

RAHDERT, STEELE, BOLE & REYNOLDS, P.A.

ATTORNEYS AT LAW

THE ALEXANDER BUILDING
535 CENTRAL AVENUE
ST. PETERSBURG, FLORIDA 33701-3703

GEORGE K. RAHDERT
ALISON M. STEELE
BRADLEY M. BOLE
THOMAS E. REYNOLDS
CELESTE A. SHARPE
LAYLA K. MCDONALD

TELEPHONE
(727) 823-4191

FACSIMILE
(727) 823-6189

OF COUNSEL:
JOHN W. DAY

December 7, 2006

TTAB

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

RE: NOTICE OF OPPOSITION – against Serial No. 78657412

Dear Sir/Madam:

Enclosed please find a Notice of Opposition against Serial No. 78657412.

Please charge the opposition fee of \$600 (\$300 each for classes 18 and 14) to our Deposit Account Number 503244. Should there be any additional fees/credits, please make the appropriate adjustments. I have also enclosed the Certificate of Mailing.

Thank you for your attention to the foregoing.

Very truly yours,



Celeste A. Sharpe, Esq.

Enclosures

12-07-2006

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First-class mail or Express Mail in an envelope addressed to:

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

On December 7, 2006

Signature 

Printed name of person signing certificate
Celeste Sharpe

History of Opposer's VAJA mark for Class 18

1. Opposer produces a range of leather accessories for electronics and leather bags, including custom made items;
2. Opposer began selling leather bags and leather accessories using the trademark VAJA in Argentina at least as early as November 1998. Since that time, Opposers' VAJA line of leather goods has expanded into Europe and Asia;
3. Opposer began selling leather accessories under the VAJA mark in the United States at least as early as August 2000;
4. Opposer continuously has used its VAJA mark in the United States since at least as early as August 2000;
5. Opposer never abandoned use of its VAJA mark in the United States;
6. Over the last six years, Opposer's VAJA leather goods line has become internationally well known and acclaimed. The leather goods have been featured in popular magazines in the USA, Argentina, Germany, Belgium, Korea, France, and Brazil as well as web-based reviews and blogs throughout the world;
7. Attached at Exhibit 1 are pages from Opposer's website that identify the various products in the leather goods line and the use of the VAJA mark on the various items including messenger bags and leather accessories for electronic goods;
8. Attached at Exhibit 2 are various advertisements, marketing and press reviews for Opposer's products demonstrating Opposer's promotional efforts for its products with the VAJA mark;
9. The VAJA mark is an asset of substantial value to Opposer as a symbol of Opposer, its quality goods and goodwill;

10. Opposer has invested substantial resources in widely advertising and promoting its VAJA mark in connection with its goods, including leather electronic accessories and leather bags; and
11. As a result of Opposer's substantial investment in the promotion of its products under its VAJA mark, the mark has become associated with Opposer and its leather goods, in the minds of the trade and consumers.

History of Opposer's VAJA mark for Class 14

12. Opposer produces a range of leather accessories decorated with silver and/or crystals;
13. Opposer began selling leather accessories decorated with silver and/or crystals using the trademark VAJA throughout the world in as early as October 2005;
14. Opposer began selling leather accessories decorated with silver and/or crystals under the VAJA mark in the United States at least as early as October 2005;
15. Opposer continuously has used its VAJA mark on leather accessories decorated with silver and/or crystals in the United States since at least as early as October 2005;
16. Opposer never abandoned use of its VAJA mark in the United States;
17. Over the last year, Opposer's VAJA leather accessories decorated with silver and/or crystals have been available for sale in stores located in the USA, Italy, Holland, Japan and Korea;

18. The VAJA mark is an asset of substantial value to Opposer as a symbol of Opposer, its quality goods and goodwill;
19. Opposer has invested substantial resources in widely advertising and promoting its VAJA mark in connection with its goods, including leather accessories decorated with silver and/or crystals; and
20. As a result of Opposer's substantial investment in the promotion of its products under its VAJA mark, the mark has become associated with Opposer and its leather accessories decorated with silver and/or crystals, in the minds of the trade and consumers.

