

WHITMAN BRENNAN FORSYTHE LLP
1290 Avenue of the Americas
New York, NY 10104
Tel.: (212) 555-8900 | Fax: (212) 555-8901
cwhitman@wbf-law.com

Catherine R. Whitman, Esq.
NY Bar No. 4882901
Jonathan T. Brennan, Esq.
NY Bar No. 5103287
Attorneys for Opposer

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

klôtzkètté Inc.,
a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 712 Fifth Avenue, New York, NY 10019,
Opposer,
v.
[Name Withheld Pending FOIA Review / Brezelmann Import Corp.],
a corporation having its principal place of business at 88 Commerce Drive, Wilmington, DE 19801,
Applicant.

Opposition No. **91-289412**

Serial No.: **98/717,442**
Filed: **November 14, 2025**
Mark: **CLOTZ KETTE**
International Classes: **18, 25**

NOTICE OF OPPOSITION

New York, NY, dated: **March 5, 2026**

INTRODUCTION

Opposer klôtzkètté Inc. (hereinafter "Opposer"), a Delaware corporation and wholly-owned subsidiary of klôtzkètté S.A. (9 Place Vendôme, 75001 Paris, France), files this Notice of Opposition against United States Trademark Application Serial No. 98/717,442 for the mark

CLOTZ KETTE, filed November 14, 2025 by Applicant in International Classes 18 and 25. Opposer is the holder of United States Trademark Registration No. 5,247,118 for the mark KLÔTZZKÈTTÉ, registered in the United States Patent and Trademark Office, as well as numerous other registered marks in the same International Classes.

This opposition is filed pursuant to 15 U.S.C. § 1063 and 37 C.F.R. § 2.101 et seq. Opposer believes it will be damaged by registration of Applicant's mark and asserts the following grounds for opposition:

- (1) Likelihood of confusion under 15 U.S.C. § 1052(d);
- (2) Dilution by blurring and tarnishment under 15 U.S.C. § 1125(c) and § 1052(f);
- (3) Fraud on the USPTO in the procurement of the application;
- (4) Priority and likelihood of confusion based on Opposer's prior use;
- (5) Misdescriptiveness and deceptive misdescriptiveness under 15 U.S.C. § 1052(e)(1).

I. STANDING

Opposer has standing to bring this opposition. Opposer is the United States subsidiary of klôtzkètté S.A., the exclusive owner of USPTO Reg. No. 5,247,118 for KLÔTZZKÈTTÉ in International Classes 14, 18, and 25, and the exclusive licensee of that mark for all uses in the United States territory. Opposer has been using the mark KLÔTZZKÈTTÉ in interstate commerce in connection with luxury leather goods and fashion accessories since at least 2015. Registration of Applicant's mark CLOTZ KETTE in the same classes would damage Opposer's rights in its registered marks by creating a likelihood of confusion in the marketplace and diluting the distinctive quality of Opposer's famous mark.

Opposer's US subsidiary maintains its principal place of business at 712 Fifth Avenue, New York, NY 10019, and actively sells and markets goods under the KLÔTZZKÈTTÉ mark through its flagship boutique at the aforementioned address, through authorized retailers including Bergdorf Goodman, Neiman Marcus, and Saks Fifth Avenue, and through its e-commerce website. Annual United States revenue under the KLÔTZZKÈTTÉ mark exceeds USD 42,000,000.

II. OPPOSER'S MARKS AND PRIOR RIGHTS

A. Federal Trademark Registrations

Opposer's parent, klôtzkètté S.A., owns or licenses the following active United States trademark registrations, all of which are relevant to this opposition:

Mark	Reg. No.	Classes	Reg. Date	Status
------	----------	---------	-----------	--------

KLÔTZZKÈTTÉ (word)	5,247,118	14, 18, 25	Jul. 25, 2017	Active, incontestable
K-CROWN (design)	6,089,034	14, 18, 25	Jun. 9, 2020	Active
KK SOUND MARK	7,318,902	35	Feb. 18, 2025	Active

B. Fame and Priority of Opposer's Marks

USPTO Reg. No. 5,247,118 for KLÔTZZKÈTTÉ has been in continuous use in United States commerce since at least 2015, predating Applicant's application by more than a decade. The mark has become famous in the United States within the meaning of 15 U.S.C. § 1125(c)(2)(A) as evidenced by:

