

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

In the matter of:
Application Serial No. 78215059
Published on September 7, 2004
Mark: SHERIDER

RICHARD P. MECHAM,)
Opposer,)
vs.)
SHE RIDER CLOTHING AND)
ACCESSORIES, L.L.C.)
Applicant.)

Opposition No. _____

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NOTICE OF OPPOSITION

In the matter of the application for registration of the mark SHERIDER for
“SUNGLASSES; PRERECORDED VIDEOTAPES AND DVDS FEATURING ACTION
ADVENTURE, LIVE ACTION, SPORTING EVENTS, SPORTS DEMONSTRATIONS AND
INSTRUCTIONS, SPORTS, SAFETY, SPORTS TECHNIQUES, SURFING,
SNOWBOARDING, SKATEBOARDING AND THE SURROUNDING LIFESTYLES
ASSOCIATED THEREWITH; VIDEO GAME EQUIPMENT, NAMELY, VIDEO GAME
SOFTWARE, VIDEO GAME SOFTWARE FOR PERSONAL COMPUTERS,
COMPUTERIZED VIDEO TABLE GAMES FOR GAMING PURPOSES, ELECTRONIC
AND ELECTRO-MECHANICAL GAMING TABLES WITH VIDEO OUTPUT,

Mark: SHERIDER
Serial No: 78215059
Published: September 7, 2004



10-05-2004

INTERACTIVE VIDEO GAME PROGRAMS, VIDEO GAME INTERACTIVE HAND HELD REMOTE CONTROLS FOR PLAYING ELECTRONIC GAMES, HOME VIDEO GAME MACHINES FOR USE WITH TELEVISIONS, VIDEO GAME TAPE CASSETTES, VIDEO OUTPUT GAME MACHINES FOR USE WITH TELEVISIONS, VIDEO GAME CARTRIDGES, VIDEO GAME DISCS, VIDEO GAME SOFTWARE FOR USE WITH ARCADE VIDEO GAME MACHINES, VIDEO GAME SOFTWARE FOR USE WITH HAND-HELD VIDEO MACHINES, BAGS FOR CARRYING VIDEO GAME CASSETTES, BAGS FOR CARRYING VIDEO GAME SOFTWARE, BAGS FOR CARRYING VIDEO GAME INTERACTIVE HAND HELD REMOTE CONTROLS FOR PLAYING ELECTRONIC GAMES, BAGS FOR CARRYING VIDEO GAME CARTRIDGES; MULTIMEDIA SOFTWARE RECORDED ON CD-ROM FEATURING ACTION ADVENTURE, LIVE ACTION, SPORTING EVENTS, SPORTS DEMONSTRATIONS AND INSTRUCTIONS, SPORTS, SAFETY, SPORTS TECHNIQUES, SURFING, SNOWBOARDING, SKATEBOARDING AND THE SURROUNDING LIFESTYLES ASSOCIATED THEREWITH; CD-ROM BAGS, DVD BAGS, VIDEO DISC BAGS” in International Class 009; “BAGS, NAMELY, ALL PURPOSE SPORTS BAGS, ALL PURPOSE ATHLETIC BAGS, ATHLETIC BAGS, CARRY-ON BAGS, DAYPACKS, GARMENT BAGS FOR TRAVEL, GYM BAGS, HANDBAGS, NON-LEATHER KEY CASES, OVERNIGHT BAGS, POCKETBOOKS, SHOULDER BAGS, WAIST PACKS, TRAVEL BAGS, DUFFEL BAGS OR BOOK BAGS, BACKPACKS, WALLETS, LUGGAGE, LEATHER KEY CHAINS AND KEY CASES” in International Class 18; and “CLOTHING, NAMELY, SURFWEAR, TOPS, TANK TOPS, T-SHIRTS, SWEATSHIRTS, SWEATPANTS, BATHING SUITS, BATHING TRUNKS, BEACHWEAR, SHORTS, JACKETS, SLEEP

