

ESTTA Tracking number: **ESTTA63153**

Filing date: **01/23/2006**

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	Surf Line Hawaii LTD
Granted to Date of previous extension	01/25/2006
Address	1451 Kalani Street Honolulu, HI 96817 UNITED STATES
Correspondence information	Megan E. Gray Attorney for Opposer Roylance, Abrams, Berdo & Goodman LLP 1300 19th Street NW, Suite 600 Washington, DC 20036 UNITED STATES megdocketing@roylance.com

**Applicant Information**

Application No	78467852	Publication date	09/27/2005
Opposition Filing Date	01/23/2006	Opposition Period Ends	01/25/2006
Applicant	Luna Moda Inc. 120 Landing Ct. Ste A Novato, CA 94945 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 025. All goods and services in the class are opposed, namely: Clothing, namely, pajamas, shirts, blouses, t-shirts, sweat suits, warm-up suits, jogging suits, coats, tank tops, ponchos, shorts, pants, skirts and dresses	
Related Proceedings	Opposition Number 91164697 Opposition Number 91168254
Attachments	Notice of Opposition.pdf ( 3 pages ) ExhibitA.pdf ( 5 pages )
Signature	/Megan E. Gray/
Name	Megan E. Gray
Date	01/23/2006

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

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 In re Application of )  
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 Luna Moda Inc. )  
 )  
 Serial No. 78/467,852 )  
 )  
 Filed: August 16, 2004 )  
 )  
 Trademark: STREETJAMAS )  
 )  
 Published: September 27, 2005 *Official Gazette* )  
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 SURF LINE HAWAII, LTD., )  
 )  
 Opposer, )  
 )  
 v. )  
 )  
 LUNA MODA INC., )  
 )  
 Applicant. )  
 \_\_\_\_\_ )

Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**

SURF LINE HAWAII, LTD., a corporation of Hawaii, having a principal place of business at 1451 Kalani Street, Honolulu, Hawaii 96817, (hereinafter called "Opposer"), believes that it is and/or will be damaged by the registration of the mark STREETJAMAS used in connection with the goods identified in United States Trademark Application Serial No. 78/467,852 published in the September 27, 2005 *Official Gazette* and hereby opposes the same.

The grounds for opposition are as follows:

1. Since long prior to August 16, 2004, the filing date of Luna Moda Inc.'s (hereinafter called

“Applicant”) Trademark Application Serial No. 78/467,852, Opposer has used the designations JAMS and JAMS WORLD in the United States as trademarks in connection with various types of clothing for men, women and children, including without limitation pants, shirts, shorts, coats, t-shirts, sweatshirts, sweatpants, tank tops, dresses, blouses, slacks, and sweat-suits, and those designations have functioned and now function as distinctive trademarks identifying the origin of such goods in Opposer.

2. Opposer is the owner of United States Trademark Registration No. 920,266, issued September 14, 1971; Registration No. 1,497,797, issued July 26, 1988; and Registration No. 1,537,352, issued May 2, 1989, covering the designation JAMS for clothing, all of which are valid, subsisting and incontestable, and Registration No. 1,888,564, issued April 11, 1995 and 1,766,979, issued April 20, 1993 covering the designation JAMS WORLD for clothing and clothing store services, which are valid, subsisting, and incontestable. Copies of the said registrations are attached hereto as Exhibit A.

3. Applicant is not now and never was entitled to appropriate, use, apply for, or register as a trademark the designation STREETJAMAS for the goods set forth in Application Serial No. 78/467,852.

4. Upon information and belief, Applicant has not used the designation STREETJAMAS prior to August 16, 2004, which is the filing date of its intent-to-use Application Serial No. 78/467,852.

5. The majority of Applicant’s goods identified in its application are identical to Opposer’s goods described in paragraph 1 above and all of Applicant’s goods are sold or will be sold to the same classes of purchasers through the same channels of trade as Opposer’s said goods.

6. The term STREETJAMAS is substantially and confusingly similar to Opposer’s marks JAMS and JAMS WORLD, incorporates a substantial, distinctive portion of Opposer’s mark JAMS in its entirety, and is likely when applied to Applicant’s goods to cause confusion or mistake or to deceive.

7. Opposer is and/or will be damaged by the use and registration of STREETJAMAS by Applicant for Applicant’s goods because potential customers, purchasers, persons in the trade, the public and

Opposer's and Applicant's own customers will be confused as to the source or origin of Applicant's goods sold under such mark to the detriment and damage of Opposer.

8. Opposer is and/or will be damaged by the use and registration of STREETJAMAS by Applicant for Applicant's goods because potential customers, purchasers, persons in the trade, the public, and Opposer's and Applicant's own customers will mistakenly believe that such goods sold under Applicant's mark are associated with, endorsed by or in some other way related to, affiliated with, or sponsored by Opposer to the detriment of Opposer.

9. Registration of Applicant's mark STREETJAMAS is specifically barred by the provisions of Section 2(d) of the Trademark Act of 1946 because said mark consists of or comprises a mark which so resembles marks or trade names previously used and registered in the United States by Opposer and not abandoned, namely, JAMS and JAMS WORLD, as to be likely, when applied to the Applicant's goods to cause confusion, mistake, or deception.

WHEREFORE, Opposer respectfully prays that this Opposition be sustained and that Application Serial No. 78/467,852 for STREETJAMAS be rejected and denied.

Respectfully submitted,

SURE LINE HAWAII, LTD.



