

TTAB

08/29/2003 TTAB

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

In the Matter of Serial No. 78/175813  
Filing Date: October 18, 2002  
Published in the *Official Gazette*: July 15, 2003  
Mark: EXTREME TIMBER



08-13-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #66

-----X	:	
THE TIMBERLAND COMPANY,	:	Opposition No.
	:	
Opposer,	:	
	:	
- against -	:	
	:	
HARBRO, LLC,	:	
	:	
Applicant.	:	
-----X	:	

08-29-03 09:32

To: TTAB

NOTICE OF OPPOSITION

The above-named opposer, a corporation organized and existing under the laws of Delaware, believes that it will be damaged by registration of the mark EXTREME TIMBER in Class 25, shown in the above-referenced intent-to-use application, and hereby opposes the same.

As grounds for opposition, Opposer, through its attorneys, Fross Zelnick Lehrman & Zissu, P.C., alleges as follows:

1. Opposer uses the mark TIMBERLAND in commerce for footwear, including hunting boots, and for clothing and other goods. All of these uses by Opposer pre-date the filing date of

<u>Certificate of Mailing Under 37 CFR 1.8(a)</u>	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513 on:	
<u>August 11, 2003</u>	<u>Dorene Allen-McManus</u>
(Date of Deposit)	(Signature)
<u>Dorene Allen-McManus</u>	<u>August 11, 2003</u>
(Printed name of person mailing paper or fee)	(Date of Signature)

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08/29/2003TTAB

Applicant's intent-to-use application. Opposer's mark is famous. A printout description of a hunting boot from Opposer's website is attached as Exhibit A. Opposer's products are often bought by hunters and are advertised to hunters.

2. Opposer owns U.S. Reg. Nos. 1,523,598 and 1,300,704 for TIMBERLAND, among others, for clothing and footwear. PTO (TARR) printouts of these registrations are attached as Exhibit B.

3. The opposed ITU application covers EXTREME TIMBER in block letters for a variety of hunting clothing, clothing accessories for hunting, and hunting footwear.

4. Applicant's mark so resembles Opposer's famous mark as to be likely, when applied to the identical or closely-related goods of Applicant, to cause confusion, or to cause mistake, or to deceive.

5. Opposer would be injured by the granting to Applicant of a certificate of registration because this mark would tend to damage Opposer's goodwill in its mark.

6. By reason of the foregoing, Applicant is not entitled to register the mark in the application herein opposed.

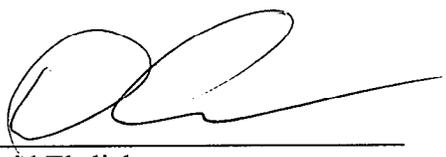
WHEREFORE, Opposer respectfully prays that this opposition be sustained and that the application be denied. All correspondence should be addressed to David Ehrlich. The opposition fee for an opposition proceeding in one class in the amount of \$300.00 is filed herewith. Should the enclosed check be insufficient, please charge any additional fees to our deposit Account No. 230825.

08/29/2003TTAB

Dated: New York, New York  
August 11, 2003

Respectfully submitted,

FROSS ZELNICK LEHRMAN  
& ZISSU, P.C.

By: 

David Ehrlich  
Attorneys for Opposer  
866 United Nations Plaza  
New York, New York 10017  
(212) 813-5900  
(Our Ref: TCO USA TC-03/05426)

cc: Timothy A. Flory, Esq., Attorney for Applicant (by mail)

I:\Dehrlich\TCO\EXTREME TIMBER NOT OPP.doc



[Shopping Bag](#) | [My Account](#) | [Customer Service](#)

**MEN** | WOMEN | KIDS | GIFTS

SEARCH FOR  in Pro

- ▼ **Men**
- ▼ **Footwear**
- ▶ **Office**
- ▶ **Casual**
- ▶ **Boots**
- ▶ **Hiking**
- ▶ **Multi-Sport**
- ▶ **Boat Shoes**
- ▶ **Sandals**
- ▼ **Timberland PRO™**
- ▶ **Waterproof Insulated**
- ▶ **Water-Resistant**
- ▶ **Socks**
- ▶ **Product Care**
- ▶ **Outerwear**
- ▶ **Clothing**
- ▶ **Accessories**

Men > Footwear > Timberland PRO™ > Waterproof Insulated > Master Rack Insulated 9" With Gre

**Master Rack Insulated 9" With Green Style #82093**  
\$190.00



[LARGER VIEW](#)

Available Colors:

Available Sizes:

[Size Charts](#)

**ADD TO BAG**

Part of our Timberland PRO designed to meet the extreme sportsmen, this boot features New Break-Up pattern with leaves and bark for superior

