

Hills, California 95762 for registration of the mark FROZEN TUNDRA for clothing namely tops and bottoms, shirts, t-shirts, sweatshirts, sweaters, tank tops, sweatsuits, pants, sweatpants, shorts, jackets, parkas, skiwear, headwear, sleepwear, boots, shoes, slippers, gloves, belts, suspenders, and sweatbands, in International Class 25, which was published in the Official Gazette on August 13, 2002, Standard Knitting Ltd., (Opposer), a Canadian corporation having an address at 1650 Inkster Boulevard, P.O. Box 945, Winnipeg, Manitoba, Canada R3C 2T3, believes that it will be damaged by such registration, and hereby opposes the registration of said trademark. The grounds for opposition are as follows:

1. Applicant's Application Serial No. 76/352,212 was filed on December 26, 2001, on the basis of an intention to use the mark FROZEN TUNDRA.
2. Opposer, since 1969, long prior to Applicant's application filing date of December 26, 2001, has been, and is now, using the mark TUNDRA in interstate commerce in connection with the sale of clothing. Said use has been valid and continuous since long prior to December 26, 2001, the date of filing of Applicant's application, and has not been abandoned. Said mark of Opposer is 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 goods of the respective parties, it is alleged that Applicant's mark so resembles Opposer's mark previously used in the United States, not abandoned, as to be likely to cause confusion, or to cause mistake, or to deceive

3. Applicant's goods are closely related to the goods of Opposer and are likely to be encountered by the same purchasers and users as those of Opposer.

4. Applicant's registration of FROZEN TUNDRA as a trademark for its goods is likely to cause confusion or mistake or deception of purchasers as to the respective marks and ownership thereof, and also to the source, origin and sponsorship of the goods.

5. Opposer asserts that by reason of the similarity of Applicant's mark and Opposer's marks and the nature of the goods offered by the parties, purchasers and prospective purchasers will assume that the products provided by Applicant under the mark FROZEN TUNDRA are being sold by Opposer or under its sponsorship or license, or that Applicant and Opposer are in some way related, and thereby immeasurably damage Opposer as a result of the likelihood of confusion, mistake or deception of purchasers and the trade.

6. Opposer asserts that Applicant's registration of FROZEN TUNDRA as a trademark for its goods, is likely to cause injury to the goodwill and business reputation of Opposer and the dilution of the distinctive quality of Opposer's TUNDRA mark, and as a result thereof, Opposer will therefore sustain irreparable harm to its business, reputation and goodwill, as a result of the acts of the Applicant.

WHEREFORE, Opposer requests that Applicant's Application Serial No. 76/352,212 be rejected, that registration of the mark of Applicant's Serial No. 76/352,212 be denied, and that this opposition to registration of the mark be sustained.

Opposer hereby appoints John F. A. Earley, Registration No. 17,952, John F. A. Earley III, Registration No. 31,350, Frank J. Bonini, Jr., Registration No. 35,452 and Harding, Earley, Follmer & Frailey, 86 The Commons At Valley Forge East, 1288 Valley Forge Road, P.O. Box 750, Valley Forge, PA 19482-0750, Registration No. 11,926, all members of the bar of the Commonwealth of Pennsylvania, to act as attorneys for opposer herein, with full power to prosecute said opposition, to transact all relevant business with the Patent and Trademark Office and in the United States Courts and to receive all official communications in connection with this opposition.

A duplicate copy of this Notice of Opposition and the fee as required by the Trademark Act are enclosed.

Respectfully submitted,
STANDARD KNITTING, LTD.,
By its attorneys,
JOHN F. A. EARLEY
JOHN F. A. EARLEY III
FRANK J. BONINI, JR.
HARDING, EARLEY, FOLLMER & FRAILEY



FRANK J. BONINI, JR.
Registration No. 35,452
P.O. Box 750
Valley Forge, PA 19482-0750
Telephone: (610) 935-2300

Date: 9/10/02

JOHN F.A. EARLEY, PC
P.O. BOX 750
VALLEY FORGE, PA 19482

FIRST UNION

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September 10, 2002

PAY TO THE ORDER OF

Commissioner of the USPTO

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DOLLARS

Commissioner of the USPTO



MEMO

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US Patent & Trademark Filing Fees RE: Serial No. 76/352,212

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September 10, 2002

Our File: Standard Knitting
RE: FROZEN TUNDRA

In re Application of CHRIS L. GANDY; U.S. Application
Serial No. 76/352,212; Filed 12/26/01; For the mark
FROZEN TUNDRA

Enclosures:

Four (4) page NOTICE OF OPPOSITION (in duplicate);
CHECK in the amount of \$300.00 to cover the filing fees;
POSTAL CARD receipt; CERTIFICATE OF MAILING

PTO RECEIPT STAMP

Nov. 15. 2002 4:27PM

Harding, Early, Follmer, Frailey

No. 2716 P. 7/7

September 10, 2002

Our File: Standard Knitting
RE: FROZEN TUNDRA

In re Application of CHRIS L. GANDY; U.S. Application
Serial No. 76/352,212; Filed 12/26/01; For the mark
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09-13-2002

U.S. Patent & TMO/TM Mail Receipt #26

PTO RECEIPT STAMP

LAW OFFICES
HARDING, EARLEY, FOLLMER & FRAILEY

86 THE COMMONS AT VALLEY FORGE EAST

1288 VALLEY FORGE ROAD

POST OFFICE BOX 750

VALLEY FORGE, PENNSYLVANIA 19482-0750

JOHN F. A. EARLEY, PC.
JOHN F. A. EARLEY III
JOSEPH M. KONIECZNY
FRANK J. BONINI, JR.

U.S. AND INTERNATIONAL
INTELLECTUAL PROPERTY

TELEPHONE
(610) 935-2300

E-MAIL
heff@hardingearley.com

FAX
(610) 935-0600

FACSIMILE TRANSMISSION

Date: November 15, 2002

To: Ms. Tisa Williams
703/746-7128

From: Lorraine Fox

RE: Notice of Opposition
U.S. Trademark Application Serial No. 76/352,212
for the mark: FROZEN TUNDRA, INC.

Total Pages (w/cover): 7

Message

As instructed, attached is a copy of our Notice of Opposition in the above referenced matter, along with photocopies of our payment and postal card receipt as received by the USPTO on September 13, 2002.

If you have any questions, please give me a call.

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