- (a) **Duration, extent, and geographic reach of use:** The KLÔTZZKÈTTÉ mark has been used in all 50 states for over 10 years through retail stores, e-commerce, and authorized luxury retailers;
- (b) **Advertising and publicity:** Opposer and its parent have invested in excess of USD 200,000,000 in advertising the KLÔTZZKÈTTÉ mark in the United States since 2015, including placements in Vogue, Harper's Bazaar, the New York Times, and through social media campaigns reaching over 8 million followers;
- (c) **Consumer recognition:** An independent survey conducted by Applied Research West, LLC (Exhibit A) demonstrates 68% unaided recognition of the KLÔTZZKÈTTÉ mark among luxury goods consumers in the United States;
- (d) **Sales volume:** Annual United States revenue under the KLÔTZZKÈTTÉ mark exceeds USD 42,000,000, placing it among the top 20 luxury handbag brands by revenue in the United States;
- (e) **Media and cultural recognition:** The KLÔTZZKÈTTÉ mark has been featured in dozens of major media publications and recognized as one of the premier luxury maison brands by the Council of Fashion Designers of America (CFDA).

III. GROUNDS FOR OPPOSITION

A. Count I: Likelihood of Confusion Under 15 U.S.C. § 1052(d)

Registration of Applicant's mark CLOTZ KETTE should be refused because it so resembles Opposer's prior registered mark KLÔTZZKÈTTÉ (Reg. No. 5,247,118) as to be likely, when used on or in connection with goods in International Classes 18 and 25, to cause confusion, to cause mistake, or to deceive. The du Pont factors, as set forth in *In re E. I. du Pont de Nemours & Co.*, 177 U.S.P.Q. 563 (C.C.P.A. 1973), favor a finding of likelihood of confusion.

1. Similarity of the Marks

The marks CLOTZ KETTE and KLÔTZZKÈTTÉ are substantially similar in sound, appearance, and commercial impression. When spoken aloud by an American English-speaking consumer, both marks produce a virtually identical phonetic output: [klɒts ket] (CLOTZ KETTE) vs. [klôts kèté] (KLÔTZZKÈTTÉ). The sole differences between the marks — the diacritical marks, the doubled consonants, and the omission of spaces — are insufficient to create distinct commercial impressions. The TTAB has consistently held that the addition of diacritical marks or minor typographic variations does not sufficiently distinguish otherwise phonetically identical marks. See *In re Viterro Inc.*, 101 U.S.P.Q.2d 1905 (Fed. Cir. 2012).

Visually, the marks share the identical word elements KL--TZ K--TT-- (with variations only in the accented characters and doubled consonants), making the marks highly similar in appearance when viewed by consumers in the marketplace. Courts and the TTAB have consistently held that "marks must be compared in their entireties," but where the dominant element of both marks is phonetically identical, a likelihood of confusion exists. See *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée en 1772*, 73 U.S.P.Q.2d 1689, 1692 (Fed. Cir. 2005).

2. Similarity of Goods

The goods covered by Applicant's application (leather goods, handbags, wallets, apparel in Classes 18 and 25) are identical to the goods covered by Opposer's Registration No. 5,247,118 (Classes 14, 18, and 25). Where the goods are identical, even a lesser degree of similarity between the marks may suffice to support a finding of likelihood of confusion. See *Federated Foods, Inc. v. Fort Howard Paper Co.*, 192 U.S.P.Q. 24 (T.T.A.B. 1976).

3. Channels of Trade and Consumers

Both Opposer and Applicant sell through overlapping channels of trade, including luxury department stores, specialty boutiques, and e-commerce. The relevant consumer class for both parties' goods is the purchaser of luxury fashion accessories, who despite typically exercising a higher degree of care than ordinary consumers, would nonetheless be confused by the phonetic identity of the marks. Moreover, even if sophisticated purchasers might avoid confusion in a direct side-by-side comparison, the doctrine of initial interest confusion applies: consumers who encounter

Applicant's products online through keyword search advertising may initially be attracted to Applicant's website believing it to be associated with the famous KLÔTZZKÈTTÉ brand. See *Network Automation, Inc. v. Advanced Sys. Concepts, Inc.*, 638 F.3d 1137 (9th Cir. 2011).

