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

In the Matter of Application  
Serial No. 78/060,151  
For the Trademark: ROSCO  
To Be Published for Opposition  
in the Official Gazette  
of June 25, 2002, Page TM 917



07-22-2002

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

RON SMITH, )  
)  
Opposer, )  
)  
v. )  
)  
SCOTT L. WHITEHEAD, )  
)  
Applicant. )

Opposition No. \_\_\_\_\_

TRADEMARK TRIAL AND  
APPEAL BOARD  
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**NOTICE OF OPPOSITION**

Ron Smith, p/k/a ROSCO, a citizen and resident of Tennessee ("Opposer"),  
believes that he will be damaged by registration of the mark shown in Serial No. 78/060,151 in  
International Class 41 on the Principal Register by Scott L. Whitehead ("Applicant") and hereby  
opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the service mark ROSCO. Opposer has used such mark  
to identify his services, entertainment in the nature of live musical performances and sound  
recordings, since long prior to the use alleged by Applicant, at least as early as 1992.

2. Applicant has filed, on April 24, 2001, an intent to use application for the mark  
ROSCO for services identified as "entertainment in the nature of live musical performances" in  
International Class 41, as evidenced by the publication of said mark in the June 25, 2002 issue of  
the Official Gazette, Page TM 917.

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3. Opposer has, by his efforts and expenditures, and by the high quality of his services, developed an exceedingly valuable good will associated with his ROSCO mark.

4. If the Applicant is permitted to use and register the mark for its services, as specified in the application herein opposed, Applicant would unjustly be in a position to interfere with Opposer's prior and continuing use of the identified mark ROSCO.

5. If the Applicant were granted the registration herein opposed, he would thereby obtain at least a prima facie exclusive right to the use of the same mark used since an earlier date by Opposer. Such registration would be a source of damage and injury to the Opposer.

6. Opposer reserves the right to amend this Notice of Opposition upon further investigation and discovery.

WHEREFORE, the Opposer prays that the application Serial No. 78/060,151 be rejected, and that the mark sought therein for the services in International Class 41 be denied and refused.

This Notice of Opposition is being submitted in duplicate, together with the fee of \$300.00 as required in 37 C.F.R. § 2.6(a)(17).

Respectfully submitted,



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