 6, 1998. Since long prior to Applicant's filing of the application for Applicant's Mark (no use of Applicant's Mark having been alleged by Applicant), Opposer has made substantial and continuous use of the SS Link Mark in interstate, foreign, and intrastate commerce on and in connection with the advertising, promotion, and sale of its goods, since as early as 1992.

5. By virtue of the aforesaid advertising, promotion, and sales, and by virtue of the excellence of its products, Opposer's SS Link Mark has come to represent exceedingly valuable goodwill owned by Opposer.

6. The goods on which Opposer uses its SS Link Mark and the goods for which Applicant seeks to register Applicant's Mark are closely related, if not identical, and are sold through the same channels of trade and to the same class of purchasers.

7. Opposer's SS Link Mark and Applicant's Mark are confusingly and substantially similar.

8. Use by Applicant of Applicant's Mark will be likely to cause confusion, mistake, or deception with Opposer's SS Link Mark, and result in the belief that Applicant or Applicant's goods are in some way legitimately connected with, sponsored by, or approved by Opposer,

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