B. Count II: Dilution by Blurring Under 15 U.S.C. § 1125(c)

The KLÔTZZKÈTTÉ mark is famous within the meaning of 15 U.S.C. § 1125(c)(2)(A). As established above, the mark has been in continuous use since at least 2015, enjoys a high degree of consumer recognition (68% unaided recognition), and has been the subject of substantial advertising and promotional expenditures. Applicant's use of the mark CLOTZ KETTE in connection with identical goods in the same channels of trade constitutes dilution by blurring because it impairs the distinctiveness of the famous KLÔTZZKÈTTÉ mark. See *Moseley v. V Secret Catalogue, Inc.*, 537 U.S. 418 (2003); Federal Trademark Dilution Act, 15 U.S.C. §§ 1125(c)(1), (c)(2)(B).

The six factors for dilution by blurring set forth in 15 U.S.C. § 1125(c)(2)(B) weigh heavily in Opposer's favor:

- (i) **Degree of similarity:** The marks are phonetically nearly identical, as demonstrated above;
- (ii) **Degree of inherent or acquired distinctiveness of the famous mark:** KLÔTZZKÈTTÉ is a coined term of high inherent distinctiveness;
- (iii) **Extent to which the owner engages in substantially exclusive use:** Opposer has exercised substantially exclusive use of the KLÔTZZKÈTTÉ mark in the United States;
- (iv) **Degree of recognition of the famous mark:** 68% unaided recognition in the target consumer segment;
- (v) **Whether the user of the mark or trade name intended to create an association with the famous mark:** Intent to associate can be inferred from the close phonetic similarity and the identical goods;
- (vi) **Any actual association between the mark and the famous mark:** Consumer survey evidence in Exhibit B demonstrates that 54% of surveyed consumers associate CLOTZ KETTE with the KLÔTZZKÈTTÉ brand.

C. Count III: Dilution by Tarnishment

Applicant's use of the mark CLOTZ KETTE in connection with goods that are of substantially inferior quality to Opposer's luxury goods constitutes dilution by tarnishment under 15 U.S.C. § 1125(c)(2)(C). As established by forensic testing, the Ra surface roughness of Applicant's goods (Ra 12,7 µm) closely mimics that of Opposer's genuine goods (Ra 12,9 µm), yet the underlying leather is of inferior origin (Chinese raw materials vs. Tannerie Haas artisan leather from France), and the goods are sold at price points 90% below those of Opposer's authentic goods. This inferior quality threatens to harm the reputation of the KLÔTZZKÈTTÉ brand by associating it, in consumers' minds, with low-quality products.

D. Count IV: Fraud on the USPTO

Applicant's application, filed November 14, 2025, contains a declaration of bona fide intent to use the mark in commerce. 15 U.S.C. § 1051(b). Opposer has reason to believe, based on the evidence gathered in connection with European proceedings (EUIPO Opposition No. B-4-187-932; Tribunale di Firenze, R.G. 4287/2026), that Applicant had actual knowledge, at the time of filing, of Opposer's prior rights in the KLÔTZZKÈTTÉ mark. Filing a trademark application with knowledge of prior rights, without disclosing such knowledge, may constitute fraud on the USPTO sufficient to void the application. See *Torres v. Cantine Torresella S.r.l.*, 808 F.2d 46 (Fed. Cir. 1986).

In support of this count, Opposer states the following facts upon information and belief:

- (i) Applicant's parent company (Brezelmann Discount KG, Industriestrasse 7, 97980 Bad Mergentheim, Germany) first became aware of the KLÔTZZKÈTTÉ brand no later than the Pitti Uomo trade fair in Florence, Italy, January 13-16, 2026, where it was operating stand 47B-12;
- (ii) Applicant's application was filed on November 14, 2025 — two months before the Pitti Uomo incident. Opposer has reason to believe that prior to the filing date, Applicant's principals had attended previous trade shows and had actual knowledge of the KLÔTZZKÈTTÉ brand through trade publications;
- (iii) The identity of phonetic sound, identical goods, and deliberate reproduction of Opposer's distinctive surface texture (Ra 12,7 vs. Ra 12,9 µm, a 1.57% variance) are consistent with intentional copying rather than independent creation.

E. Count V: Priority and Prior Use

Opposer's mark KLÔTZZKÈTTÉ has been in continuous use in United States interstate commerce since at least January 1, 2015, more than ten years prior to Applicant's filing date of November 14, 2025. Opposer's prior use establishes common law trademark rights superior to any rights Applicant may claim under its application. Under the "first in time, first in right" principle of United States trademark law, Opposer's prior use bars registration of a confusingly similar mark by Applicant. See *Zazu Designs v. L'Oreal, S.A.*, 979 F.2d 499, 503 (7th Cir. 1992).

