

TTAB

DOCKET NO. TAIR-0003OP/B

OPPOSITION

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

In the Matter of Application Serial No. 76/245,273
Published in the *Official Gazette* on April 30, 2002



07-08-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #70

TEAM AIR EXPRESS, INC., §
§
Opposer, §
§
v. §
§
TEAM NW CONTAINER §
SERVICES, INC., §
§
Applicant. §

Opposition No.: _____

BOX TTAB FEE
Assistant Commissioner for
Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

I hereby certify that this correspondence is being deposited with the United States Postal Service, Express Mail - Post Office to Addressee, Receipt No. EL9258026930 in an envelope addressed to Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513, on the date shown below.

7/5/02 CAROL GARLAND
Date of Mailing Typed or printed name of person mailing
Carol Garland
Signature of person mailing

07/15/2002 CMAY11 00000161 76245273
01 FC:377 300.00 OP

NOTICE OF OPPOSITION

TO THE HONORABLE ASSISTANT COMMISSIONER OF TRADEMARKS:

Opposer, Team Air Express, Inc., a Texas corporation whose address is P.O. Box 668, Winnsboro, Texas 75494, believes it will be damaged by registration of the mark shown in Serial No. 76/245,273, and hereby opposes the same.

Application Serial No. 76/245,273 filed on April 23, 2001, and published for opposition in the Official Gazette of April 30, 2002, is for the mark "TEAM NW CONTAINER SERVICES, INC. & Design" in Class 35 for logistics services, namely, coordination and management of freight transportation of containerized cargo.

Opposer owns a family of marks as shown in the following U.S. registrations:

1. U.S. Trademark Reg. No. 1,170,590
Date of Registration: September 22, 1981; Renewed December 17, 2001
Mark: "TEAM"
Class: 39
Services: Air freight services
Date of first use: April 20, 1979
2. U.S. Trademark Reg. No. 2,281,102
Date of Registration: September 28, 1999
Mark: "TEAM TRANSPORTATION"
Class 39
Services: Ground freight transportation services
Date of first use: May 7, 1997
3. U.S. Trademark Reg. No. 2,282,989
Date of Registration: October 5, 1999
Mark: "TEAM"
Class 39
Services: Freight transportation by air, ground and water
Date of first use: August 31, 1979
4. U.S. Trademark Reg. No. 2,581,666
Date of Registration: June 18, 2002
Mark: "TEAM WORLDWIDE"
Class 39
Services: Freight transportation services by land, sea and air
Date of first use: June 1998

Since the dates of first use listed above, Opposer has been, and is now, using the marks in connection with freight services. The use has been valid and continuous since the dates of first use and has not

been abandoned. Opposer's marks are symbolic of extensive good will and consumer recognition built up by Opposer through substantial amounts of time and effort in advertising and promotion. In view of the similarity of the respective marks and the related nature of the services of the respective parties, it is alleged that Applicant's mark so resembles Opposer's marks previously used in the United States, and not abandoned, as to be likely to cause confusion, or to cause mistake, or to deceive.

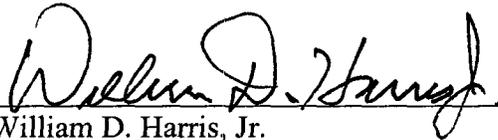
If the Applicant is permitted to use and register its mark for its services, as specified in the application herein opposed, confusion in trade resulting in damage and injury to the Opposer could be caused by reason of the similarity between the Applicant's mark and the Opposer's marks. Persons familiar with Opposer's marks may be likely to buy the Applicant's services as and for the services rendered by Opposer. Any such confusion in trade inevitably could result in loss of sales to the Opposer. Furthermore, any defect, objection or fault found with the Applicant's services marketed under its mark could reflect upon and seriously injury the reputation which the Opposer has established for its services merchandised under its marks.

WHEREFORE, Opposer prays that Application Serial No. 76/245,273 be rejected, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

A duplicate copy of this Notice of Opposition and the fee required in §2.6(a)(17) are enclosed herewith.

Respectfully submitted,

HITT GAINES & BOISBRUN, P.C.
Attorneys for Team Air Express, Inc.



William D. Harris, Jr.

Texas State Bar No. 09109000

Date: July 5, 2002

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HITT GAINES & BOISBRUN, P.C.

Intellectual Property Law & Related Matters

July 5, 2002

Assistant Commissioner for Trademarks
BOX TTAB - FEE
2900 Crystal Drive
Arlington, Virginia 22202-3513



07-08-2002

U.S. Patent & TMOfo/TM Mail Rcpt Dt. #70

Re: U.S. Trademark Application Serial No. 76/245,273
Applicant: Team NW Container Services, Inc.
Opposer: Team Air Express, Inc.
Our File: TAIR-0003OP/B

TRADEMARK TRIAL AND
APPEAL BOARD
02 JUL 16 AM 8:33

Dear Sir:

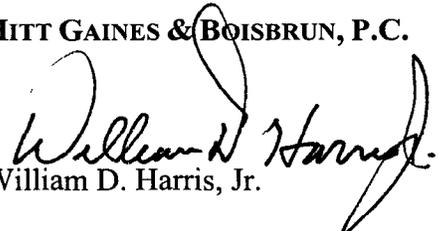
Enclosed for filing in the above-referenced matter please find the following:

1. Notice of Opposition (pp 4) filed in triplicate;
2. Check in the amount of \$300.00 in payment of the filing fee;
3. Postcard.

The Commissioner is hereby authorized to charge any additional fee which may be required, or credit any overpayment to Deposit Account No. 8-2395.

Very truly yours,

HITT GAINES & BOISBRUN, P.C.


William D. Harris, Jr.

WDH:cg
Enclosures