Opposers' United States Trademark Applications

21. Opposer filed a use-based application with the United States Patent and Trademark Office ("USPTO") to register the mark VAJA on June 17, 2003, claiming first use dates from at least as early as August 10, 2000 (See Exhibit 3) for Class 018;
22. Opposer filed an intent to use based application with the United States Patent and Trademark Office ("USPTO") to register the mark VAJA on April 17, 2006, for Class 014 (See Exhibit 4). The VAJA mark was first used in Class 14 as early as October 4, 2005; and
23. Opposer's senior rights to the VAJA mark give Opposer the right to oppose the registration of Applicant's BAJA mark.

Likelihood of Confusion

24. On information and belief, Donn K. Harms (“Applicant”) has an address at 12702 Via Cortina, Suite 100, Del Mar, California 92014 United States;
25. On information and belief, on June 23, 2005, Applicant filed trademark application Serial No. 78/657,412 with the United States Patent and Trademark Office to register the mark BAJA in connection with a wide variety of carrying bags (See Exhibit 5). The date of first use is not available at this time;
26. On information and belief, Opposer has used the VAJA mark in the United States since at least as early as August 2000, which therefore qualifies Opposer as the senior rights holder in and to a VAJA formative mark in Class 18;
27. It is likely that Applicant’s BAJA mark, when applied to Applicant’s goods, will cause confusion, or cause mistake, or deceive with Opposers’ senior mark VAJA because Applicant’s BAJA mark appropriates Opposers’ formative VAJA mark for closely related goods; and
28. It is likely that Applicant’s BAJA mark, when applied to Applicant’s goods, will cause confusion, or cause mistake, or deceive with Opposers’ mark VAJA because Applicant’s BAJA mark sounds identical to Opposers’ VAJA mark when spoken in Spanish.

For the above reasons, Opposers would be damaged by the registration of the BAJA mark, Application Serial No. 78/657,412.

WHEREFORE, Opposer prays that this opposition is sustained and that registration of Application Serial No. 78/657,412 is denied.

Please charge the opposition fee of \$600 (for classes 18 and 14) to our Deposit Account No. # 503244.

Respectfully submitted,

JOHN HINDALY

Dated: December 7, 2006

By: _____


Celeste Sharpe, Esq.
Rahdert, Steele, Bole & Reynolds, P.A.
535 Central Avenue
St. Petersburg, Florida 33701
(727) 823-4191
csharpe@rahdertlaw.com

Attorney for Opposer John Hindaly

Hindaly (Opposer) v. Harms (Applicant)
Notice of Opposition against Serial No. 78657412

EXHIBIT 1

PAGES FROM OPPOSER'S WEBSITE

(This exhibit is 7 pages long)



[Products](#) | [News](#) | [Certificates](#) | [Info](#) | [Registration](#) | [About Us](#) | [Shopping Bag](#) | [Contact Us](#)

Delight your senses. Attract attention. Leave a lasting impression.

This is what Vaja design is all about.

[www.vaja.com.ar](#)