IV. EVIDENCE AND EXHIBITS

In support of this Notice of Opposition, Opposer submits the following exhibits, attached hereto and incorporated by reference:

Exhibit	Description
A	Applied Research West, LLC — Consumer Survey Report: Recognition of KLÔTZZKÈTTÉ mark in the U.S. (68% unaided recognition)
B	Applied Research West, LLC — Consumer Survey Report: Association of CLOTZ KETTE with KLÔTZZKÈTTÉ brand (54% association rate)
C	USPTO Certificate of Registration No. 5,247,118 for KLÔTZZKÈTTÉ
D	USPTO Certificate of Registration No. 6,089,034 for K-CROWN
E	USPTO Certificate of Registration No. 7,318,902 for KK SOUND MARK
F	Evidence of use in commerce: Sales invoices 2015-2025 (representative sample, 12 invoices)
G	Advertising samples: Vogue, Harper's Bazaar, NYT placements 2019-2025 (representative)
H	Technical report: confocal microscopy (Ra 12,7 vs. Ra 12,9 µm) and GC-MS leather analysis (Chinese origin vs. Tannerie Haas)
I	Certified copies of EUIPO Opposition No. B-4-187-932 filings
J	Certified copies of Tribunale di Firenze, R.G. 4287/2026 filings
K	Pinkerton surveillance report — Brezelmann import operations, U.S. territory (dated May 20, 2026)
L	U.S. Customs and Border Protection — CBP Recordation of KLÔTZZKÈTTÉ marks
M	Declaration of Comtesse Beatrice de Klotzzkettie authenticating Exhibits A-L
N	Declaration of Catherine R. Whitman, Esq. authenticating proceedings and prior art searches

V. LEGAL ARGUMENT

A. The du Pont Analysis Favors Refusal

In determining likelihood of confusion, the TTAB applies the multi-factor analysis set forth in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 U.S.P.Q. 563 (C.C.P.A. 1973). Opposer addresses each relevant du Pont factor below.

1. The Similarity of the Marks in Sound, Appearance, and Commercial Impression

As demonstrated in Section III.A.1 above, the marks CLOTZ KETTE and KLÔTZZKÈTTÉ are phonetically nearly identical. The Trademark Manual of Examining Procedure (TMEP § 1207.01(b)(iv)) recognizes that phonetic similarity alone may establish likelihood of confusion. Here, an American consumer encountering CLOTZ KETTE would pronounce it identically to KLÔTZZKÈTTÉ, and would likely believe the goods emanate from the same source. The commercial impression conveyed by both marks is that of a European luxury fashion house (the German/French construction of the mark, the distinctive visual rendering), further reinforcing the likelihood of confusion.

2. The Strength of Opposer's Mark

Opposer's mark KLÔTZZKÈTTÉ is a coined word — a combination of characters with no dictionary meaning in any language — and thus possesses the highest degree of inherent distinctiveness. Coined marks are the strongest category of trademark. See *Abercrombie & Fitch Co. v. Hunting World, Inc.*, 537 F.2d 4 (2d Cir. 1976). The mark is also extremely well-known among the relevant consuming public, as evidenced by a 68% unaided recognition rate. This strength is a significant factor weighing in Opposer's favor. See *Century 21 Real Estate Corp. v. Century Life of Am.*, 970 F.2d 874 (Fed. Cir. 1992).

3. The Number and Nature of Similar Marks in the Field

A search of the USPTO database, conducted by Opposer's counsel on January 28, 2026, reveals no other active United States trademark registrations or published applications combining the phonetic sequence [klɒts kɛt] in International Classes 18 or 25. The field is therefore uncrowded, meaning Opposer's mark is entitled to a broad scope of protection. See *Juice Generation, Inc. v. GS Enters. LLC*, 794 F.3d 1334 (Fed. Cir. 2015).

4. The Conditions Under Which Purchasers Buy the Goods

Although the relevant consumers of luxury goods generally exercise a degree of care exceeding that of ordinary purchasers, this factor does not preclude a finding of likelihood of confusion when the marks are phonetically identical and the goods are identical. The TTAB has held that even sophisticated purchasers may be confused by phonetically identical marks used in connection with identical goods. See *In re Hyper Shoppes (Ohio), Inc.*, 6 U.S.P.Q.2d 1025 (T.T.A.B. 1988). Moreover, the doctrine of initial interest confusion applies in online search contexts, where even a sophisticated consumer may be initially confused and click on Applicant's website before realizing it is not associated with Opposer's famous brand.

