

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

SCHOTT BROS. INC.)	
)	
Opposer,)	
)	Opposition No.
v.)	
)	Serial No. 76577088
LONG HUEI HELMET CO.,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

In the matter of the application of Long Huei Helmet Co. (hereinafter referred to as "Applicant") for registration of the trademark SHOT in class 9 for "safety helmets, protective helmets", Serial No. 76577088 filed February 24, 2004, which was published in the Official Gazette of the United States Patent and Trademark Office on April 26, 2005, Schott Bros. Inc., a corporation organized and existing under the laws of the State of New Jersey, which has its principal place of business at 1000 Jefferson Avenue, Elizabeth, New Jersey 07201 (hereinafter referred to as "Opposer"), believes it will be damaged by registration of the mark SHOT in said trademark application and hereby opposes the same.

The grounds for the opposition are as follows:

1. Opposer adopted and began using the trademark SCHOTT at least as early as 1964 for outerwear, including motorcycle jackets. Said SCHOTT goods have been continuously sold in interstate commerce since the date of first use of the SCHOTT trademark.



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Opposer's first use of the SCHOTT trademark thus commenced long before Applicant's filing of its application to register SHOT.

2. Long before Applicant filed its application to register SHOT, Opposer has been and continues to be known as "Schott".

3. Opposer's SCHOTT trademark and "Schott" tradename is pronounced as "shot", which is identical to the pronunciation of Applicant's mark SHOT.

4. Within the motorcycle jacket industry, Opposer's SCHOTT trademark and tradename are well known and highly regarded as being synonymous with motorcycle jackets of outstanding quality.

5. Opposer also sells other clothing items in connection with its SCHOTT trademark and goods which are related or complementary to motorcycle jackets or are for use by motorcyclists.

6. Opposer owns the following trademark registrations:

a. Registration No. 1,167,412 for SCHOTT for "men's, boys' and women's outerwear - namely, jackets". Said registration issued on September 1, 1981 and is valid, subsisting and in full force and effect; and,

b. Registration No. 1,640,572 for SCHOTT N.Y.C. (exclusive rights to "N.Y.C." disclaimed) for "jackets and hats for men, women and children; pants for men and women". Said registration issued on April 9, 1991 and is valid, subsisting and in full force and effect.

7. Opposer, since a date prior to February 24, 2004, the filing date of Applicant's application to register SHOT, and continuously to the present date, has in interstate commerce used, advertised and promoted the SCHOTT trademark and has sold and distributed goods

bearing said mark. The SCHOTT trademark has been and is being used in connection with the goods distributed and sold by Opposer in interstate commerce in a manner customary to the trade to identify Opposer as the source of such goods. By reason of Opposer's substantial advertising, promotion and sale of goods, the SCHOTT trademark has achieved a reputation and goodwill throughout the United States of inestimable value.

8. Applicant's goods are identified in SN 76577088 are broadly identified as "safety helmets, protective helmets" and as such could include protective helmets for motorcyclists. Protective helmets for motorcyclists are advertised and sold to the same consumers as said goods of Opposer, in cross-secting trade channels. Further, prospective and actual consumers of Applicant's SHOT goods who are familiar with Opposer and/or its goods distributed in connection with the SCHOTT trademark will likely believe that Applicant's goods emanate from or are sponsored by or somehow associated or connected with Opposer. Consequently, such consumers are likely to be confused, deceived or misled into the mistaken belief that Applicant's goods emanate from or are sponsored, affiliated or somehow related to Opposer when in fact they are not.

9. Applicant's mark SHOT will thus damage Opposer within the meaning of section 2 (d) of the Trademark Act of 1946, 15 U.S.C. Sections 1052 (d).

10. For the foregoing reasons, Opposer will be damaged and harmed by the use and registration of Applicant's SHOT trademark.

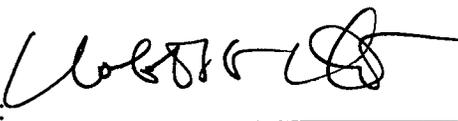
WHEREFORE, Opposer prays that Application Serial No. 76577088 be refused registration.

The filing fee of the Opposition in the amount of \$300.00 is enclosed.

Respectfully submitted,

COOPER & DUNHAM LLP

Dated : New York, N.Y.
August 24, 2005

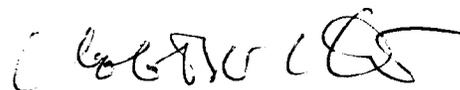
By: 

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notice of Opposition was served upon the United States Patent and Trademark Office, Trademark Trial and Appeal Board by first class mail, postage prepaid, this 24th day of August, 2005 in an envelope addressed as follows:

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451



Robert B.G. Horowitz

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