Bags



MP3



Mobile



Notebook



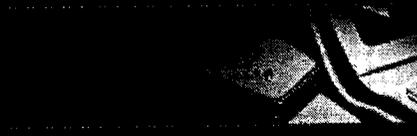
PDA



Pouch Urbano



iPod video SH



Leather wallets

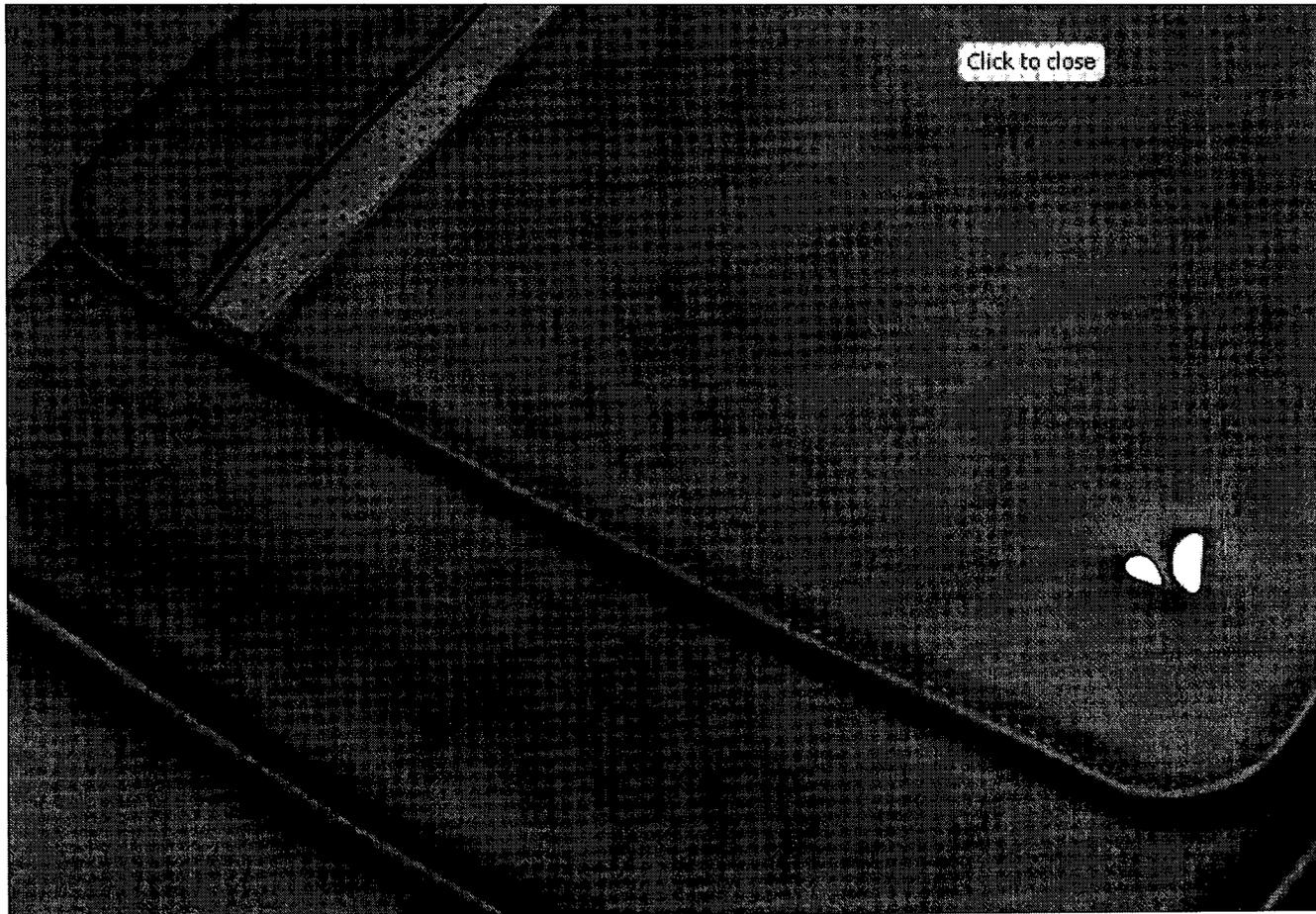
GeoTrust Secure Site Certificate

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Mobile

- Ericsson
- Motorola
- Nextel
- Nokia
- HTC
- Qtek
- Samsung
- Siemens
- Sony Ericsson
- Vertical Pouch
- Horizontal Pouch

←

Razr V3i
Leather suit SP

Original sporty design. Tune your Moto V3i, only at Vaja Choice.

