



TTAB

TRADEMARKS  
Atty. Docket No. 32895-29

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

Hugo Boss AG,  
Opposer,

v.

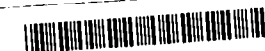
Gary E. Hoovestal,  
Applicant.

) Opposition No.: \_\_\_\_\_  
)  
)

) Serial No.: 76/355,349  
)

) Mark: **BOSS IN ALABAMA**  
)  
)

BOX TTAB  
Commissioner for Trademarks  
U.S. Patent and Trademark Office  
2900 Crystal Drive  
Arlington, Virginia 22201-3513



09-03-2003  
U.S. Patent & TMO/TM Mail Rcpt Dt. #11

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**NOTICE OF OPPOSITION**

Hugo Boss AG, a joint stock company organized under the laws of the Federal Republic of Germany, having a place of business at Dieselstrasse 12 D-72555, Metzingen, Federal Republic of Germany ("Opposer" or "Hugo Boss"), believes it will be damaged and injured by the registration of the mark BOSS IN ALABAMA for "entertainment services, namely, conducting awards programs to recognize achievement in the field of sporting events" in International Class 41, as shown in Application Serial No. 76/355,349, filed on January 3, 2002 by Gary E. Hoovestal (hereinafter "Applicant"), and published on January 21, 2003 at page TM 557 of the *Official Gazette for Trademarks*.

Opposer alleges, solely for the purpose of this proceeding, as grounds for opposition, the following:

1. Opposer is the owner of the following U.S. registrations and applications for the word mark **BOSS**: United States Registration Nos. 1,023,305, 1,429,737, 1,472,180, 1,512,402, 1,594,226, 1,933,326, 2,303,080, 2,429,018, 2,436,050, 2,517,600 and 2,543,152; and Application Serial Nos. 74/323,654, 76/300,389 and 76/343,767.

2. Opposer is also the owner of U.S. registrations and applications for **BOSS HUGO BOSS**, **HUGO BOSS** and many other marks containing **BOSS**. A complete list of all of Opposer's U.S. registrations and applications is set forth below:

<b>Marks</b>	<b>Registration Nos.</b>
BOSS	1,023,305
BOSS	1,429,737
BOSS	1,472,180
BOSS	1,512,402
BOSS	1,594,226
BOSS	1,933,326
BOSS	2,303,080
BOSS	2,429,018
BOSS	2,436,050
BOSS	2,517,600
BOSS	2,543,152
BOSS GOLF	2,654,602
HUGO BOSS	1,499,728
HUGO BOSS	1,515,181
HUGO BOSS	1,594,225
HUGO BOSS	1,624,938
HUGO BOSS	2,242,539
HUGO BOSS	2,256,567
HUGO BOSS	2,419,483
BOSS HUGO BOSS	1,531,899
BOSS HUGO BOSS	1,614,935
BOSS HUGO BOSS	2,508,270
BOSS HUGO BOSS (Stylized)	2,399,198
BOSS HUGO BOSS (Stylized)	2,590,289
BOSS HUGO BOSS (Stylized)	2,564,832
BOSS HUGO BOSS (Stylized)	2,698,987
BOSS HUGO BOSS (Stylized)	2,712,748
HUGO BOSS GOLF	2,560,780
HUGO HUGO BOSS (Stylized)	1,852,434
HUGO HUGO BOSS (Stylized)	1,853,427

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HUGO HUGO BOSS (Stylized)	1,853,630
HUGO HUGO BOSS (Stylized)	1,860,740
HUGO HUGO BOSS (Stylized)	1,864,791
HUGO HUGO BOSS (Stylized)	1,865,732
HUGO HUGO BOSS (Stylized)	1,873,861
HUGO HUGO BOSS (Stylized)	1,891,134
HUGO HUGO BOSS (Stylized)	2,031,802
HUGO HUGO BOSS (Stylized)	2,447,282
LADY BOSS	1,214,960
BOSS CREATION HUGO BOSS PARIS & Design	1,373,892
BALDESSARINI HUGO BOSS (Stylized)	1,928,978
BALDESSARINI HUGO BOSS (Stylized)	2,450,392

