

ESTTA Tracking number: **ESTTA681395**

Filing date: **07/01/2015**

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	Tricot Saint-James
Granted to Date of previous extension	07/01/2015
Address	Zone Industrielle Saint-James, 50240 FRANCE
Attorney information	Justin R. Young DINEFF TRADEMARK LAW LIMITED 160 North Wacker Drive Chicago, IL 60606 UNITED STATES jyoung@dineff.com, tmlaw@dineff.com Phone: 3123381000

### Applicant Information

Application No	86217517	Publication date	03/03/2015
Opposition Filing Date	07/01/2015	Opposition Period Ends	07/01/2015
Applicant	Postrel, Richard D 5244 North Bay Road Miami Beach, FL 33140 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: Promotional and novelty items, namely, religious-themed perfumes and perfume sprays

### Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

### Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4741231	Application Date	05/02/2013
Registration Date	05/26/2015	Foreign Priority Date	04/24/2013
Word Mark	SAINT JAMES		

Design Mark	<b>SAINT JAMES</b>
Description of Mark	NONE
Goods/Services	<p>Class 003. First use: First Use: 0 First Use In Commerce: 0  Perfumes, perfumery, eau de parfum, essential oils for personal use, eaux de toilette, deodorants for personal use, scented soaps, hair lotions, scented creamsand gels for face and body care, make-up, cosmetics, cosmetic lotions for the hair and body, bath and shower gels, shampoos, beauty creams for body care</p> <p>Class 018. First use: First Use: 0 First Use In Commerce: 0  Leather goods, namely, wallets, tanned leather, briefcase, key cases, hand-bags,luggage, walking sticks, sunshade parasols, umbrellas, parasols, leather and mutations of leather, school bags, rucksacks, trunks and suitcases, leather satchel bags, travel bags and luggage, beach bags, garment carriers leather and imitation leather boxes, attached cases, make-up cases sold empty, travel sets, namely, leather ware, namely, shoes bags and travel cases made of leather, briefcases,leather key cases, toiletry and make-upbags, sold empty, wallets, purses not of precious metal, document holders, cardcases, namely, credit card cases, calling card cases, business card cases</p> <p>Class 024. First use: First Use: 0 First Use In Commerce: 0  Fabrics and textile products, namely, cotton fabric, curtains made of textiles,woolen fabric, coated fabrics coated with thermoplastic coating for use in manufacturing in a wide variety of industries, fabrics for the manufacture of furnishings, fabrics for the manufacture of apparel and furnishings, printed fabrics for the manufacture of apparel and furnishings, knitted fabrics for the manufacture of apparel and furnishings, fabrics for the manufacture of shirts, worsted fabrics; bed and table covers, namely, plastic table covers, table cloth of textiles, table covers of damask, table coversof non-woven textile fabrics, balanced bed covers, bed warmer covers, bed covers of paper, canopies, namely, bed canopies and crib canopies; fabrics for textile use and plastic woven material, namely, woven fabrics; velvet; bath linen for toilet use, household linen, bath linen,bed linen, table linen, not of paper, comforters, duvets and table cloths not of paper, textile tissues, handkerchiefs;bedding, namely, bed sheets and pillowcases sold as a set in pouches; cloth handkerchiefs, textile handkerchiefs</p> <p>Class 025. First use: First Use: 0 First Use In Commerce: 0  Clothing for men, women, young men, young women, boys and girls and babies, namely, jumpers, tops, belts, shorts, shins, namely, leg warmers, dresses, skirts, pants, layettes, jackets, beach clothing, namely, bathing suits, ties, gabardines, knitted clothing, namely, shirts, dresses, knitwear, namely, shirts, dresses,blazers, jackets, weatherproof clothing, namely, jackets, boots, pants, rainproof clothing, namely, jackets, boots, pants, waterproof clothing, namely, jackets, boots, pants, hoods, leather clothing,namely, jackets, boots, pants, denims, stuff jackets; sportswear, namely, jumpers, tops, belts, shorts, shins, namely, leg warmers, dresses, skirts, pants, layettes, jackets, beach clothing, namely, bathing suits, ties, gabardines, knittedclothing, namely, shirts, dresses, knitwear namely, shirts, dresses, blazers, jackets, weatherproof clothing, namely, jackets, boots, pants, rainproof clothing, namely, jackets, boots, pants, waterproof clothing, namely, jackets, boots, pants, hoods, leather clothing, namely, jackets, boots, pants, denims, stuff jackets; swimming costumes, bathrobes, dressing gowns, sweaters, shirts, ladies' shirts, blouses, suits, dresses, skins, namely, dresses made from skins, trousers, jeans, neckties, sashes for wear, scarves, gloves, waistcoats, waterproof jackets, raincoats, gabardines, reefer jackets,overcoats, duffel coats, parkas, sportsjackets, coats shirts, smocks, t-shirts, polo shirts, shorts, overcoats, pullovers, pajamas, underwear, lingerie, layettes, knitwear, namely, knit tops and knit dresses, jackets, socks,</p>

