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

DEWEY W. BARBER d/b/a
BARBER AND COMPANY,
Opposer

v.

CHRISTIAN OUTFITTERS, INC.,
Applicant

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Mark: CHRISTIAN OUTFITTERS

Application No.: 78/172,450

Published: March 9, 2004

Attorney Docket No.: 14404-1



04-02-2004

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

Notice of Opposition

Opposer, Dewey W. Barber d/b/a Barber and Company, an individual with an address of 428 North Church Street, P.O. Box 220, Odum, GA, 31555, hereby opposes registration of the mark CHRISTIAN OUTFITTERS that is the subject of application Serial No. 78/172,450 published in the Official Gazette of March 9, 2004, and requests that registration to Applicant be refused.

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

1. Opposer, for several years, has adopted and continuously used the term CHRISTIAN OUTFITTERS as a trademark in connection with clothing, namely, shirts, sweatshirts and caps.

2. Opposer is the owner of Application No. 78/366,987 for the mark CHRISTIAN OUTFITTERS which such mark is pending in connection with "clothing, namely, shirts, sweatshirts and caps" in International Class 25.

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3. Applicant has filed an application to register the mark CHRISTIAN OUTFITTERS for, among other things, "shirts, caps," in International Class 25.

4. The marks and goods of the respective parties are identical.

5. Upon information and belief, Applicant has not made sufficient trademark "use" of the CHRISTIAN OUTFITTERS mark to support a registration for the goods listed in International Class 25.

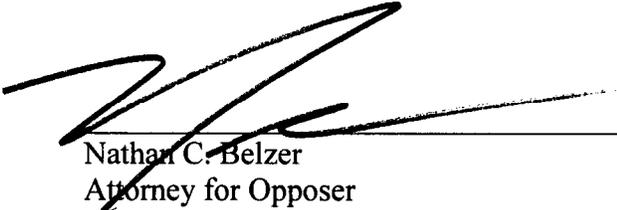
6. Upon information and belief, Applicant's use of the CHRISTIAN OUTFITTERS mark is merely ornamental within the meaning of TMEP § 1202.03. As such, Applicant is not entitled to registration of the CHRISTIAN OUTFITTERS mark in connection with the goods identified in International Class 25.

7. Based on the foregoing, the registration of Applicant's mark would cause injury and damage to Opposer.

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

Respectfully submitted,

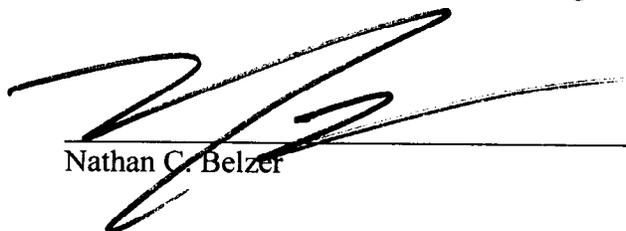
Date: March 30, 2004


Nathan C. Belzer
Attorney for Opposer

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CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR § 1.8)

I hereby certify that this NOTICE OF OPPOSITION, along with a duplicate copy, is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514 on March 30, 2004



Nathan C. Belzer

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March 30, 2004



04-02-2004

U.S. Patent & TMOfc/TM Mail Ropt Dt. #66

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

Re: Notice of Opposition against the mark
CHRISTIAN OUTFITTERS
Serial No. 78/172,450
Applicant: Christian Outfitters, Inc.

To Whom it May Concern:

Please find enclosed for filing in the United States Patent and Trademark Office the following documents:

1. Two copies of Dewey W. Barber's Notice of Opposition against the above-referenced mark; and,
2. Our firm check in the amount of \$300.

If you have any questions, please do not hesitate to contact me. Thank you for your prompt attention to this matter.

Sincerely,

HUNTER, MACLEAN, EXLEY & DUNN, P. C.



Nathan C. Belzer

NCB/kh
Enclosures

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ll.