WEAR, PANTS, BOTTOMS, SHIRTS, PULLOVERS, BELTS, BIKINIS, SWIMSUITS, SKIRTS, DRESSES, RAINWEAR, ROBES, PAJAMAS, SARONGS, SWEATERS, SOCKS, WATER SOCKS, SCARVES, LOUNGE WEAR, SUN VISORS, UNDERCLOTHING, HEADWEAR, AND FOOTWEAR” in International Class 25, filed February 14, 2003, by She Rider Clothing and Accessories, L.L.C. (“Applicant”), assigned Serial No. 78215059, and published for opposition in the Official Gazette of September 7, 2004, Richard P. Mecham (“Opposer”) believes that he would be damaged by such registration, and hereby opposes the registration of Applicant’s mark pursuant to 15 USC §1063 and 37 CFR §2.104.

As grounds of opposition, it is alleged that:

1. Opposer is an individual United States citizen.
2. Opposer, since at least April of 2001, has been, and is now, using the mark SHE RIDES in connection with retail store services featuring motorcycle apparel, equipment and accessories and online retail store services featuring motorcycle apparel, equipment and accessories.
3. Applicant seeks to register the proposed mark SHERIDER, Serial Number 78215059, for “SUNGLASSES; PRERECORDED VIDEOTAPES AND DVDS FEATURING ACTION ADVENTURE, LIVE ACTION, SPORTING EVENTS, SPORTS DEMONSTRATIONS AND INSTRUCTIONS, SPORTS, SAFETY, SPORTS TECHNIQUES, SURFING, SNOWBOARDING, SKATEBOARDING AND THE SURROUNDING LIFESTYLES ASSOCIATED THEREWITH; VIDEO GAME EQUIPMENT, NAMELY, VIDEO GAME SOFTWARE, VIDEO GAME SOFTWARE FOR PERSONAL COMPUTERS, COMPUTERIZED VIDEO TABLE GAMES FOR GAMING PURPOSES, ELECTRONIC AND ELECTRO-MECHANICAL GAMING TABLES WITH VIDEO OUTPUT,

INTERACTIVE VIDEO GAME PROGRAMS, VIDEO GAME INTERACTIVE HAND HELD REMOTE CONTROLS FOR PLAYING ELECTRONIC GAMES, HOME VIDEO GAME MACHINES FOR USE WITH TELEVISIONS, VIDEO GAME TAPE CASSETTES, VIDEO OUTPUT GAME MACHINES FOR USE WITH TELEVISIONS, VIDEO GAME CARTRIDGES, VIDEO GAME DISCS, VIDEO GAME SOFTWARE FOR USE WITH ARCADE VIDEO GAME MACHINES, VIDEO GAME SOFTWARE FOR USE WITH HAND-HELD VIDEO MACHINES, BAGS FOR CARRYING VIDEO GAME CASSETTES, BAGS FOR CARRYING VIDEO GAME SOFTWARE, BAGS FOR CARRYING VIDEO GAME INTERACTIVE HAND HELD REMOTE CONTROLS FOR PLAYING ELECTRONIC GAMES, BAGS FOR CARRYING VIDEO GAME CARTRIDGES; MULTIMEDIA SOFTWARE RECORDED ON CD-ROM FEATURING ACTION ADVENTURE, LIVE ACTION, SPORTING EVENTS, SPORTS DEMONSTRATIONS AND INSTRUCTIONS, SPORTS, SAFETY, SPORTS TECHNIQUES, SURFING, SNOWBOARDING, SKATEBOARDING AND THE SURROUNDING LIFESTYLES ASSOCIATED THEREWITH; CD-ROM BAGS, DVD BAGS, VIDEO DISC BAGS” in International Class 009; “BAGS, NAMELY, ALL PURPOSE SPORTS BAGS, ALL PURPOSE ATHLETIC BAGS, ATHLETIC BAGS, CARRY-ON BAGS, DAYPACKS, GARMENT BAGS FOR TRAVEL, GYM BAGS, HANDBAGS, NON-LEATHER KEY CASES, OVERNIGHT BAGS, POCKETBOOKS, SHOULDER BAGS, WAIST PACKS, TRAVEL BAGS, DUFFEL BAGS OR BOOK BAGS, BACKPACKS, WALLETS, LUGGAGE, LEATHER KEY CHAINS AND KEY CASES” in International Class 18; and “CLOTHING, NAMELY, SURFWEAR, TOPS, TANK TOPS, T-SHIRTS, SWEATSHIRTS, SWEATPANTS, BATHING SUITS, BATHING TRUNKS, BEACHWEAR, SHORTS, JACKETS, SLEEP

