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

ALSTYLE APPAREL & ACTIVE WEAR  
MANUFACTURING COMPANY

Opposer,

v.

TERRASTAR INTERNATIONAL, INC.

Applicant.



10-23-2002

U.S. Patent & TMO/c/TM Mail RcptDt. #77

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

02 NOV -4 PM 9:23  
TERRASTAR INTERNATIONAL, INC.

NOTICE OF OPPOSITION

In the matter of the application for registration of an alleged trademark “  
PRO FLEX 2000” in International Class 028 for: “manually operated exercise equipment”,  
Application Serial No. 76109347 filed August 14, 2000 which was published in the Official  
Gazette of the United States Patent and Trademark Office on July 2, 2002.

Alstyle Apparel & Active Wear Manufacturing Company, 3001 West Cornelia  
St., Chicago, Illinois, 60618, is an Illinois Corporation which owns the registered mark  
“PROFLEX”, Registration No. 1831796. Opposer believes that it would be damaged by  
registration of the mark shown in Serial No. 76109347 in International Class 028, and hereby  
opposes same.

As grounds for opposition, it is alleged that:

1. Opposer has been and Opposer still is engaged in the business of using the  
registered mark “PROFLEX”.

2. As the result of the use of "PROFLEX" in connection with Opposer's goods and services, the mark has become closely associated with the Opposer and such mark has acquired value.

3. Opposer is the owner of U.S. Trademark Registration No. 1831796 for "PROFLEX" registered on April 19, 1994 in International Class 002, for textile printing inks..

4. The Applicant's "PRO FLEX 2000" mark contains the entire registered mark "PROFLEX" of Opposer.

5. Opposer believes and alleges that consumers are usually "impulse" buyers and are likely to believe that Applicant's mark identifies goods and services which originate with Opposer.

6. Applicant's use and registration of its trademark will enable Applicant to trade upon and utilize the good will established by Opposer and its trademark.

7. Opposer believes and alleges that Applicant's mark when used in connection with the services identified in International Classes 028, is likely to cause confusion or mistake or deceive or will deceive and mislead the purchasing public into believing that Applicant is licensed or controlled by Opposer or that Applicant is a subsidiary or in some way related to Opposer.

By reason foregoing, Opposer believes and submits that it will be irreparably damaged by the registration of Applicant's confusingly similar mark for the services identified in International Class 028.

WHEREFORE, Opposer prays that this opposition be sustained and the application for registration of the "PRO FLEX 2000" mark be denied for the goods identified in

International Class 028.

POWER OF ATTORNEY

Opposer has appointed Conrad C. Pitts, a member of the law firm of PITTS & ECKL, P.C., a member of the Bar of Alabama and Florida, to prosecute this opposition proceeding and to transact all business in and before the United States Patent and Trademark Office in connection herewith. Please address all correspondence to:

Conrad C. Pitts  
PITTS & ECKL, P.C.  
401 East Tuscaloosa Street  
P.O. Box 1436  
Florence, AL 35630

The filing fee for this opposition in the amount of \$300 is enclosed herewith.

Respectfully submitted,

ALSTYLE APPAREL & ACTIVE WEAR  
MANUFACTURING COMPANY

By: \_\_\_\_\_



Conrad C. Pitts  
PITTS & ECKL, P.C.  
401 East Tuscaloosa Street  
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Fax: (256) 718-0905

Date: October 17, 2002

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**PITTS & ECKL, P.C.**

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10-23-2002

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #77

October 17, 2002

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

I hereby certify that the original of this document and the enclosures referred to therein are being deposited with the United States Postal Service, "Express Mail Post Office to Addressee" service, under 37 C.F.R. § 1.10 on October 22, 2002, and addressed to Box TTAB-FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia, 22202-3513.

*Connie J. White*  
Connie J. White

"Express Mail" Mailing Label No.: **EV162162200US**

Re: Mark: **PRO FLEX 2000**  
Applicant: TerraStar International, Inc.  
Ser. No.: 76109347  
Filed: August 14, 2000  
Our File#: 0054-04-L1  
Subject: Notice of Opposition

02 NOV -4 AM 9:23  
RECEIVED TRADE MARK  
DIVISION

Dear Sir:

Enclosed please find original and two copies of Notice of Opposition. Also enclosed is a check for fees in the amount of \$300.

So that we may have a timely record of this filing, please date-stamp the enclosed stamped, self-addressed postcard and deposit it in the U.S. mail.

Any questions regarding this filing can be directed to my attention.

Sincerely,  
*Conrad C. Pitts*  
Conrad C. Pitts

CCP/cjw  
encl.  
cc: Roger Brown