Pouch Urbano Classic for Moto Q SD Keeper

GeoTrust Secure Site Certificate

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balance



Carrozzi



Games



Bags



MP3



Mobile



Notebook



Pouch Urbano



Classic for Moto Q



SD Keeper

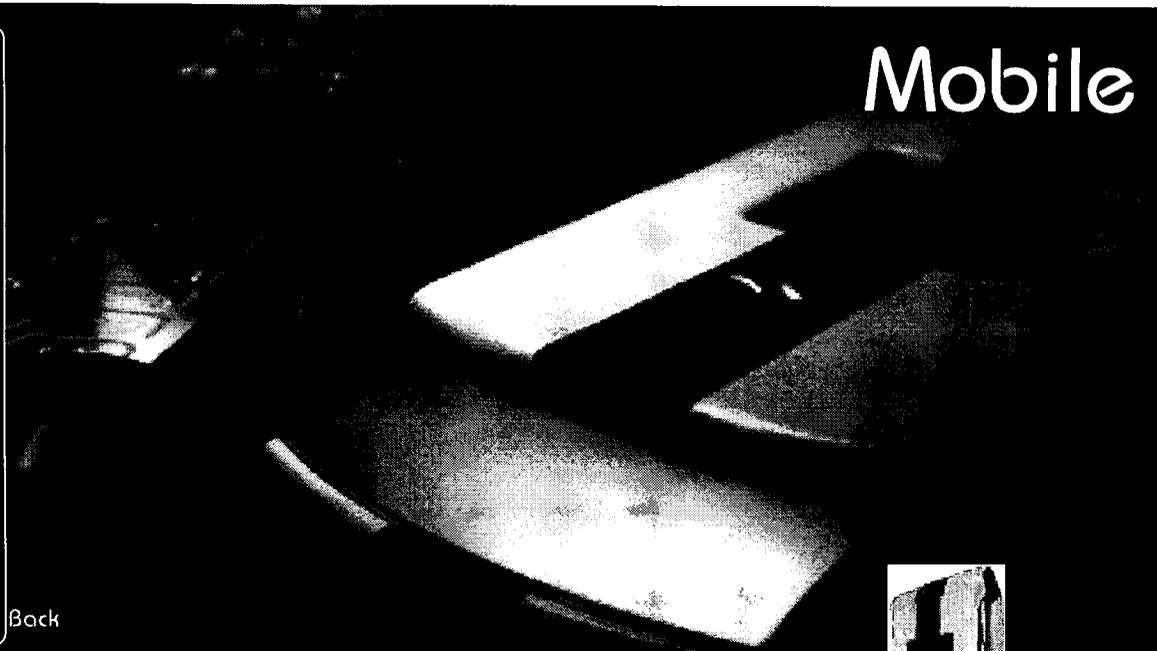
Mobile



Mobile

Ericsson
Motorola
Nexel
Nokia
HTC
Qtek
Samsung
Siemens
Sony Ericsson
Vertical Pouch
Horizontal Pouch

← Back



Razr V3i

Leather suit SP

Original sporty design. Tune your Moto V3i, only at Waja Choice.



Pouch Urbano



Classe for Moto V3i



SD Keeper

MP3

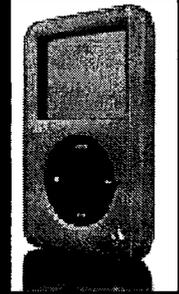


- Apple
- Bang & Olufsen
- Creative
- Dell
- iRiver
- Microsoft
- Rio
- Samsung
- Sony
- Toshiba
- Philips

← Back

ivolution Leather Suit

A new concept in stylish protection
for your iPod, iPod 30GB & iPod 60 / 80 GB



Touch Urban



Classic for More iPod



SD Keeper

Hindaly (Opposer) v. Harms (Applicant)
Notice of Opposition against Serial No. 78657412

