

ESTTA Tracking number: **ESTTA235234**

Filing date: **09/08/2008**

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	Federal Cartridge Company
Granted to Date of previous extension	09/07/2008
Address	900 Ehlen Drive Anoka, MN 55303 UNITED STATES
Party who filed Extension of time to oppose	Alliant Techsystems Inc.
Relationship to party who filed Extension of time to oppose	TBMP Rule 303.05(b) allows the opposition to be filed by a party in privity to the potential opposer. TBMP Rule 206.02 states that "privity" includes related companies. Federal Cartridge Company and Alliant Techsystems are related companies. Therefore, this opposition can be filed by either Alliant Techsystems Inc. or Federal Cartridge Company.

Attorney information	Stephen R. Baird Winthrop & Weinstine, P.A. 225 South Sixth Street Suite 3500 Minneapolis, MN 55402 UNITED STATES sbaird@winthrop.com, bwalz@winthrop.com, trademark@winthrop.com Phone:612-604-6585
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Applicant Information

Application No	78625077	Publication date	03/11/2008
Opposition Filing Date	09/08/2008	Opposition Period Ends	09/07/2008
Applicant	Thor Tech, Inc. Suite 310 653 South Saginaw Street Saginaw, MI 48502 UNITED STATES		

Goods/Services Affected by Opposition

Class 012. All goods and services in the class are opposed, namely: recreational vehicles, namely, travel trailers, fifth wheel trailers and sport utility trailers
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3113819	Application Date	11/12/2004
Registration Date	07/11/2006	Foreign Priority Date	NONE
Word Mark	FUSION		
Design Mark			
Description of Mark	The mark consists of a distinctive design incorporating the term FUSION.		
Goods/Services	Class 013. First use: First Use: 2004/09/30 First Use In Commerce: 2005/02/09 Ammunition		

U.S. Registration No.	3146532	Application Date	09/20/2004
Registration Date	09/19/2006	Foreign Priority Date	NONE
Word Mark	FUSION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 013. First use: First Use: 2004/09/30 First Use In Commerce: 2005/02/09 Ammunition		

U.S. Registration No.	3452727	Application Date	09/19/2007
Registration Date	06/24/2008	Foreign Priority Date	NONE
Word Mark	FUSION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 013. First use: First Use: 2004/09/30 First Use In Commerce: 2005/02/09 Ammunition; ammunition components; muzzle loading primers being ammunition components; muzzle loading sabots and muzzle loading bullets		

Attachments	78516415#TMSN.jpeg (1 page)(bytes) 78486560#TMSN.jpeg (1 page)(bytes) 77283855#TMSN.jpeg (1 page)(bytes) Notice of Opposition.pdf (10 pages)(322435 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	/Bradley J. Walz/
Name	Bradley J. Walz

Date	09/08/2008
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Ser. No.: 78/625,077
Filed: May 6, 2005
For the mark: FUSION
Published in the Trademark Official Gazette on March 11, 2008

Federal Cartridge Company,

Opposer,

v.

Opposition No. _____

Thor Tech, Inc.,

Applicant.

NOTICE OF OPPOSITION

Federal Cartridge Company (“Opposer”), believes that it will be damaged by the registration of the mark shown in Application Serial No. 78/625,077 (the “Application”) in International Class 12 and hereby opposes the same.

The grounds for opposition are as follows:

1. Thor Tech, Inc. (“Applicant”) seeks to register FUSION as a trademark for “recreational vehicles, namely, travel trailers, fifth wheel trailers and sport utility trailers” in International Class 12 (“Applicant’s Proposed Mark”).

2. Applicant’s Proposed Mark was published for opposition in the Trademark Official Gazette on March 11, 2008. On April 8, 2008, May 9, 2008, and July 3, 2008 the Board granted Opposer’s requests to extend Opposer’s time to oppose the registration of Applicant’s Proposed Mark until September 7, 2008.

3. Opposer and Alliant Techsystems Inc. are related companies.

4. Upon information and belief, Applicant uses the FUSION mark in connection with, among other things, the goods set forth in Paragraph 1.

5. Opposer adopted and has continuously used the FUSION® mark in connection with goods for hunting and shooting sports.

6. In addition to common law rights in the FUSION® mark, Opposer is the owner of three federal trademark registrations for the FUSION® mark.

7. Opposer is the owner of United States Trademark Registration No. 3,113,819 for the mark FUSION® in connection with “ammunition” in International Class 13. Attached as Exhibit A is a true and correct copy of the registration certificate for United States Reg. No. 3,113,819.

8. Opposer is the owner of United States Trademark Registration No. 3,146,532 for the mark FUSION® in connection with “ammunition” in International Class 13. Attached as Exhibit B is a true and correct copy of the registration certificate for United States Reg. No. 3,146,532.

9. Opposer is the owner of United States Trademark Registration No. 3,452,727 for the mark FUSION® in connection with “ammunition; ammunition components; muzzle loading primers being ammunition components; muzzle loading sabots and muzzle loading bullets” in International Class 13. Attached as Exhibit C is a true and correct copy of the registration certificate for United States Reg. No. 3,452,727.

