

ESTTA Tracking number: **ESTTA78692**

Filing date: **05/01/2006**

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	Umbro International Ltd.
Granted to Date of previous extension	04/30/2006
Address	Umbro House, Lakeside Cheadle, Cheshire, SK8 3GQ UNITED KINGDOM
Attorney information	Jason K. Schmitz Mayer Brown Rowe & Maw LLP P.O. Box 2828 Chicago, IL 60690-2828 UNITED STATES jkschmitz@mayerbrownrowe.com Phone:312-701-8864

**Applicant Information**

Application No	76598882	Publication date	11/01/2005
Opposition Filing Date	05/01/2006	Opposition Period Ends	04/30/2006
Applicant	Neil Pryde Limited 16th Floor, Tins Centre, Stage 3 3 Hung Chaung Road Tuen Mun, HONG KONG		

**Goods/Services Affected by Opposition**

Class 025. First Use: 2003/03/01 First Use In Commerce: 2003/03/01  
All goods and services in the class are opposed, namely: clothing, namely, wet suits and sports wear in the nature of jackets, shirts, shorts, t-shirts, swimwear and beachwear

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Signature	/jks/
Name	Jason K. Schmitz
Date	05/01/2006

Opposer, Umbro International Ltd. (“Opposer”), believes that it will be damaged by registration of the double diamond design mark as shown in the above-identified application for use with “clothing, namely, wet suits and sports wear in the nature of jackets, shirts, shorts, t-shirts, swimwear and beachwear” in International Class 25 and hereby opposes the same pursuant to Section 13(a) of the Trademark Act of 1946, as amended (the “Lanham Act”), 15 U.S.C. § 1063 (a).

The grounds for opposition are as follows:

1. Opposer is a limited company organized under the laws of the United Kingdom, with its principal place of business located at Umbro House, Lakeside, Cheadle, Cheshire, SK8 3GQ, United Kingdom.
2. Upon information and belief, applicant Neil Pryde Limited (“Applicant”) is a limited liability company organized under the laws of Hong Kong, with its principal place of business located at 16<sup>th</sup> Floor, Tins Centre, Stage 3, 3 Hung Chaung Road, Tuen Mun, Hong Kong.
3. Opposer has centered its branding strategy for its goods around its double diamond marks.
4. Opposer has numerous trademark registrations to protect its “family” of double diamond design marks.
5. Opposer’s double diamond trademark registrations are 1399665; 2389076, 1091160 and 2319329.
6. Opposer’s family of double diamond marks are registered and used in connection with a broad spectrum of goods, including “football shorts, track suits, boxing tights, umpires

coats, athletes slippers, shorts, and vests; jerseys, shirts, pullovers, trousers, sport stockings, belts, overalls, hats and caps and footwear” in Class 25.

7. Applicant’s use and application for registration of a confusingly similar double diamond mark when compared to Opposer’s double diamond marks in connection with sportswear clothing in Class 25 which overlaps and duplicates Opposer’s goods is likely to lead consumers to believe that Opposer is the source of the products, or that Applicant is affiliated, endorsed or sponsored by Opposer, all in violation of Opposer’s rights in its family of marks.

WHEREFORE, Opposer, Umbro International Ltd., believes and alleges that it will be damaged by the registration of Applicant Neil Pryde Limited’s double diamond mark and that its use is likely to cause customer confusion as set forth above. Opposer requests that:

1. Judgment in the present opposition be entered in favor of the Opposer and against Applicant, with prejudice;
2. The present opposition be sustained; and
3. Registration on the application of Applicant for the double diamond design mark, Serial No. 76/598882, be rejected and refused.