EXHIBIT 2

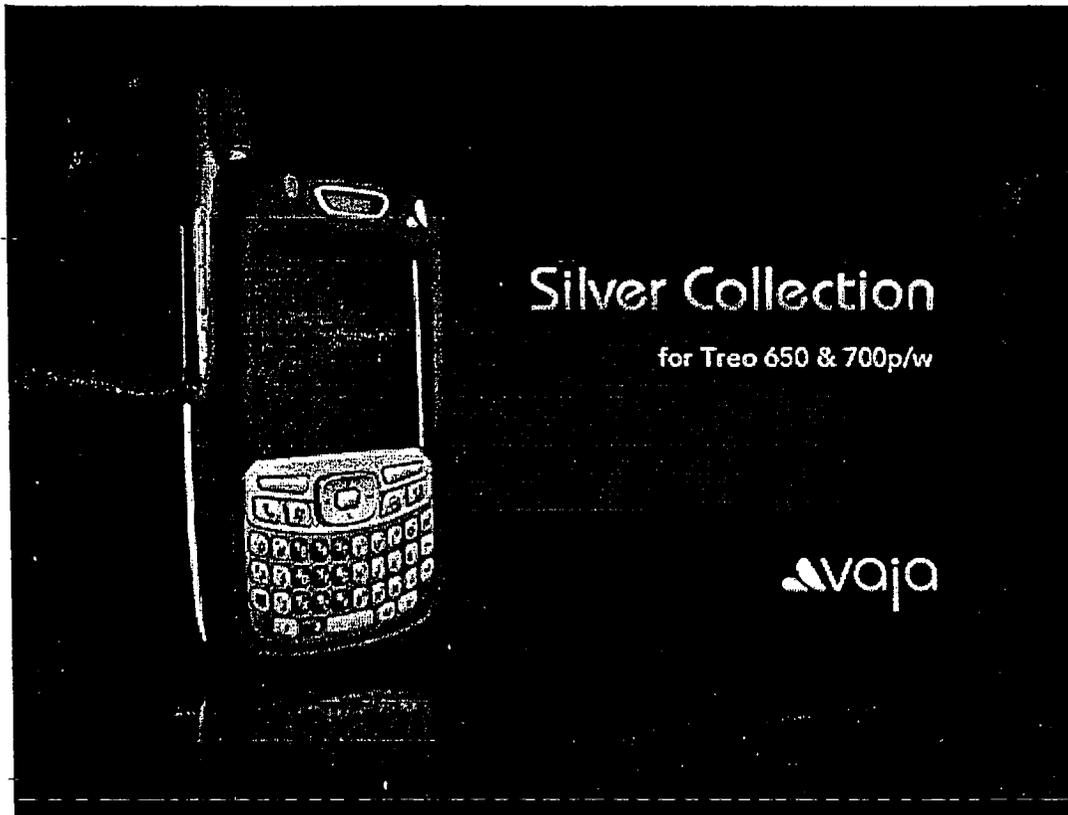
EXAMPLES OF OPPOSER'S MARKETING AND ADVERTISING

(This exhibit is 11 pages long)



Bs. As., July 2006.

Vaja presents the Silver collection for Treo 650 & 700p/w



Handcrafted silver 925 appliques highlight the T65/T7's sculpted lines, mesh protector and logo, giving your Treo a sophisticated and striking styling look. Made from the highest quality leather, available in several colors and featuring padded interior, headphones & reset access, syncs & charge cutouts and access to all functions.

Get Smart with the new Silver Collection. Available only at <http://www.vajacases.com>

About Vaja:

Vaja produces innovative high-end leather accessories for a wide range of electronic gadgets, including MP3 players, cellphones, notebooks, digital cameras, PDAs and more. All of its products are handcrafted by the most skilled artisans using full grain Argentine leather.

For more information, visit <http://www.vajacases.com>

Contact:

Marketing Dept - Vaja.

mkt@vajacases.com

<http://www.vajacases.com>

<http://www.vajachoice.com>



Bs. As., Juillet 2006.

Vaja présente la collection Silver pour Moto V3 & V3i



Des appliques en argent 925 accentuent le logo et display externe au front, et la protection du speaker au dos, donnant à votre RAZR un look unique. Conçu en cuir de haute qualité, avec plusieurs couleurs au choix et accès à toutes les fonctions.
Disponible sur <http://www.vajacases.com>

Vaja:

Vaja est un fabricant d'étuis en cuir haut de gamme pour appareils Hi-Tech, comme PDAs, baladeurs MP3, smartphones, téléphones mobiles, caméras digitales, etc. Tous les produits sont fabriqués par les meilleurs artisans du cuir avec le meilleur cuir Argentin.
Plus d'information disponible sur <http://www.vajacases.com>

Contact:

Marketing Dept - Vaja.
mkt@vajacases.com
<http://www.vajacases.com>
<http://www.vajachoice.com>



