



03-04-2002

U.S. Patent & TMOfr/TM Mail RoptDt. #11

"HARD-ON" & "HARD-ON SPORTS"

Paul Anile
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Long Beach, CA 90803
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TTAB

March 1, 2002

In the United States Patent and Trademark office
Before the Trademark Trial and Appeals Board

In the matter of the Applicant serial #76276996 for the mark "HARD-ON BOARD WAX"
(IC028) published in the official Gazette on January 1, 2002.
(Original Trademark Date: June 26, 2001)

**Current Trademark Owner
"Opponent"**

New Applicant

Paul Anile
107 Bayshore Drive
Long Beach, California 90803

VS

Guy Romine
1041 S. Pine
Canby, Oregon 97013

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NOTICE OF OPPOSITION

Paul Anile, OWNER of:

"HARD-ON" #78010696 (First used April 10, 1997)
(Original Trademark Date: May 31, 2000)

And
"HARD-ON SPORTS" #76074978, 76074974
(First used June 21, 2000)
(Original Trademark Date: June 21, 2000)

The above-identified opponent believes that he will be damaged by the registration of the mark shown in the above-identified application, and hereby opposes the same. The grounds for the opposition are as follows:

- 1) There is a high likelihood of confusion in the marketplace. My products i.e. clothing bearing the mark "HARD-ON SPORTS" (HARD-ON being the dominant) will be displayed and sold in sporting goods stores. (especially in extreme sports) The target market is younger sports enthusiasts. There will include skateboarders, surfers, snow boarders, etc.

Mr. Romine is trying to obtain the trademark "HARD-ON BOARDING WAX" which will likely target the same group as my product. Even though it is in a different class, there will be a great deal of confusion in the market place because the two products will carry the same name and will likely be displayed and sold within the same types of stores in close proximity.

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"HARD-ON" & "HARD-ON SPORTS" Opposition

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- 2) It is a natural progression / extension for my product to branch out into other classes and IC class 028 (toys & sporting goods) is one of the possible classes.

Once my clothing line has gained a strong hold, I intend to and have intended to since the inception of my products, to extend my brand name to include "Sporting goods and Accessories", this is only natural. If there is another product out bearing the same name this will make things very difficult for me and will cause further confusion.

- 3) I filed for my Trademark "HARD-ON" (78016696) on May 31, 2000 and the first time the product was used was on April 10, 1997, well before Mr. Romine's proposed mark filed on June 26, 2001.

I also have two other Trademarks pending for the same name as part of "HARD-ON SPORTS" and logo (76074978/76074974)

In lieu of my above mentioned opposition arguments, I respectfully ask you to disallow the registration of Mr. Romine's proposed mark.

Thank you very much.

Respectfully,



Paul Anile
OWNER of "HARD-ON" & "HARD-ON SPORTS"
#78010696, 76074978, 76074974

Enclosed please find my check for \$300.00 to cover the opposition fees.