

United States Patent and Trademark Office	TRADEMARK TRIAL AND APPEAL BOARD P.O. Box 1451 Alexandria, VA 22313 (571) 272-8500
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Notice of Opposition

(Notification of Provisional Refusal Based on an Opposition)

Notice is hereby given that the following party opposes indicated request for extension of protection to the United States.

Opposer Information

Name	Piaggio & C. S.p.A.
Address	Viale Rinaldo Piaggio 25 Pontedera, 56025 ITALY

Attorney information	John Clarke Holman, Robert S. Pierce Jacobson Holman PLLC 400 7th St., NW Washington, DC 20004 UNITED STATES trademark@jhip.com, rpierce@jhip.com, jholman@jhip.com Phone: 202-638-6666
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Opposed Request for Extension of Protection to U.S.

U.S. Serial No.	79053120	Publication date	09/30/2008
Opposition Filing Date	01/26/2009	Opposition Period 1 Ends	01/28/2009
International Registration No.	0962314	International Registration Date	03/06/2008
Name of Holder of International Registration	Gianluca Grandi via Antonio Schivardi, 5 Rome (RM) ITALY		

Goods/Services Affected by Opposition


Class 025. All goods and services in the class are opposed, namely: CLOTHING, NAMELY, SHIRTS,
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TOPS, T-SHIRTS, JERSEYS, JACKETS, SWEATSHIRTS, HOODS, PANTS, SWEATPANTS, JUMPERS, GLOVES, OVERCOATS, PARKAS, PULLOVERS, SCARFS, SKIRTS, SUITS, SOCKS, SWIMSUITS, UNDERWEAR, BELTS, CAMISOLES; CLOTHING OF LEATHER, NAMELY, LEATHER TROUSERS, LEATHER SKIRTS, LEATHER JACKETS, LEATHER COATS, LEATHER VESTS, GLOVES; CLOTHING OF IMITATIONS OF LEATHER, NAMELY, JACKETS, COATS, VESTS; KNITWEAR, NAMELY, KNIT TOPS, KNIT DRESSES, KNIT SWEATERS, KNIT SCARVES, KNIT GLOVES, KNIT JACKETS, KNITTED CAPS, KNIT CARDIGANS; FOOTWEAR, HEADGEAR, NAMELY HATS, CAPS, SUN VISORS, HEADBANDS

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2721323	Application Date	10/20/2000
Registration Date	06/03/2003	Foreign Priority Date	NONE
Word Mark	VESPA		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 012. First use: Scooters, motorcycles, mopeds, motor bicycles, bicycles, three and four wheeled motor vehicles with flat or van bodies, automobiles, small trucks, vans, boats; motor car bodies, truck bodies, frames and chassis for motor cars, trucks, motorcycles and bicycles, suspension systems for scooters, motorcycles, mopeds, motor bicycles, bicycles, three and four wheeled motor vehicles with flat or van bodies, automobiles, small trucks, vans; vehicle parts, namely shock absorbers, brakes, steering mechanisms; seats for motor cars and trucks, directional signals for vehicles, saddles for bicycles and motorcycles, anti-theft alarms for vehicles</p> <p>Class 018. First use: Trunks, travelling bags and umbrellas, and goods made of leather or imitation leather, namely, handbags, suitcases, clutch bags, vanity cases sold empty, purses, billfolds, attache cases, wallets, briefcases, key-cases, passport cases, business and credit card cases</p> <p>Class 025. First use:</p>		

	Clothing, namely, coats, mantles, raincoats, dresses, suits, skirts, jackets, trousers, waistcoats, shirts, T-shirts, blouses, jerseys, sweaters, blazers, cardigans, stockings, sock, bathrobes, bathing suits, sun suits, jeans, sport jackets, wind-resistant jackets, anoraks, sweatsuits, ties, neckties, scarves, shawls, foulards, caps, hats, gloves, sashes, belts; footwear, namely, boots, shoes and slippers
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U.S. Registration No.	2800537	Application Date	03/18/1994
Registration Date	12/30/2003	Foreign Priority Date	NONE
Word Mark	VESPA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1996/06/00 First Use In Commerce: 2000/11/15 sweaters, jackets, parkas, shirts, T-shirts, sweatshirts, caps, hats, gloves, pants, sweatpants, shorts, skirts, dresses, blouses, jeans, socks, belts, scarves, tank tops, vests, pajamas, nightshirts, undergarments and footwear		

U.S. Registration No.	2965400	Application Date	12/22/1995
Registration Date	07/12/2005	Foreign Priority Date	11/16/1995
Word Mark	VESPA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: (Based on Foreign Reg# 732996) perfumes, toilet soaps; cosmetics, namely, deodorants for personal use; creams, lotions and oils for the face and the body; cleansing milks, creams and oils; make-up creams; beauty masks; make-up removers; eye shadows; lipsticks; mascara; rouge; crayons for the eyes and the lips; powders, creams, oils and lotions for suntanning and after sun exposure; pre and after shave lotions; talcum powders, salts, foam and oil bath; creams and lotions after-bath; shampoos; depilatory preparations; nail polishes; hair lotions, and dentifrices Class 018. First use: (Based on Foreign Reg# 587059) handbags, suitcases; trunks, travelling bags, clutch bags, vanity cases sold empty; purses, billfolds, attache cases, wallets, briefcases, key-cases, passport cases, business and credit card cases; umbrellas Class 025. First use: (Based on Foreign Reg# 587059) clothing, namely, coats, mantles, raincoats, dresses, suits, skirts, jackets, trousers, waistcoats, shirts, T-shirts, blouses, jerseys, sweaters, blazers, cardigans, stockings, socks, underwear, corsets,		

nightgowns, pajamas, bathrobes, bathing suits, sun suits, jeans, sport jackets, wind-resistant jackets, anoraks, sweatsuits, ties, neckties, scarves, shawls, foulards, caps, hats, gloves, sashes, belts; footwear namely, boots, shoes and slippers

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.

Tracking number: ESTTA262572

¹The maximum possible opposition period is 180 days from publication, and other oppositions may therefore be filed before the end of that period.

Your response must go to the Trademark Trial and Appeal Board (TTAB) of the United States Patent and Trademark Office.

You must file a response, and serve the opposing party, within forty days from the date of the TTAB order setting discovery and trial dates. You will receive that order directly from the TTAB, and the forty day period begins on the mailing date of that order. You need not file a response until you receive that order.

You may file your answer through an attorney permitted to practice before the United States Patent and Trademark Office in trademark cases. While an attorney is not required, your answer and all other papers in this proceeding must conform to the applicable United States rules and statutes. Foreign attorneys may not represent parties before the TTAB, unless specifically permitted to do so under Patent and Trademark Rule 10.14(c). The TTAB cannot assist you in choosing an attorney.

***United States Patent and Trademark Office
Trademark Trial and Appeal Board***