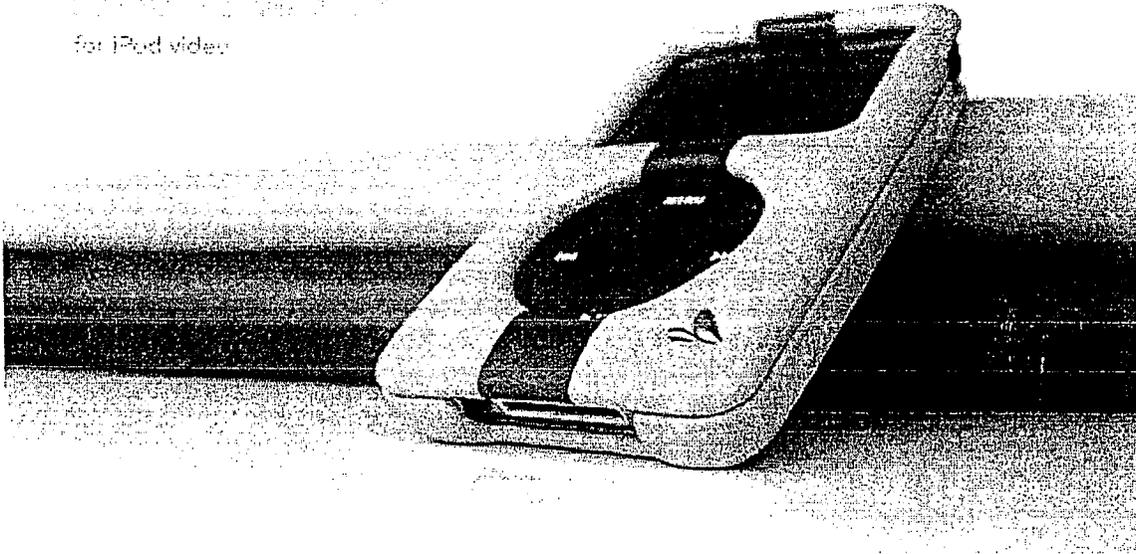
Bs. As., March 15th 2006.

Vaja introduces two new collections for the iPod Video.



The iPod Video Crystal presents several color combinations, each with a unique look and featuring Swarovski crystals encrusted design, an exclusive leather strap with silver appliques, padded interior, headphones, syncs & charge cutouts and easy access to all touch functions. Available at <http://www.vajacases.com>

Customize your Vaja case
for iPod video



The iPod Video-SP features a unique sporty design, along with a padded interior, headphones, syncs & charge cutouts and easy access to all touch functions. Choose your favorite colors among more than 1000 combinations. Only available at <http://www.vajachoice.com>

About Vaja:

Vaja produces innovative high-end leather accessories for a wide range of electronic gadgets, including MP3 players, cellphones, notebooks, digital cameras, smartphones, PDAs and PSP. All of its products are handcrafted by the most skilled artisans using full grain Argentine leather.

Vaja Classic:

Where lifestyle and tradition merge. Elegant, opulent style, reflected in the attention to detail, quality of the materials and careful accuracy of handmade craftsmanship.

Vaja I-Volution:

Imagination beyond limits. A completely new concept in leather cases -different from all the existing products- that create glove-like fit for each device, enhancing even more the safety and protection of your device against bumps and drops.

Vaja Choice Website:

This customization experience called CHOICE allows you to choose case colors, text or logo personalization, clip option, and see what your design looks like before you place the order.

Build the case to your taste, make your CHOICE! <http://www.vajachoice.com>

For more information, visit <http://www.vajacases.com> and <http://www.vajachoice.com>

VAJA

{Va-ha}

Launched in 1992, Argentinian based luxury leather goods company 'Vaja' must've known they were onto a good thing. They geniously started designing and making protective cases for the first models of cellular phones and palms. Now, the handheld electronics goods industry is one of the fastest growing and Vaja, (pronounced Va-ha,) have rapidly gained a reputation as the leading manufacturers of innovative designer and practical cases for these precious must-have goods.

Today, Vaja has a vast array of designer cases also known as 'suits' to fit your latest iPod, Nano, PSP, Blackberry and even wallets for your change. So, if you're 35,000 feet in the air, walking through crowded Soho or on the South West Coast of England in the middle of winter, you can travel knowing your newest toy will be kept stylish and safe.

Vaja's global headquarters are based in the exotic Buenos Aires, where quality and style is a major factor, which we at *BLAG* love. Strictly using the finest Argentinian leather available, each case is made to the highest standard. Our favourite products include the slick and tidy PSP suit, with

magnetic clip to open and close. The Nano keyring with cut out control space and the Razr cover which gives the phone a luxurious Vertu-esq appeal.

In keeping with this issue's D.I.Y theme, Vaja have implemented an online interactive design system. This customisation experience called 'CHOICE' allows you to choose case colours, text or logo personalisation, clip system, and even see what your design looks like before you place the order.

Vaja offer a fantastic and exclusive 'made-to-order' service, their custom cases allow you to create the suit you have always wanted. Not only giving you the chance to select from several options, according to your needs and taste, but also to create an incredible one-of-a-kind piece. Their master artisans follow your exact requests to produce the case ordered.