Dated: January 23, 2006

By:

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Megan E. Gray  
Attorneys for Opposer  
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Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office

10 Year Renewal

Reg. No. 920,266

Registered Sep. 14, 1971

Renewal Term Begins Sep. 14, 1991

**TRADEMARK  
PRINCIPAL REGISTER**

**JAMS**

SURF LINE HAWAII, LTD. (HAWAII  
CORPORATION)  
1451 KALINI STREET  
HONOLULU, HI 98617

FOR: MEN'S SWIMMING TRUNKS, IN  
CLASS 39 (INT. CL. 25).  
FIRST USE 8-1-1964; IN COMMERCE  
1-12-1965.

SER. NO. 72-369,969, FILED 9-4-1970.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Oct. 1, 1991.*

COMMISSIONER OF PATENTS AND TRADEMARKS

**Int. Cl.: 25**

**Prior U.S. Cl.: 39**

**United States Patent and Trademark Office** **Reg. No. 1,497,797**  
**Registered July 26, 1988**

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**TRADEMARK  
PRINCIPAL REGISTER**

**JAMS**

**SURF LINE HAWAII, LTD. (HAWAII CORPORATION)  
1451 KALANI STREET  
HONOLULU, HI 96817**

**FOR: MEN'S, WOMEN'S AND CHILDREN'S  
PANTS, SHIRTS, WALKING SHORTS, SWIMMING  
TRUNKS, UNDERWEAR, HATS, BELTS  
AND SCARVES, IN CLASS 25 (U.S. CL. 39).**

**FIRST USE 8-1-1964; IN COMMERCE  
1-12-1965.**

**OWNER OF U.S. REG. NO. 920,266.**

**SER. NO. 544,313, FILED 6-21-1985.**

**STEWART J. BELLUS, EXAMINING ATTORNEY**

**Int. Cls.: 14, 18, 25 and 30**

**Prior U.S. Cls.: 3, 27, 28, 39 and 46**

**United States Patent and Trademark Office**

**Reg. No. 1,537,352**

**Registered May 2, 1989**

**TRADEMARK  
PRINCIPAL REGISTER**

**JAMS**

**SURF LINE HAWAII, LTD. (HAWAII CORPORATION), DBA INTERNATIONAL  
1451 KALANI STREET  
HONOLULU, HI 96817**

**FOR: WATCHES AND COSTUME JEWELRY, NAMELY, BROOCHES, IN CLASS 14 (U.S. CLS. 27 AND 28).**

**FIRST USE 4-0-1987; IN COMMERCE 4-0-1987.**

**FOR: SPORTS BAGS, NAMELY, BACK PACKS, HIP PACKS, HANDBAGS, WALLETS, KEY HOLDERS, IN CLASS 18 (U.S. CL. 3).**

**FIRST USE 10-0-1986; IN COMMERCE 10-0-1986.**

**FOR: WEARING APPAREL, NAMELY, SHIRTS, SHORTS, SPORTCOATS, T-SHIRTS,**

**SWEATSHIRTS, SWEATPANTS, JERSEYS, TANK TOPS, CAPS, SHOES, IN CLASS 25 (U.S. CL. 39).**

**FIRST USE 8-1-1964; IN COMMERCE 1-12-1965.**

**FOR: CANDY AND CHEWING GUM, IN CLASS 30 (U.S. CL. 46).**

**FIRST USE 1-0-1987; IN COMMERCE 1-0-1987.**

**OWNER OF U.S. REG. NOS. 920,266 AND 1,497,797.**

**SER. NO. 699,239, FILED 12-7-1987.**

**EDWARD NELSON, EXAMINING ATTORNEY**

**Int. Cl.: 25**

**Prior U.S. Cl.: 39**

**United States Patent and Trademark Office**

**Reg. No. 1,888,564**

**Registered Apr. 11, 1995**

**TRADEMARK  
PRINCIPAL REGISTER**

**JAMS WORLD**

SURF LINE HAWAII, LTD. (HAWAII CORPORATION)  
1451 KALANI STREET  
HONOLULU, HI 96817

FOR: MEN'S, WOMEN'S AND CHILDREN'S CASUAL WEAR, NAMELY PANTS, SHIRTS, WALKING SHORTS, SWIMMING SHORTS, SPORTS SHORTS, RUNNING SHORTS, JACKETS, BLAZERS, VESTS, SHIRTS, SWEATSHIRTS, T-SHIRTS, HATS, TIES, BELTS, DRESSES, BLOUSES, SLACKS, PANTSUITS,

JUMPSUITS, SPORTS JACKETS, WARMUP SUITS AND WORKOUT WEAR, NAMELY RUNNING SUITS, IN CLASS 25 (U.S. CL. 39).  
FIRST USE 3-0-1987; IN COMMERCE 3-0-1987.

OWNER OF U.S. REG. NOS. 920,266, 1,766,979 AND OTHERS.

SER. NO. 74-511,900, FILED 4-13-1994.

ANDREW D. LAWRENCE, EXAMINING ATTORNEY

Int. Cl.: 42

Prior U.S. Cl.: 101

**United States Patent and Trademark Office** **Reg. No. 1,766,979**  
Registered Apr. 20, 1993

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**SERVICE MARK  
PRINCIPAL REGISTER**

**JAMS WORLD**

SURF LINE HAWAII, LTD. (HAWAII CORPO-  
RATION)  
1451 KALANI STREET  
HONOLULU, HI 96817

FIRST USE 9-1-1991; IN COMMERCE  
9-1-1991.

SN 74-194,894, FILED 8-15-1991.

FOR: RETAIL CLOTHING STORE SERV-  
ICES, IN CLASS 42 (U.S. CL. 101).

DOMINICK J. SALEMI, EXAMINING ATTOR-  
NEY