

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

Trademark Application Serial N^o: 76/507,192
For the Mark: BUGABOO
Applicant: Royalty Bugaboo S.A.R.L.
Published in the Official Gazette: June 8, 2004



09-27-2004

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

COLUMBIA SPORTSWEAR NORTH AMERICA, INC., an Oregon corporation,

Opposer,

v.

Opposition N^o _____

ROYALTY BUGABOO S.A.R.L.,

Applicant.

NOTICE OF OPPOSITION

Columbia Sportswear North America, Inc., an Oregon corporation whose mailing address is 14375 NW Science Park Drive, Portland, Oregon 97229 (hereinafter "Opposer")¹, believes it will be damaged by registration of the mark presented in Application Serial No. 76/507,192 and hereby opposes that application. As grounds therefore, Opposer alleges the following.

1. Applicant, Royalty Bugaboo S.A.R.L. (hereinafter "Applicant"), seeks to register the mark BUGABOO as a trademark for:

¹ Columbia Sportswear North America, Inc. ("CSNA") is wholly owned by Columbia Sportswear Company. CSNA owns the trademark asserted by Opposer herein by virtue of an assignment from the original registrant. Columbia Sportswear Company uses the mark pursuant to a license from CSNA.

- a) suitcases, shopping bags in frames on wheels, travel cases, backpacks, baby car bags, nappy bags; umbrellas and parasols; parasols for prams and buggies; textile cloths and textile straps for carrying babies and children; bags and frames for carrying babies and children – all in Class 18; and
- b) textiles and textile goods, namely blankets and blanket throws for prams and buggies; bed and cradle textiles, namely bed linen, bed spreads, bed pads; blankets, sheets, duvets – all in Class 24.

2. Long prior to November 29, 2002, the application priority date claimed by Applicant under § 44(D), Opposer adopted and used in commerce the mark BUGABOO (hereinafter "Opposer's Mark") for a wide range of clothing and accessories. Opposer's use of BUGABOO has been continuous since long before the filing date or the claimed priority date of the above-referenced application and has not been abandoned.

3. Opposer owns Trademark Registration No. 1,864,784 for the mark BUGABOO for men's, women's, and children's parkas, parka liners, and ski pants, gaiters, scarves, gloves and hats. Said registration is valid and subsisting and has not been abandoned.

4. Opposer's BUGABOO mark has become well known to the public as a trademark for Opposer's goods.

5. Opposer has derived large revenues from the sale of goods bearing its BUGABOO mark.

6. By reason of Opposer's continuous, long and extensive use of Opposer's BUGABOO mark, and its large revenue derived from the sale of goods bearing said mark, Opposer's Mark has become famous and well known to the public and represents a substantial portion of the goodwill of Opposer's business.

7. The respective marks of Applicant and Opposer are identical.

8. The goods sold under Opposer's Mark are related to the goods for which Applicant seeks to register its mark.

9. Applicant's use of the mark BUGABOO, when applied to Applicant's goods, would be

inconsistent with Opposer's use of Opposer's Mark on Opposer's goods and would cause the public to believe wrongly that Applicant's goods originate with Opposer or that there was some connection between Applicant and Opposer.

10. Applicant's use of the mark BUGABOO, when applied to Applicant's goods, would likely cause confusion with Opposer's Mark as used with Opposer's goods, or to cause mistake or to deceive.

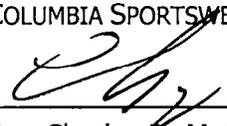
A check for \$600 covering the fee under 37 CFR § 2.6(a)(17) is enclosed. Please charge any additional fees, or credit any overpayment of fees, to our Deposit Account No. 03-1550. Duplicate copies of this Notice of Opposition are enclosed.

WHEREFORE, Opposer prays that Application Serial No. 76/507,192 be rejected, and that the registration of the mark therein sought be denied and refused.

Executed this 23rd day of September 2004.

COLUMBIA SPORTSWEAR NORTH AMERICA, INC.

DATED: September 23, 2004


By: Charles D. McClung, Attorney for Opposer
CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP
1600 ODS Tower
601 SW Second Avenue
Portland, Oregon 97204-3157

CERTIFICATE OF MAILING

I hereby certify that this *NOTICE OF OPPOSITION* is being deposited with the United States Postal Service as first class mail in an envelope addressed to: United States Department of Commerce, Patent and Trademark Office, Trademark Trial and Appeal Board, 2900 Crystal Drive, Arlington, VA 22202-3513 on September 23, 2004.

CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP

DATED: September 23, 2004



Charles D. McClung
Of Attorneys for Opposer Columbia
Sportswear North America, Inc.

TTAB



LAW OFFICES
CHERNOFF, VILHAUER, McCLUNG & STENZEL, LLP

INTELLECTUAL PROPERTY LAW
INCLUDING PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION MATTERS

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DAVID S. FINE
SENIOR LAW CLERK

DANIEL P. CHERNOFF
(1935-1995)

September 23, 2004

OUR FILE: 8251.0005

Attn: Box TTAB
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Re: NOTICE OF OPPOSITION

Trademark Application Serial No. 76/507,192 for the mark BUGABOO
Columbia Sportswear North America v. Royalty Bugaboo S.A.R.L.

Dear Sir or Madam:

Enclosed are the original and two copies of Columbia Sportswear North America, Inc.'s Notice of Opposition to the above-referenced trademark application, together with a check in the sum of \$600 for filing fees, and an acknowledgment postcard.

To avoid any delays in filing the enclosed Notice of Opposition, the Commissioner is authorized to charge payment of any required fees not included herewith, or credit any overpayment related thereto, to Deposit Account No. 03-1550. A duplicate copy of this letter is enclosed.

Sincerely,

Charles D. McClung

CDM:jd
Enclosures
cc: Columbia Sportswear North America, Inc.



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