5. Actual Confusion Evidence

While evidence of actual confusion is not required to prevail on a likelihood of confusion claim, Opposer has documented at least three instances of actual consumer confusion in connection with Applicant's use of the CLOTZ KETTE mark:

- (i) **Retail confusion:** A customer at Bergdorf Goodman (New York City) on February 2, 2026, inquired whether a CLOTZ KETTE bag on display at a nearby trade show was part of the KLÔTZZKÈTTÉ collection. A written statement from the sales associate is attached as Exhibit O;
- (ii) **Online confusion:** A social media post on Instagram dated January 25, 2026 (account @luxurybagreviews) described a CLOTZ KETTE bag as a "KLÔTZZKÈTTÉ look-alike" and tagged Opposer's brand account, resulting in significant confusion among followers (screenshot attached as Exhibit P);
- (iii) **Press confusion:** An article in the online publication LuxuryGossip.com dated February 10, 2026 (Exhibit Q) referred to CLOTZ KETTE as a "diffusion line" of KLÔTZZKÈTTÉ, requiring Opposer's communications team to issue a corrective statement.

6. Absence of Meaningful Distinction in Applicant's Mark

Applicant may argue that the stylistic differences between CLOTZ KETTE and KLÔTZZKÈTTÉ — the diacritical marks, the doubled consonants, and the absence of spaces — render the marks distinguishable. This argument fails for the following reasons:

First, the TTAB has consistently held that the omission or addition of diacritical marks does not create a distinct commercial impression. See *In re Sailer*, 2021 U.S.P.Q.2d 1083 (T.T.A.B. 2021); *In re GTE Educ. Servs.*, 34 U.S.P.Q.2d 1478 (T.T.A.B. 1994).

Second, the doubled consonants in KLÔTZZKÈTTÉ (zz, tt) are silent modifiers that do not change the phonetic output of the mark when spoken in English. No English-speaking consumer would distinguish between "klotz" and "klôtzz" when pronouncing the marks aloud.

Third, the space between the two words in CLOTZ KETTE mirrors the conceptual division of KLÔTZZKÈTTÉ into its two component elements (KLÔTZZK / ÈTTÉ), which are phonetically analogous. The structural similarity reinforces the likelihood of confusion.

7. The Totality of Circumstances

Considering the totality of the du Pont factors, the balance weighs heavily in Opposer's favor. The marks are phonetically nearly identical; the goods are identical; the channels of trade overlap; Opposer's mark is famous and has been in use for over a decade; there is documented actual confusion; and the evidence suggests that Applicant intentionally copied Opposer's mark and trade dress. Registration of CLOTZ KETTE would create an untenable situation in which consumers are regularly confused between two competing luxury handbag brands marketed under phonetically identical names.

B. The Fame of Opposer's Mark Warrants Broad Protection

Famous marks are entitled to a broader scope of protection than ordinary registered marks under both the likelihood of confusion and dilution provisions of the Lanham Act. See *Kenner Parker Toys Inc. v. Rose Art Indus., Inc.*, 963 F.2d 350 (Fed. Cir. 1992). The fame of KLÔTZZKÈTTÉ — established through 10+ years of continuous use, over USD 200 million in advertising, 68% consumer recognition, and annual US sales exceeding USD 42 million — mandates broad protection against any use of a phonetically similar mark in the same or related goods.

C. Applicant Cannot Demonstrate Bona Fide Intent to Use

Under 15 U.S.C. § 1051(b)(1), an applicant who files an intent-to-use application must have a bona fide intention to use the mark in commerce at the time of filing. The TTAB has held that bona fide intent is presumed absent at the time of filing when the applicant had actual knowledge of prior conflicting rights and filed in a bad-faith attempt to preempt those rights. See *Spirits Int'l, B.V. v. S.S. Taris Zeytin Ve Zeytinyagi Tarim Satis Kooperatifleri Birliḡi*, 99 U.S.P.Q.2d 1545, 1549 (T.T.A.B. 2011).

Here, Applicant's parent company has been actively manufacturing and distributing products that closely mimic Opposer's goods since at least 2025. The forensic evidence (Ra 12,7 vs. Ra 12,9 µm; identical sonic branding sequence) is consistent with deliberate copying. An applicant who copies a mark cannot claim a bona fide intent to use that mark in commerce as a source identifier for its own goods.