Manufacturing of custom cases takes around 20 days, depending on your requirements. Clients order, pay and Vaja immediately start creating the product, customers then receive tracking information for delivery straight to your doorstep.

protect your all-important kit, especially when on the road. These fantastic products are available to purchase online at www.vajacases.com and the best price range www.vajachoice.com. The customisation service is available for all the Vaja models offered through both websites.

In honour of Vaja, and given that *CHOCOLATE* lets you make luxury mini-luggage to protect your possessions safely on the road, completely individual way, and to your taste, we have enlisted some of our creative friends across the globe to help make our journal on tailor-made products inspired by Vaja Choice.

On the next four pages see images of our thoughts from artist Above from Chicago and 'Dyelect' clothing label created by Ben Mori from Tokyo. American Skateboarder/Supermodel/DJ/Producer Scott Barnhill and Londoner Tung Wah, an incredible photographer and assistant, the mighty Juergen Teller.

ONco www.ionco.co.kr

About us

Guide

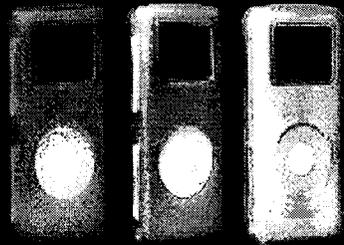
Login

Members

Shopping cart

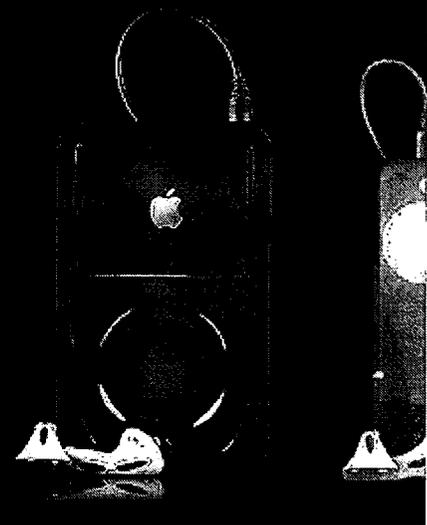
Order info

Play it Safe. Double Up.



iSkin Duo

Clear layer protector
for the iPod nano



공지사항

- 1 바하 예약구매 배송건
- 2 디아블로 나노2세대스킨 입고
- 3 비씨카드 결제시스템 완료
- 4 바하케이스-비디오용 실버케이스 출시 및 예약구매
- 5 바하케이스 입고스케줄

필기 혁명!

“펜어게인”

편안한, “꼭 쥐지 않아도 되는” 디자인이 필기시 손과 손가락에 주는 스트레스를 줄여 줍니다.

vaja

나의 스타일

New item

SHOP CATEGORY

iSkin



vaja



GelaSkins



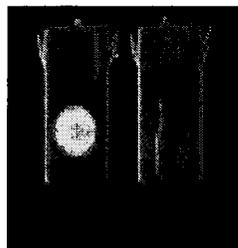
Boynq



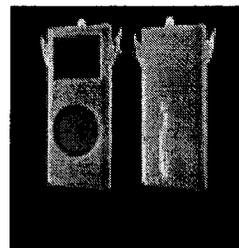
Brightonnet



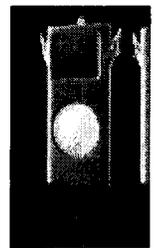
Diablo



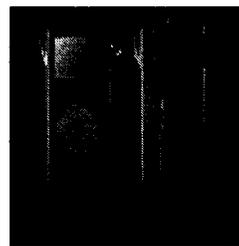
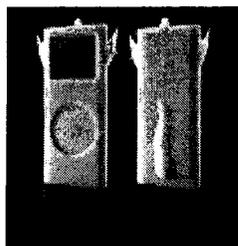
디아블로 2세대나노용 스펙트럼_매터독 **HOT NEW**
23,900원



