

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

DC Shoes, Inc.

Opposer

v.

David Chu, Individual

Applicant

Opposition No.: Unassigned



NOTICE OF OPPOSITION

03-25-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #78

Opposer, DC Shoes, Inc., a California Corporation with a business address of 1333 Keystone Way, Unit A, Vista, California 92083, hereby opposes registration of the mark "DC & Company" that is the subject of application Serial No. 76/518230, published in the Official Gazette of March 23, 2004, and requests that registration to Applicant be refused.

As grounds in support of its opposition, Opposer asserts as follows:

1. Opposer is the owner of registration no. 2,317,622 for the mark "DC" for clothing, namely shoes, T-shirts, jackets, caps. That registration is valid and in force.
2. Opposer is also the owner of registration no. 2,427,124 for the mark "DC" for athletic clothing, namely t-shirts, sweatshirts, pants, jackets, caps, hats and socks; athletic footwear, namely athletic shoes, casual athletic

shoes, hiking boots, snowboard boots and boots. That registration is valid and in force.

3. Opposer is also the owner of registration no. 2,340,040 for the mark "DC SHOES" for shoes. That registration is still valid and in force.
4. Opposer, for several years and since long prior to any date of first use upon which Applicant can rely, has adopted and continuously used the trade names "DC SHOES" and "DC" in connection with sale and distribution of clothing including pants, sweat pants, jackets, shirts, jackets, socks, shoes, boots, hats, and caps.
5. Opposer, for many years and since long prior to any date of first use upon which Applicant can rely, has adopted and continuously used the term "DC SHOES" and "DC" as trademarks for clothing including pants, sweat pants, jackets, shirts, jackets, socks, shoes, boots, hats, and caps.
6. Applicant has filed an intent-to-use application to register the mark "DC & Company" for clothing, namely tennis skirts, pants, sweat pants, sweat shirts, polo shirts, shorts, shirts, ties, kerchiefs, handkerchiefs, sweaters, pullovers, vests, jacket, coats, trousers, suits, slacks, dresses, skirts, blouses, socks, shoes, boots, slippers, capes, cloaks, pajamas, bathrobes, swimsuits, scarves, hats, caps, berets. That application

was filed on May 29, 2003, and was assigned Serial No. 76/518230.

7. Applicant's mark so resembles Opposer's previously used and registered "DC" and "DC SHOES" marks as to be likely, when applied to the goods set forth in applicant's application, to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act.
8. Applicant's use of the mark is likely to dilute Opposer's "DC" and "DC SHOES" marks and trade name as used with regard to clothing including pants, sweat pants, jackets, shirts, jackets, socks, shoes, boots, hats, and caps.

WHEREFORE, Opposer prays that the opposition be sustained and that registration to Applicant be refused.

Respectfully submitted,

DC Shoes, Inc.



Dated: March 25, 2004

By: \_\_\_\_\_  
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TRANSMITTAL OF NOTICE OF OPPOSITION AND PAYMENT OF FEES

Assistant Commissioner for Trademarks  
US Dept. of Commerce, Patent & Trademark Office  
Box TTAB FEE  
2900 Crystal Drive  
Arlington, VA 22202-3513



03/31/2004 SWILSON 0000024 033700 76518230  
01 FC:6403 100.00 BA

03-25-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #78

Dear Sir:

Enclosed please find a Notice of Opposition by Opposer DC Shoes, Inc. regarding the mark "DC & Company" that is the subject of application Serial No. 76/518230, published in the Official Gazette of March 23, 2004. A duplicate copy of the Notice of Opposition is also filed pursuant to the requirements of 37 C.F.R. §2.104(a).

A fee of \$300 is due. The Assistant Commissioner for Trademarks is hereby authorized to charge the fee, any

Certificate of Mailing (37 CFR 1.10)

I hereby certify that this Notice of Opposition (along with any paper referred to as being attached or enclosed) is being deposited in Express Mail using Express Mail Post Office to Addressee with the United States Postal Service on the date shown below in an envelop addressed to the U.S. Dept. of Commerce, Patent & Trademark Office, 2900 Crystal Drive, Arlington, VA 22202-3513.

Express Mail No. EV 005086706 US  
Date: March 25, 2004

Kristen Truong