	shoes, slippers, footwear, slippers, beach or sports footwear, headgear, namely, hats and caps, belts, suspenders
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Attachments	79137195#TMSN.png( bytes ) Opposition against 86217517 - 7-1-15.pdf(286689 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/justinryoung/
Name	Justin R. Young
Date	07/01/2015

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

In the matter of Application Serial No. **86/217517**  
For the mark **THE WELL OF ST. JAMES**  
Published in the "Official Gazette" of **March 3, 2015**

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<b>Tricot Saint-James</b>	)	
	)	
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	)	
Opposer,	)	
	)	
v.	)	Opposition No.
	)	
	)	
<b>Postrel, Richard D.</b>	)	
	)	
Applicant,	)	
<hr/>	)	

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

**NOTICE OF OPPOSITION**

Tricot Saint-James, ( "Opposer"), a joint stock company organized under the laws of France, having its principal place of business at Zone Industrielle, Saint-James, 50240, France, believes that it will be damaged by the registration of the mark "THE WELL OF ST. JAMES", shown in Serial Number 86/217517 in International Class 3, and hereby oppose same in accordance with 15 U.S.C. § 1063 and 37 C.F.R. § 2.101.

As grounds for the opposition, Opposer alleges as follows:

1. Commencing long prior to Applicant's filing date and prior to any priority date that can be alleged by Applicant, Opposer has used, and Opposer is now using, the mark "SAINT JAMES" in connection with the sale, advertising and promotion of various goods, including in particular perfumes, perfumery, eau de parfum, essential oils for personal use, eaux de toilette, deodorants for

personal use, scented soaps, hair lotions, scented creams and gels for face and body care, make-up, cosmetics, cosmetic lotions for the hair and body, bath and shower gels, shampoos, beauty creams for body care, among others, covered under International Class 3, distributed and sold by Opposer in commerce.

2. Opposer is the owner of, and will rely herein, upon the Federal Registration No. 4,741,231 for the mark “SAINT JAMES” granted in International Classes 3, 18, 24 and 25. This registered mark is valid, subsisting, and provide *prima facie* evidence of Opposer’s ownership of its mark “SAINT JAMES”, of the validity of said mark, and of Opposer’s exclusive right to use the mark in commerce for the goods specified in said registrations. See Exhibit “A”.

3. Opposer has extensive common law rights in the mark “SAINT JAMES” in connection with various goods, including perfumes and other related goods covered under International Class 3.

4. Since the initial adoption and use of Opposer’s mark “SAINT JAMES” Opposer has engaged in extensive advertising and generated significant sales of its goods under said mark.

5. By virtue of the aforesaid extensive use, advertising, sale and promotion, consumers have come to recognize and associate Opposer’s mark “SAINT JAMES” with Opposer and its goods. As a result, Opposer has acquired substantial and valuable goodwill in the mark “SAINT JAMES” and the mark has become a distinctive indicator of the origin of Opposer’s goods long prior to the filing date of the opposed application, and prior to any priority date that can be alleged by Applicant.

6. Notwithstanding Opposer’s prior established rights in the marks “SAINT JAMES,” Applicant has filed Application No. 86/217517 with the United States Patent and Trademark Office on March 11, 2014 for “*promotional and novelty items, namely, religious-themed perfumes and perfume sprays*” in International Class 3, as evidenced by the publication of said mark in the *Official Gazette* of the March 3, 2015 issue.

7. Applicant’s application to register the mark “THE WELL OF ST. JAMES” is without Opposer’s consent or permission.

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