

1. Opposer is now, and its predecessors in interest have been, engaged in the manufacture, distribution, and sale in interstate commerce of a wide variety of clothing products, including without limitation, underwear.

2. On February 21, 2002, long prior to applicant's filing date, opposer filed an application to register the trademark EX-SCENT, Serial No. 78-110,238, for "thermal underwear, tops and bottoms, shirts, T-shirts, pants, turtlenecks, mock turtlenecks, underwear." Opposer's application is valid and subsisting and has been allowed by the USPTO.

3. At least as early as December 31, 2003, opposer began using the EX-SCENT trademark in interstate commerce on and in connection with the sale of the aforesaid products.

4. Ever since the constructive first use of the EX-SCENT trademark as aforesaid, opposer has widely and extensively advertised and sold goods bearing the EX-SCENT trademark. As a consequence of the inherent distinctiveness of the trademark, as well as the extensive advertising and sales, the consuming public and trade recognize the EX-SCENT trademark as being used by opposer or by a single source, and associate and identify EX-SCENT with opposer, or with a single source, and opposer derives substantial goodwill and value from such identification by the consuming public and trade.

5. By the application herein opposed, applicant seeks to register X SCENT for "clothing, namely, gloves, mittens, footwear, socks, neckwear, muffs, bib overalls, jackets and coveralls." The goods identified in applicant's application are identical or closely related to opposer's products which bear the EX-SCENT trademark and which are identified in opposer's application no. 78-110,238.

6. Applicant's mark X SCENT is virtually identical to opposer's EX-SCENT trademark visually, and identical aurally and in meaning.

7. Applicant's mark, when applied to the identified goods, is likely to cause confusion and mistake and to deceive, with consequent injury to opposer, the consuming public and the trade.

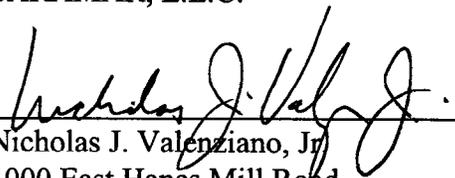
8. Opposer will be damaged by the registration sought by applicant because such registration will support and assist applicant in the confusing and misleading use of applicant's mark sought to be registered, and will give color and exclusive right to applicant in violation and derogation of prior and superior rights of opposer.

WHEREFORE, opposer believes it will be damaged by registration of applicant's mark and prays that it not be allowed.

In addition to the undersigned, please recognize as attorney for opposer in this proceeding Bruce Bradford, a member of the Bar of the State of Illinois, whose office is located at 1000 East Hanes Mill Road, Winston-Salem, North Carolina, 27105, telephone (336) 519-7072.

SARAMAR, L.L.C.

Dated: November 23, 2004


Nicholas J. Valenziano, Jr.
1000 East Hanes Mill Road
Winston-Salem, NC 27105
Telephone: 336.519.7450
Attorney for Opposer

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

In the Matter of Application Serial No. 76-509,381
Published on August 3, 2004
Mark: X SCENT

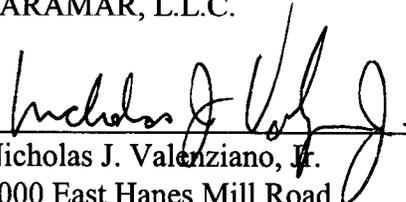
Saramar, L.L.C.,)	
)	
v.)	Opposer,
)	
Arcticshield, Inc.,)	
)	Applicant.

**PAYMENT OF OPPOSITION
FILING FEE**

Please charge the \$300.00 filing fee, as well as any additional charges associated with filing the above-referenced opposition, to Deposit Account No. 190142.

Respectfully submitted,

SARAMAR, L.L.C.



Nicholas J. Valenziano, Jr.
1000 East Hanes Mill Road
Winston-Salem, NC 27105
Telephone: 336.519.7450
Attorney for Opposer

Dated: November 23, 2004