

ESTTA Tracking number: **ESTTA62065**

Filing date: **01/16/2006**

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	Becker Designs, Inc.		
Entity	Corporation	Citizenship	Florida
Address	5817 S. Ridgewood Ave. Port Orange, FL 32127 UNITED STATES		

Attorney information	Heather Bond Vargas Cobb & Cole, P.A. 150 Magnolia Avenue Daytona Beach, FL 32114 UNITED STATES Heather.Vargas@cobbcole.com Phone:386-323-9230		
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Applicant Information

Application No	78512395	Publication date	12/27/2005
Opposition Filing Date	01/16/2006	Opposition Period Ends	01/26/2006
Applicant	Biker Design, Inc. 777 Main St. Daytona Beach, FL 32118 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 2001/08/00 First Use In Commerce: 2001/08/00 All goods and services in the class are opposed, namely: Clothing, namely, shirts, t-shirts, sweatshirts, sweaters, jackets, shorts, pants, jumpers, caps and hats for women	
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Related Proceedings	Becker Designs, Inc. v. Biker Design, Inc. et al; United States District Court for the Middle District of Florida; Case Number 6:06-cv-56
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Attachments	Becker opposition.pdf (2 pages)
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Signature	/Heather Bond Vargas/
Name	Heather Bond Vargas
Date	01/16/2006

Opposer, Biker Designs, Inc., a Florida corporation located and doing business at 5817 S. Ridgewood Avenue, Port Orange, Florida 32127, believes that it will be damaged by registration of the mark shown in Serial No. 78512395 and hereby opposes same.

Applicant is seeking registration for the mark *Biker Design Ladies Collection* and design. The application was filed on November 5, 2004 and was published for opposition in the Official Gazette of December 27, 2005 for use in association with clothing, namely shirts, t-shirts, sweatshirts, sweaters, jackets, shorts, pants, jumpers, caps and hats for women in Class 25. Applicant claims a date of first use of August 2001.

1. Opposer has standing to oppose the application as Opposer is likely to be damaged by the registration of the application based on the likelihood of confusion between the mark applied for and Opposer's name and mark.

2. As grounds of opposition, it is alleged that: Opposer, since 1994 has been, and is now, using the mark and name *Becker Designs* in connection with the sale of motorcycle-themed women's clothing. Said use has been valid and continuous since said date of first use and has not been abandoned. Said name and mark of Opposer is symbolic of extensive good will and consumer recognition built up by Opposer through substantial amounts of time and effort in advertising and promotion. In view of the similarity of the respective marks and the identical nature of the goods of the respective parties, it is alleged that applicant's mark so resembles Opposer's mark previously used in the United States and not abandoned as to be likely to cause confusion, or to cause mistake,

or to deceive.

WHEREFORE, Opposer prays that said application Serial No. 78512395 be rejected, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.