

ESTTA Tracking number: **ESTTA40261**

Filing date: **07/28/2005**

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	CALIFORNIA ASSOCIATION OF SUNBEAM TIGER OWNERS		
Entity	Corporation	Citizenship	California
Address	18771 PASEO PICASSO IRVINE, CA 92603 UNITED STATES		

Attorney information	Francis J. Mooney, Jr. Dunnington, Bartholow & Miller LLP 477 Madison Avenue New York, NY 10022 UNITED STATES fmooney@dunnington.com Phone:(212) 682-8811		
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Applicant Information

Application No	78357854	Publication date	07/05/2005
Opposition Filing Date	07/28/2005	Opposition Period Ends	08/04/2005
Applicant	Hughes, Michael T. 5805 State Bridge Road Duluth, GA 30097 UNITED STATES		

Goods/Services Affected by Opposition

Class 012.

All goods and services in the class are opposed, namely: Motor vehicles, namely, motorcycles, motorized scooters, bicycles, automobiles, trucks, sports utility vehicles, go-carts; neighborhood transportation vehicles, namely, motorized golf carts all using gas, electric, hybrid, fuel cell and other fuel means to provide locomotion; motor vehicle parts, namely, automobile bodies, automotive interior trim, and drive trains for automobiles

Class 025.

All goods and services in the class are opposed, namely: Clothing, namely, hats, t-shirts, belts, pants, shirts, dresses, sweatpants and sweatshirts, sportswear, namely, hoodies, leggings, headbands, and tennis and sports shoes, shoes, neckties, shorts, swim wear, baseball caps, socks, visors, coats, jackets, and skirts for children and adults

Attachments	Calif. Assoc. of Sunbeam Tiger.pdf (2 pages)
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Signature	/francis j. mooney, jr./
Name	Francis J. Mooney, Jr.
Date	07/28/2005

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

Opposer: CALIFORNIA ASSOCIATION OF SUNBEAM TIGER OWNERS
Opposition No. _____

vs. SUNBEAM TIGER Application Serial No. 78357854

Applicant: Michael T. Hughes, Published in the Official
Gazette on July 5, 2005.

Opposer, CALIFORNIA ASSOCIATION OF SUNBEAM TIGER OWNERS, a California corporation located and doing business at 18771 Paseo Picasso, Irvine, CA 92603, believes that it will be damaged by registration of the mark shown in Serial No. 78357854 and hereby opposes the same.

Description of Applicant's Application: Filed on January 26, 2004. Published for Opposition in the Official Gazette of July 5, 2005. Mark: SUNBEAM TIGER in international Classes 012 for Motor Vehicles to include automobiles and in International Class 025 for Clothing.

As grounds of opposition, Opposer alleges that:

1) Opposer, since December, 1976 has been and is currently using the trade name CALIFORNIA ASSOCIATION OF SUNBEAM TIGER OWNERS in interstate commerce in connection with the manufacture, promotion, advertising and sale of SUNBEAM TIGER automotive parts, services and related items of clothing.

Said use has been valid and continuous since the said date of first use and is currently being used by Opposer and has not been abandoned.

2) Opposer has published a newsletter to paying subscribers since 1976. The newsletter is entitled TIGER TALES, CALIFORNIA ASSOCIATION OF SUNBEAM TIGER OWNERS and incorporates a fanciful TIGER LOGO. The newsletter includes reports of automotive matters of interest to SUNBEAM TIGER contains advertising notices for Sunbeam Tiger automobiles and includes a listing of parts presently available for these said automobiles. It also lists dates and locales of CALIFORNIA ASSOCIATION OF SUNBEAM TIGER OWNERS sponsored or promoted events. The newsletter also lists official clothing which include T-shirts, jackets, hats and other items which include the SUNBEAM name and the TIGER name in various configurations.

3) Said use by the Opposer of the trade name CALIFORNIA ASSOCIATION OF SUNBEAM TIGER OWNERS above and in conjunction with SUNBEAM TIGER has extensive good will and consumer recognition built up by Opposer for over twenty-nine (29) years. This goodwill and recognition results from Opposers expenditure of substantial amounts of time,

effort and dollars in the manufacture, advertising, promotion and sale of opposers SUNBEAM TIGER related items in conjunction with Opposers trade name.

4) Opposer is most likely to be damaged by registration of applicants mark in that applicant will or will have the right to allege and enforce exclusive use of the SUNBEAM TIGER mark or possibly of SUNBEAM or TIGER to the detriment of Opposer. Opposers automotive and clothing items as set forth in the various issues of the magazine are related items, substantially similar to automotive items aand clothing items sought for inclusion by applicants pending registration request.

5) Applicant is not the creator or original user of the SUNBEAM TIGER mark. The SUNBEAM TIGER automobile was first advertised and sold to the public in the United States in the mid 1960's through the late 1960's. The name SUNBEAM TIGER was used for an automobile that in the mid 1920's set the official land speed record. Applicant seeks to capitalize on that past and more recent history and seeks exclusivity without having any connection therewith.

6) In view of the similarity of the applicants mark and the substantially similar related nature of the automotive related items and services and clothing items offered by the opposer it is most likely that confusion, mistake and deception will most likely occur to the detriment both of the Opposer and the public.

WHEREFORE, Opposer prays that said application Serial No. 78357854, be rejected, that no registration be issued thereon to applicant, and that this opposition be sustained in favor of Opposer.

Opposer hereby appoints Dunnington, Bartholow and Miller LLP, 477 Madison Avenue, New York, New York 10022 by Francis J. Mooney Jr., a member of the bar of the State of New York, to act as attorneys for Opposer herein, with full power to prosecute said opposition, to transact all relevant business with the Patent and Trademark Office and in the United States Courts and to receive all official communications in connection with this opposition.

Opposer: CALIFORNIA ASSOCIATION OF SUNBEAM TIGER OWNERS

Date: July 28, 2005

By: (Signature) _____

As Attorney for Opposer:
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