

ESTTA Tracking number: **ESTTA29882**

Filing date: **04/06/2005**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Airtruk/Seatruk Inc.
Granted to Date of previous extension	04/13/2005
Address	147-60 175th Street Jamaica, NY 11434 UNITED STATES

Correspondence information	Michael R. Gilman Kaplan & Gilman, LLP 900 Route 9 North Woodbridge, NJ 07095 UNITED STATES mgilman@kaplangilman.com Phone:732-634-7634
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Applicant Information

Application No	76548401	Publication date	12/14/2004
Opposition Filing Date	04/06/2005	Opposition Period Ends	04/13/2005
Applicant	AIR TRACTOR, INC. P.O. Box 485 Olney, TX 76374		

UNITED STATES

Goods/Services Affected by Opposition

Class 012.

All goods and services in the class are opposed, namely: Flying vehicles, namely, airplanes

Attachments	Notice of Opposition.pdf (3 pages)
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Signature	/Michael R. Gilman/
Name	Michael R. Gilman
Date	04/06/2005

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

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AIRTRUK/SEATRUK INC.	:	
	:	
Opposer,	:	Opposition No.
	:	
v.	:	
	:	
AIR TRACTOR, INC.,	:	
	:	
Applicant.	:	
-----X	:	

NOTICE OF OPPOSITION

In the matter of application Serial No. 76/548,401 for registration in International Class 12 of the trademark AIR TRUCK, filed September 15, 2003, and published in the Official Gazette on December 14, 2004, in the name of Air Tractor, Inc. (“applicant”).

Airtruk/Seatruk Inc. (“opposer”), a New York corporation, located and doing business at 147-60 175th Street, Jamaica, New York 11434, believes it will be damaged by registration of the mark AIR TRUCK by applicant and hereby opposes the registration of said trademark, pursuant to Section 13 of the Trademark Act of July 5, 1946, 15 U.S.C. Sec. 1063, on the following grounds:

1. Opposer, since at least as early as March 1, 1994, and continuously thereafter to date, has used the AIRTRUK SEATRUK mark for “ocean freight forwarding and freight transportation by sea, namely, freight consolidation and deconsolidation.”
2. Services provided under the trademark AIRTRUK SEATRUK by opposer have been substantial, and such sales have established for opposer an enviable reputation in the trade and with the purchasing public.
3. Opposer is the owner of pending U.S. Trademark Application Serial No. 78/339,011

filed on December 10, 2003 for the mark AIRTRUK SEATRUK in block letters, for “ocean freight forwarding and freight transportation by sea, namely, freight consolidation and deconsolidation.”

4. Opposer is also the owner of pending U.S. Trademark Application Serial No. 78/339,043 filed on December 10, 2003 for the mark AIRTRUK SEATRUK and Design for, “ocean freight forwarding and freight transportation by sea, namely, freight consolidation and deconsolidation.”

5. Applicant is the owner of U.S. Trademark Application No. 76/548,401 for the mark AIR TRUCK for “flying vehicles, namely, airplanes”, filed prior to opposer’s applications, on September 15, 2003.

6. Both of opposer’s applications are in suspended status at the U.S. Patent and Trademark Office, pending resolution of opposer’s application.

7. Based upon the extensive use of the AIRTRUK SEATRUK mark by opposer, opposer has established a renown name that the consuming public and the trade quickly and easily identify with opposer, and accordingly, there would be a likelihood of confusion and deception between the AIR TRUCK mark of applicant’s application and the AIRTRUK SEATRUK mark of opposer’s applications.

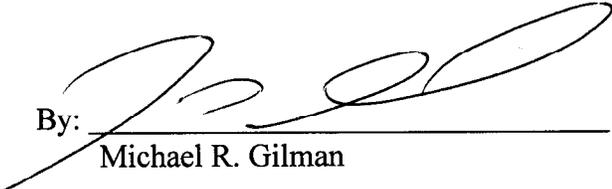
8. On the basis of the foregoing, opposer is likely to be materially harmed and damaged by issuance to registration of applicant’s AIR TRUCK trademark.

WHEREFORE, opposer prays that the instant opposition be sustained and the issuance of a registration based on application Serial No. 76/548,401 to applicant be denied.

The Commissioner is authorized to charge any deficiencies, or credit any overpayment, to Deposit Account No. 11-0223.

Respectfully submitted,

KAPLAN & GILMAN, L.L.P.
Attorneys for Opposer
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Woodbridge, NJ 07095
(732) 634-7634

By: 

Michael R. Gilman

Dated: April 6, 2005