- Premium full-grain durability and abrasion
- 1,000 Dernier Core
- Waterproof membrane for breathable comfort
- New Timberland PRO
- New WolfTrack outsole for traction over all types of terrain
- 600g Thinsulate® for warmth
- Flexible Goodyear

Technology



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Exhibit A

08/19/2003TAS

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2003-08-11 13:00:18 ET**

**Serial Number: 73453075**

**Registration Number: 1300704**

**Mark (words only): TIMBERLAND**

**Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.**

**Date of Status: 1990-04-06**

**Filing Date: 1983-11-16**

**Registration Date: 1984-10-16**

**Law Office Assigned: TMEO Law Office # 5**

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov**

**Current Location: 900 -Warehouse (Newington)**

**Date In Location: 1994-02-16**

---

**CURRENT APPLICANT(S)/OWNER(S)**

---

1. Timberland Company, The

**Address:**

Timberland Company, The

Main St.

Newmarket, NH 03857

United States

**Legal Entity Type: Corporation**

**State or Country of Incorporation: Delaware**

---

**GOODS AND/OR SERVICES**

---

Footwear-Namely, Men's, Women's and Children's Boots, Work Shoes, Hiking Shoes, Boat Shoes, and Other Footwear

**International Class: 025**

**First Use Date: 1973-10-00**

**First Use in Commerce Date: 1973-10-00**

**Basis: 1(a)**

Exhibit B

08/29/2003 TTB

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**ADDITIONAL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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1990-04-06 - Section 8 (6-year) accepted & Section 15 acknowledged

1990-01-30 - Section 8 (6-year) and Section 15 Filed

1984-10-16 - Registered - Principal Register

1984-08-07 - Published for opposition

1984-06-07 - Notice of publication

1984-03-21 - Approved for Pub - Principal Register (Initial exam)

1984-03-20 - Case file assigned to examining attorney

---

**CONTACT INFORMATION**

---

**Correspondent (Owner)**

FRANCIS J. DUFFIN  
DARBY & DARBY  
805 THIRD AVENUE  
NEW YORK, NY 10022  
United States

---

08/29/2003TTAB

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2003-08-11 12:59:51 ET**

**Serial Number: 73721904**

**Registration Number: 1523598**

**Mark**

# Timberland

**(words only):** TIMBERLAND

**Current Status:** Section 8 and 15 affidavits have been accepted and acknowledged.

**Date of Status:** 1995-09-21

**Filing Date:** 1988-04-12

**Registration Date:** 1989-02-07

**Law Office Assigned:** TMEO Law Office # 5

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**Current Location:** 900 -Warehouse (Newington)

**Date In Location:** 1996-03-12

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1. TIMBERLAND COMPANY, THE

**Address:**

TIMBERLAND COMPANY, THE  
200 DOMAIN DRIVE  
STRATHAM, NH 03885  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

---

08/19/2003 TAB

**GOODS AND/OR SERVICES**

CLOTHING, NAMELY COATS, JACKETS, RAINWEAR, SWEATERS, SHIRTS, PANTS, CAPS, HATS, GLOVES, SCARFS, BELTS, T-SHIRTS AND VESTS

**International Class:** 025

**First Use Date:** 1973-10-00

**First Use in Commerce Date:** 1973-10-00

**Basis:** 1(a)

**ADDITIONAL INFORMATION**

**Prior Registration Number(s):**

1300704

1355531

**PROSECUTION HISTORY**

1995-09-21 - Section 8 (6-year) accepted & Section 15 acknowledged

1995-01-30 - Section 8 (6-year) and Section 15 Filed

1989-02-07 - Registered - Principal Register

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1988-07-14 - Case file assigned to examining attorney

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**CONTACT INFORMATION**

**Correspondent (Owner)**

ROXANNE BEAUSOLEIL (Attorney of record)

ROXANNE BEAUSOLEIL  
LEWIS & LAYTIN, P.C.  
FIFTEEN FLOOR  
1776 BROADWAY  
NEW YORK, NY 10019  
United States

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Attorneys for Opposer  
866 United Nations Plaza  
New York, New York 10017  
(212) 813-5900  
(Our Ref: TCO USA TC-03/05426)

cc: Timothy A. Flory, Esq., Attorney for Applicant (by mail)

I:\Dehrlich\TCO\EXTREME TIMBER NOT OPP.doc



Shopping Bag | My Account | Customer Service

MEN WOMEN KIDS GIFTS

SEARCH FOR:  in Pro

- ▼ Men
- ▼ Footwear
  - ▶ Office
  - ▶ Casual
  - ▶ Boots
    - Hiking
    - Multi-Sport
    - Boat Shoes
  - ▶ Sandals
  - ▼ Timberland PRO™
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LARGER VIEW

Available Colors:

Green

Available Sizes:

Size

Size Charts

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NEW YORK, NY 10019

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