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Attorney's Docket: B0932.50108US00

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

Opposer: The Burton Corporation
Applicant: Mission Vertical LLC
Serial No.: 76/471134
Filed: November 19, 2002
Mark: MISSION VERTICAL
Published: August 26, 2003

Opposition No.



11-26-2003

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

CERTIFICATE OF MAILING UNDER 37 CFR §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Box TTAB Fee, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513 on the 21st day of November, 2003.

Kate Emerson

Kate Emerson

Box TTAB Fee
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3515

Sir:

NOTICE OF OPPOSITION

This Notice of Opposition relates to the application of Mission Vertical LLC, a corporation of Delaware, Serial No. 76/471134, filed November 19, 2002 and published in the Official Gazette on August 26, 2003.

The Burton Corporation ("Burton"), organized and existing under the laws of the state of Vermont, having its principal place of business at 80 Industrial Parkway, Burlington, Vermont 05401, believes it will be damaged by the registration of MISSION VERTICAL and hereby opposes the same.

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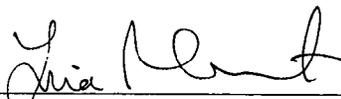
The grounds for the opposition are as follows:

1. Burton has made extensive and exclusive use of the mark MISSION at common law since at least as early as August 2000 in connection with bindings.
2. Notwithstanding Burton's use of the MISSION trademark for bindings at least as early as August 2000, Mission Vertical LLC filed an application under Serial No. 76/471134, on November 19, 2002, to register the mark MISSION VERTICAL for ski and snowboard related equipment, namely, portable ski carriers, bindings and parts therefore, brakes, edges, poles, ropes, scrapers, and wax; and ski and snowboard finding equipment comprising bag and detachable strap.
3. The Mission Vertical LLC mark MISSION VERTICAL is confusingly similar to Burton's mark for MISSION which is protected at common law.
4. The Burton trademarks are famous and represent high quality to customers throughout the world.
5. Potential purchasers of Mission Vertical LLC's products are likely to believe that such products originate with, or are authorized or approved by Burton when in fact they are not.
6. If Mission Vertical LLC is granted the registration on the application herein opposed, it would thereby obtain a prima facie exclusive right to use the mark MISSION VERTICAL which would damage Burton's rights and its mark MISSION.

WHEREFORE, Burton believes it will be damaged by said application for registration and prairie that this opposition be sustained under 15 U.S.C. § 1052(d).

The filing fee for this opposition in the amount of \$300.00 is enclosed. This opposition is submitted in duplicate. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to our Deposit Account No. 23/2825.

Respectfully submitted,

By  _____

Lisa W. Martin

Douglas R. Wolf

WOLF, GREENFIELD & SACKS, P.C.

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Federal Reserve Plaza

Boston, MA 02210

Attorneys for Opposer – The Burton Corporation

Date: November 21, 2003
x11/24/03x

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Kate Emerson

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Arlington, VA 22202-3515

Sir:

Transmitted herewith are the following documents:

- Notice of Opposition
- Return receipt postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617)720-3500, Boston, Massachusetts.

A check in the amount of \$300.00 is enclosed. If the fee is insufficient, the balance may be charged to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted.

By *Lisa W. Martin*

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