D. The Doctrine of Foreign Equivalents

Even if a consumer were to translate the mark CLOTZ KETTE from its pseudo-German form, the result — "clump chain" or "block chain" in rough English translation — does not create a distinct commercial impression sufficient to distinguish it from KLÔTZZKÈTTÉ. The doctrine of foreign equivalents provides that when a mark is a foreign word, it is translated into English and the meaning so obtained is compared to the meaning of the opposing mark. See *In re Thomas*, 79 U.S.P.Q.2d 1021, 1024 (T.T.A.B. 2006). Both marks, when analyzed under this doctrine, produce the same type of coined luxury fashion branding impression.

E. International Trademark Proceedings Supporting This Opposition

This opposition is supported by parallel proceedings in multiple jurisdictions, each establishing that Applicant's parent company (Brezelmann Discount KG and its affiliates) has engaged in a pattern of copying Opposer's marks internationally. The TTAB may consider evidence from foreign trademark proceedings as probative of likelihood of confusion and fraudulent intent. See, e.g., *Turdin v. Trilobite, Ltd.*, 109 U.S.P.Q.2d 1473 (T.T.A.B. 2014).

The following foreign proceedings are summarized below for the Board's reference:

EUIPO Opposition B-4-187-932: Opposer's parent klôtzkètté S.A. has filed an opposition against Brezelmann's European Union trademark application No. 019 117 456 for CLOTZ KETTE in Classes 18 and 25. The opposition was filed on the basis of EUTM 013 552 901 (KLÔTZZKÈTTÉ) and asserts likelihood of confusion and reputation under Article 8(5) EUTMR. The proceeding is pending at the EUIPO as of the date of filing this opposition.

Tribunale di Firenze, R.G. 4287/2026: On February 27, 2026, klôtzkètté Italia S.r.l. filed an Atto di Citazione (complaint) before the Specialized Section of the Tribunale di Firenze against Brezelmann Italia S.r.l. for trademark infringement and unfair competition. The Italian proceedings followed the seizure of 412 counterfeit items by the Guardia di Finanza on January 27, 2026.

Landgericht Frankfurt am Main, Az. 2-03 O 412/26: klôtzkètté S.A. has obtained a preliminary injunction (einstweilige Verfügung) against Brezelmann Discount KG before the Landgericht Frankfurt. The injunction prohibits the use of the marks CLOTZ KETTE, klotzz.kette, and K-Krönchen in Germany. The German court found a prima facie case of likelihood of confusion and ordered the injunction on an ex parte basis on March 15, 2026.

F. Applicant's Sonic Branding as Additional Evidence of Copying

In addition to the visual and phonetic similarities between the marks, Opposer has documented that Applicant's parent has copied the distinctive sonic branding sequence associated with the KLÔTZZKÈTTÉ brand. Opposer holds USPTO Reg. No. 7,318,902 for a sound mark consisting of three metallic clicks in ascending progression followed by a bell tone (the "Cliquet de Cassis" sound sequence). A forensic acoustic analysis (attached as Exhibit R) establishes that the audio sequence used by Applicant's parent at the Pitti Uomo trade fair in Florence, Italy, in January 2026, and in a promotional video posted online, is spectrally identical to Opposer's registered sound mark, with a normalized spectral distance of 0.03 (on a 0-1 scale where 0 = perfect identity).

While the sound mark registration (Reg. No. 7,318,902) applies primarily to retail store services and promotional services in Class 35, the use of Opposer's sonic branding in connection with the sale of goods under the CLOTZ KETTE mark provides additional evidence that Applicant's parent has deliberately sought to copy all aspects of the KLÔTZZKÈTTÉ brand identity, including visual marks, word marks, and sound marks. This pattern of copying is relevant to the TTAB's assessment of likelihood of confusion, dilution, and fraudulent intent.

G. The Lanham Act's Anti-Dilution Provisions Apply Broadly

The Federal Trademark Dilution Revision Act of 2006 (TDRA), codified at 15 U.S.C. § 1125(c), extended protection against dilution to all uses of a famous mark that are likely to cause dilution, even in the absence of actual dilution or consumer confusion. Applicant's use of CLOTZ KETTE, which is phonetically nearly identical to the famous KLÔTZZKÈTTÉ mark, is likely to cause dilution by blurring the distinctive quality of Opposer's famous mark through association with a lesser-quality product sold at a fraction of the price.

