

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.

2. Since at least as early as October 18, 1989, Opposer has been using the SS Link device 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 Nos. 2,590,655 in International Class 24, 2,225,736 in International Class 25, and 2,450,864 in International Class 26, all for the SS Link device. Attached hereto as Exhibit “A” are copies of these registrations.

4. There is no issue as to priority. Applicant’s priority date for his intent-to-use application is no earlier than the filing date of the application, April 18, 2001. Opposer’s priority dates for the registrations are: Class 24: August 4, 2000 (the date of first use is at least as early as August 1997); Class 25: January 6, 1998 (the date of first use is at least as early as January 1, 1992), and Class 26: March 2, 2000 (the date of first use is at least as early as 1989). 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 October 18, 1989.

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, resulting in damage and injury to Opposer. Persons familiar with Opposer's SS Link Mark would be likely to buy Applicant's goods as and for a product made and sold by Opposer. Any such confusion in trade inevitably would result in loss of sales to Opposer. Furthermore, any defect, objection, or fault found with Applicant's products marketed under Applicant's Mark would necessarily reflect upon and seriously injure the reputation that Opposer has established for its products merchandised under Opposer's SS Link Mark.

9. Any use Applicant has made or may make of Applicant's Mark, is and will be without Opposer's consent or permission.

10. Applicant has no good faith intention to use Applicant's Mark. Instead, Applicant filed and continues to prosecute this trademark application in bad faith, as is clear from a letter that Applicant wrote to Opposer on about May 9, 2002. Applicant sent the letter to Opposer (before Opposer even contacted Applicant). In Applicant's letter, Applicant proposes that "you [Opposer] and me together make a world first famous fashion masterpiece by grafting well the [Applicant's Mark] developed by me and the [Opposer's SS Link Mark] developed by your company." It is clear from Applicant's letter that:

- a. Applicant knew of Opposer's SS Link Mark prior to Applicant contacting Opposer;
- b. Applicant knew that Opposer's SS Link Mark and Applicant's Mark were, at least, confusingly similar. (Otherwise, why would Applicant contact Opposer?)
- c. Applicant is an unknown person ("anonymity like me"), but he demanded that Opposer give him a job: "If I and your company together make a merger company, I am confident to grow it without fail but into fashion company competent to raise sale record over one billion dollars per year with three or five years." If not, Applicant was "prepared to leave the company without lingering at any job position or title in that company." In other words, Applicant wanted a job and a salary from Opposer because Applicant had filed for a trademark (Applicant's Mark) that is a close copy of Opposer's SS Link Mark.

11. On August 6, 2002, Applicant sent a further letter to Opposer. In such letter, Applicant proposes the creation of a company that includes Opposer's trademarks. In exchange for Applicant's contribution of his applications and registrations for Applicant's Mark, Applicant proposes to take a twenty-five percent (25%) share in the company. This is extortion. Opposer is a long existing, internationally famous, and successful company that has sold about US\$500 million worth of products over the last twenty (20) years under the STUSSY mark and/or SS Link Mark. Applicant has no company and no business. Applicant has merely filed for variations on Opposer's famous SS Link Mark and now Applicant wants twenty-five percent (25%) of Opposer.

12. Applicant has no good faith intention to make trademark use of Applicant's Mark on each or any of the goods listed in the notice of publication for Applicant's Mark.

WHEREFORE, registration by Applicant of the aforesaid Applicant's Mark for the aforesaid goods will be damaging to Opposer, and Opposer therefore requests that the Opposition be sustained.

Opposer submits herewith the requisite \$300.00 filing fee. Please charge any additional fees or credit overpayment to Deposit Account No. 13-3735 .

Please address all correspondence to John R. Sommer, Esq., Attorney-at-Law, 17426 Daimler Street, Suite 200, Irvine, California 92614 and Matt J. Railo Esq. and Brian A. Ross, Esq., Mitchell Silberberg & Knupp LLP, 11377 West Olympic Boulevard, Los Angeles, California 90064-1683.

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