WEAR, PANTS, BOTTOMS, SHIRTS, PULLOVERS, BELTS, BIKINIS, SWIMSUITS, SKIRTS, DRESSES, RAINWEAR, ROBES, PAJAMAS, SARONGS, SWEATERS, SOCKS, WATER SOCKS, SCARVES, LOUNGE WEAR, SUN VISORS, UNDERCLOTHING, HEADWEAR, AND FOOTWEAR” in International Class 25”, claiming a bona fide intent to use the mark in commerce, as is evidenced by publication of said mark in the Official Gazette in the September 7, 2004 issue.

4. Application Serial Number 78215059 was filed by Applicant on February 14, 2003.

5. Opposer filed an application, Serial Number 76492409, to register SHE RIDES in the United States Patent and Trademark Office in connection with “RETAIL STORES FEATURING MOTORCYCLE APPAREL, EQUIPMENT, AND ACCESSORIES; ONLINE RETAIL STORE SERVICES FEATURING MOTORCYCLE APPAREL, EQUIPMENT, AND ACCESSORIES” on February 14, 2003.

6. Opposer’s use of the mark SHE RIDES has been valid and continuous since at least April of 2001 and has not been abandoned. SHE RIDES is a mark which is symbolic of extensive good will and consumer recognition. As a result of the substantial amounts of time and effort in advertising and promotion, Opposer has developed an exceedingly valuable goodwill in respect to its mark.

7. Upon information and belief, Opposer alleges that the goods and services of Opposer and Applicant are offered in similar channels of commerce and offered to similar customers.

8. Applicant’s proposed mark and Opposer’s mark are very similar in sound, appearance and meaning.

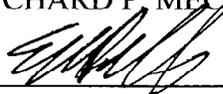
9. As a result of confusing similarity between Opposer's mark and Applicant's mark and because the goods and services of Applicant and Opposer are very similar, are in similar channels of commerce, and are directed to similar customers, registration of the proposed mark SHERIDER in connection with Applicant's goods is likely to deceive purchasers as to the source or sponsorship of such goods, to cause confusion, to cause mistake, or to deceive.

WHEREFORE, Opposer, Richard P. Mecham, prays that the application for registration of the mark SHERIDER, Serial No. 78215059, be refused and that this Opposition be sustained in favor of Opposer.

A duplicate copy of this Notice of Opposition, along with the fee required by Sect. 2.6(a)(17) are enclosed herewith.

Opposer hereby appoints Erik M. Pelton, member of the Bar of the State of New Jersey, at Erik M. Pelton, Attorney at Law, 3124 North 10th Street, Suite 4, Arlington, Virginia 22201, to act as attorney in the matter of the opposition identified above, to prosecute said opposition, to transact all business in the Patent and Trademark Office, and in the United States courts connected with the opposition, to sign its name to all papers which are hereinafter to be filed in connection therewith, and to receive all communications relating to the same.

Respectfully submitted for,
Opposer, RICHARD P. MECHAM

By: 

Erik M. Pelton, Esq.
Attorney for Opposer

Erik M. Pelton, Attorney at Law
3124 North 10th Street, Suite 4
Arlington, Virginia 22201

Date: 10/5, 2004

Enclosures:

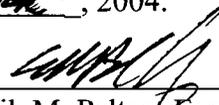
Opposition fee of \$300.00 per International Class

Duplicate copy

CERTIFICATE OF DEPOSIT

I hereby certify that this Notice of Opposition is being deposited by hand delivery with the office of the Trademark Trial and Appeal Board, 9th Floor, 2900 Crystal Drive, South Tower, Arlington, VA 22202 on this the 5th of October, 2004.

By: _____


Erik M. Pelton, Esq.

Date: _____

10/05/04