10. Opposer has expended considerable time, effort, and expense in promoting, advertising, and popularizing the distinctive FUSION® brand and the goods offered under the FUSION® mark, and the purchasing public has come to know, rely

upon and recognize the FUSION® mark as a very strong indicator of the source of Opposer's goods.

11. The goods to which Applicant seeks to apply the proposed FUSION mark are similar to, and overlap with, the goods that bear and are associated with Opposer's FUSION® marks.

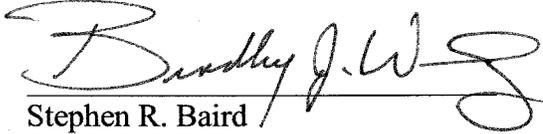
12. Applicant's proposed FUSION mark is identical to Opposer's FUSION® marks and is likely, when used on or in connection with the goods described in Paragraph 1, to cause confusion, mistake, or deception. Consumers are likely to mistakenly believe that the goods Applicant offers under the proposed FUSION mark are sponsored, endorsed, or approved by Opposer, or are in some other way affiliated, connected, or associated with Opposer, all to the detriment of Opposer.

13. Registration of Applicant's Proposed Mark should be refused under 15 U.S.C. §1052(d).

WHEREFORE, Opposer respectfully requests that the Trademark Trial and Appeal Board sustain its opposition.

WINTHROP & WEINSTINE, P.A.

Dated: September 8, 2008


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Attorneys for Federal Cartridge
Company

EXHIBIT A

Int. Cl.: 13

Prior U.S. Cls.: 2 and 9

United States Patent and Trademark Office

Reg. No. 3,113,819

Registered July 11, 2006

TRADEMARK
PRINCIPAL REGISTER



FEDERAL CARTRIDGE COMPANY (MINNESOTA CORPORATION)
900 EHLEN DRIVE
ANOKA, MN 55303

FOR: AMMUNITION, IN CLASS 13 (U.S. CLS. 2 AND 9).

FIRST USE 9-30-2004; IN COMMERCE 2-9-2005.

THE COLORS WHITE, YELLOW, RED, ORANGE, BLACK AND BROWN ARE CLAIMED AS A FEATURE OF THE MARK.

THE COLOR WHITE APPEARS IN THE WORDING FUSION, THE COLOR RED APPEARS IN THE ANTLERS AND IN THE OUTSIDE EDGES AND IN THE BACKGROUND TO THE LEFT AND RIGHT

OF THE ANTLERS, THE COLOR YELLOW APPEARS IN THE RIGHT CENTER OF THE MARK OVER THE ANTLERS, THE COLOR ORANGE APPEARS IN THE BACKGROUND BETWEEN THE COLORS RED AND YELLOW AND IN THE DOTS IN THE BACKGROUND, THE COLOR BROWN APPEARS IN THE ANTLERS IN THE FOREGROUND, AND THE COLOR BLACK APPEARS IN THE ANTLERS AND IN THE FAR EDGES OF THE MARK AS SHADOWING.

THE MARK CONSISTS OF A DISTINCTIVE DESIGN INCORPORATING THE TERM FUSION.

SER. NO. 78-516,415, FILED 11-12-2004.

TEJBIR SINGH, EXAMINING ATTORNEY

EXHIBIT B

Int. Cl.: 13

Prior U.S. Cls.: 2 and 9

United States Patent and Trademark Office

Reg. No. 3,146,532

Registered Sep. 19, 2006

**TRADEMARK
PRINCIPAL REGISTER**

FUSION

FEDERAL CARTRIDGE COMPANY (MINNESOTA CORPORATION)
900 EHLEN DRIVE
ANOKA, MN 55303

FOR: AMMUNITION, IN CLASS 13 (U.S. CLS. 2 AND 9).

FIRST USE 9-30-2004; IN COMMERCE 2-9-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 78-486,560, FILED 9-20-2004.

KARANENDRA S. CHHINA, EXAMINING ATTORNEY

EXHIBIT C

Int. Cl.: 13

Prior U.S. Cls.: 2 and 9

United States Patent and Trademark Office

Reg. No. 3,452,727

Registered June 24, 2008

TRADEMARK
PRINCIPAL REGISTER

FUSION

FEDERAL CARTRIDGE COMPANY (MINNESOTA CORPORATION)
900 EHLEN DRIVE
ANOKA, MN 55303

FOR: AMMUNITION; AMMUNITION COMPONENTS; MUZZLE LOADING PRIMERS BEING AMMUNITION COMPONENTS; MUZZLE LOADING SABOTS AND MUZZLE LOADING BULLETS, IN CLASS 13 (U.S. CLS. 2 AND 9).

FIRST USE 9-30-2004; IN COMMERCE 2-9-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,113,819 AND 3,146,532.

SER. NO. 77-283,855, FILED 9-19-2007.

RUDY R. SINGLETON, EXAMINING ATTORNEY