Marks	Application Nos.
BOSS	74/323,654
BOSS	76/300,389
BOSS	76/343,767
BOSS	76/367,198
BOSS HUGO BOSS	75/385,178
BOSS HUGO BOSS	76/300,390
BOSS HUGO BOSS	76/300,391
BOSS HUGO BOSS (Stylized)	76/343,768
BOSS HUGO BOSS (Stylized)	76/435,640
BOSS HUGO BOSS (Stylized)	76/501,849
BOSS AMERICA	74/346,232
BOSS WOMAN	76/435,252
HUGO HUGO BOSS	76/344,981
HUGO HUGO BOSS WOMAN	76/453,253
LADY BOSS	74/346,230
BALDESSARINI HUGO BOSS (Stylized)	76/343,769
BALDESSARINI HUGO BOSS (Stylized)	76/416,301

3. The family of **BOSS** marks consisting of the registrations and applications listed above in paragraphs 1 and 2 as well as additional marks used by Opposer to which it has common law rights are referred to hereinafter collectively as the “**BOSS Marks**.”

4. Opposer also owns numerous registrations for the **BOSS Marks** throughout the world.

5. Opposer's numerous U.S. trademark registrations and applications for the **BOSS** Marks cover clothing and vast range of other products and services including, but not limited to: retail store services, model vehicles, video games, jewelry, watches, CDs, tobacco products, stationery and desk items, leather goods, clocks, sports equipment, golf clubs, eyeglasses, towels and linens, mugs, shoes, personal care products, accessories, skin care products, sunglasses and luggage, among other premium quality consumer oriented products. Of note, Opposer produces a line of jeans called ALABAMA JEANS. See attached exhibit.

6. Opposer is one of the foremost designers, manufacturers and retailers of high-end fashions and related products in the United States and throughout the world. For over 30 years, since at least as early as 1970, Opposer, itself, has designed, manufactured, sold, distributed and marketed high-end fashion wear and related products in the United States under the **BOSS** Marks. Opposer and its predecessor(s)-in-interest have used some or all of the **BOSS** Marks in interstate commerce in the United States for more than 114 years.

7. The **BOSS** Marks are used prominently in advertising and on promotional materials, on promotional items, at promotional events, such as award programs, sporting and media events, on displays at retail stores, and on business stationery and business cards.

8. It is very common for fashion houses to license their trademarks for use on or in connection with a broad range of goods and services, in addition to clothing and fashion accessories. It is also common for fashion houses to expand use of their trademarks in connection with media events such as awards programs, sporting programs, charity events and the like.

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9. Thus, the fashion industry is closely tied to events such as those of Applicant, and consumers are accustomed to seeing designers' names used in connection with such events. Therefore, consumers who come across Applicant's use of its alleged mark in connection with its awards programs will undoubtedly make an association between Applicant's services and Opposer, and are likely to believe that Opposer is associated with or a sponsor of such events, all of which will cause damage and injury to Opposer.

10. Since 1972, Hugo Boss has devoted a substantial part of its advertising and promotional efforts to the sponsorship of sporting events, tournaments and teams in the United States and Europe, including many in motor sports events, among them: the British Formula One Team McLaren (*motor sports*), Penske Racing Team, U.S. CART Series (*motor sports*), Kitzbuehl Alpine Rally (*motor sports*), Stewart Racing, Formula One (*motor sports*), German Touring Car Masters Championship with AMG (*motor sports*), Linde German Masters (golf), Cannes Open (golf), French Open (golf), European Masters (golf), German Masters (golf), Mercedes German Masters (golf), German Open (golf), Volvo PGA Championship (England) (golf), Volvo Scandinavian Masters (Sweden) (golf), Volvo Masters (Spain) (golf), Volvo China Tour (golf), Asian Classic/Johnnie Walker Classic (golf), Desert Classic (Dubai) (golf), Volvo Masters (Malaysia) (golf), Volvo Masters of Thailand (golf), Volvo Asian Matchplay (golf), Hugo Boss Foursomes (golf), Ryder Cup (golf), Davis Cup (tennis), World Championship, New York Masters (tennis), Ebel European Masters (tennis), Ebel U.S. Pro Indoors (tennis), Ebel Classic Lausanne (tennis), Lipton Key Biscayne (tennis), Indian Wells (tennis), French Open (tennis), Porsche Grand Prix (tennis), German Open, Mercedes Cup (tennis), Compaq Grand Slam Cup (Munich) (tennis), Monte Carlo Open (tennis), and Kremlin Cup (tennis), and the Hahnenkamm Race (Austria) (skiing). At these events, the BOSS Marks have been prominently



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