The TDRA defines a famous mark as one that is widely recognized by the general consuming public of the United States as a designation of source of the goods or services of the mark's owner. 15 U.S.C. § 1125(c)(2)(A). The survey evidence (Exhibit A) demonstrating 68% unaided recognition among luxury goods consumers, combined with over a decade of use and USD 200 million in U.S. advertising, establishes the requisite fame well beyond any reasonable doubt.

H. Procedural Matters

Opposer is represented by Whitman Brennan Forsythe LLP. All correspondence and service should be directed to:

Catherine R. Whitman, Esq.
Whitman Brennan Forsythe LLP
1290 Avenue of the Americas
New York, NY 10104
Tel.: (212) 555-8900
cwhitman@wbf-law.com

Opposer requests that the TTAB issue a trial order setting forth dates for institution of proceedings, discovery, testimony periods, and briefing. Opposer further requests that the Board consolidate this opposition with any related proceedings involving the same parties and marks, if any such proceedings are pending.

Opposer reserves the right to amend this Notice of Opposition to add additional grounds, including but not limited to priority based on foreign registrations, tarnishment, and passing off under state unfair competition law, to the extent permitted by the rules of the TTAB.

I. The Surface Texture Evidence and Trade Dress Copying

Opposer submits that the forensic evidence of surface texture copying (Ra 12,7 µm vs. Ra 12,9 µm, a differential of 1.57%) constitutes significant probative evidence not merely of product counterfeiting but of the deliberate and systematic nature of Applicant's copying of Opposer's intellectual property. The TTAB may consider such evidence as bearing on Applicant's intent in filing the application and on the likelihood that, if the mark is registered, Applicant will use it in a manner calculated to confuse consumers.

The deliberate replication of a surface texture to within a 1.57% tolerance is not the work of an innocent imitator seeking to make a similar product; it is the work of a commercial operation with access to Opposer's genuine products, the technical capability to reverse-engineer them, and the intent to pass them off as or closely associated with Opposer's goods. This evidence, combined with the phonetic identity of the marks, the identical goods, and the pattern of international infringement, paints a clear picture of bad-faith conduct that the Trademark Trial and Appeal Board should not reward by allowing Applicant to obtain a federal trademark registration.

J. Summary of Grounds and Recommendation for Expedited Briefing

In view of the foregoing, Opposer respectfully submits that this is a case of exceptional clarity warranting a finding of opposition at the pleading stage. The marks are phonetically identical, the goods are identical, Opposer's mark is famous, there is documented actual confusion, there is evidence of intentional copying, and parallel proceedings in three jurisdictions have found or are likely to find the same violations. Opposer respectfully requests that the Board consider, pursuant to 37 C.F.R. § 2.127(e)(1), whether summary judgment is available on Count I (likelihood of confusion) and Count IV (priority and prior use) without the need for a full trial record.

In the alternative, if the Board determines that a full evidentiary record is warranted, Opposer requests an expedited discovery schedule in view of the ongoing marketplace confusion and the pendency of parallel proceedings.

VI. RELIEF REQUESTED

WHEREFORE, Opposer respectfully requests that the Trademark Trial and Appeal Board:

- (1) Sustain this opposition in its entirety;
- (2) Refuse registration of Application Serial No. 98/717,442 for the mark CLOTZ KETTE in International Classes 18 and 25;
- (3) Enter judgment in favor of Opposer on all counts;
- (4) Issue any further orders the Board deems just and appropriate.

VII. CERTIFICATION AND SIGNATURE

The undersigned hereby certifies that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further certifies that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any registration resulting therefrom.

New York, New York, March 5, 2026

<hr/>	<hr/>
Catherine R. Whitman, Esq.	Jonathan T. Brennan, Esq.
NY Bar No. 4882901	NY Bar No. 5103287
Whitman Brennan Forsythe LLP	Whitman Brennan Forsythe LLP
1290 Avenue of the Americas	1290 Avenue of the Americas
New York, NY 10104	New York, NY 10104
Attorneys for Opposer klôtzkètté Inc.	

Certificate of Service: I hereby certify that a true and complete copy of this Notice of Opposition has been served on Applicant's counsel of record, Hartley & Steinwood PLLC, Washington DC, by electronic mail and first-class mail on March 5, 2026.