디아블로 2세대나노용 스펙트럼_어스코빅맨 **HOT NEW**
23,900원



디아블로 2세대나노 핑카츄 **HOT**
23,900원





BANK

국민 516801-01-036669

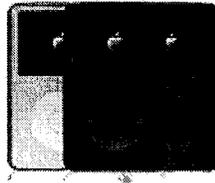
우리 1002-829-895907

조흥은행 조흥 354-04-327060

예금주 : 안종복

touch

음악, 영화, 라이프스타일 등에 관한 다양한 주제의 podcasting을 만나보세요



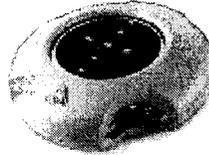
크루저팩-아이팟 비디오 (5/5.5세대) 30/60/80GB **NEW**
25,400원



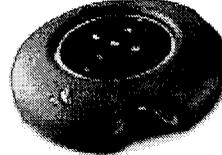
vaja 베오사운드2_루비와인 **HOT NEW**
169,000원



vaja 베오사운드2 **HOT NEW**
169,000원



vaja 베오사운드2_핑크카네이션 **HOT NEW**
169,000원



vaja 베오사운드2_바이올렛 **HOT NEW**
169,000원



vaja 베오사운드2 **NEW**
169,000원



vaja 아이팟비디오 브라운 **HOT NEW**
96,000원



vaja 아이팟비디오 루비와인 **HOT NEW**
96,000원



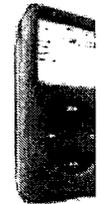
vaja 아이팟비디오 **HOT NEW**
96,000원



vaja 아이팟비디오30GB 핑크카네이션 **HOT NEW**
96,000원



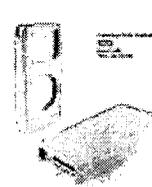
vaja 아이팟비디오30GB 라임이드 **HOT NEW**
96,000원



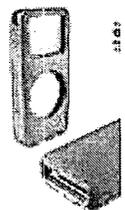
vaja 아이팟비디오 **HOT NEW**
96,000원



vaja 아이팟나노 블루 **HOT NEW**
79,000원



vaja 아이팟나노 핑크카네이션 **HOT NEW**
79,000원



vaja 아이팟나노 비지 **HOT NEW**
79,000원

[La brasserie de ML](#)
[Jeux videos](#)
[PSP](#)
[Spyshots et MMS](#)
[Discussions générales sur la téléphonie](#)
[Transactions](#)

Partenaires 



MOTOROLA

Un Motorola victime d'autocombustion

Le fabricant de téléphones portables Motorola a confirmé qu'il menait actuellement une enquête sur un incident survenu sur un de ses produits.

La propriétaire du téléphone défectueux a contacté The INQUIRER pour relater son histoire. Alertée par une odeur étrange à deux heures du matin, la jeune femme s'est levée pour découvrir son portable en flammes, alors qu'il n'était pas branché à la prise secteur. Les flammes ont brûlé son matelas et sa moquette et provoqué chez elle quelques brûlures du premier degré ainsi que chez son père, qui a dû intervenir pour étouffer les flammes.

La jeune femme a contacté ... [\[plus\]](#)

Commentaires: 1 :: [Voir les commentaires:](#)

Vodafone optimiste sur les perspectives de sa filiale turque 

Posté par: [lithium_](#) @ aujourd'hui, 10:34

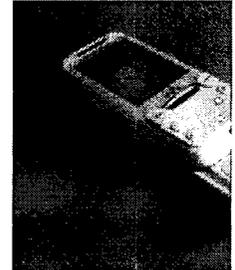
Source : **YAHOO!**



Vodafone optimiste sur les perspectives de sa filiale turque

Vodafone table sur une amélioration plus rapide que prévu de la rentabilité de sa filiale turque

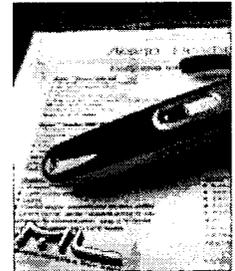
Revue Photos d Golden WI



Test du Créative M



Test Oreillette So HBH60



Revue comparati E61



Test du iPod N

size counts. (Yes, ladies, it counts!)

LEGO-like expandability. Handspring and Compaq seemed to be the pioneers in this area with the Springboard and iPAQ expansion sleeves. What happened? Don't get me wrong. I enjoy integrated capabilities, and I want a compact unit without protruding parts due to expansions such as SDIO cameras. But why doesn't somebody come out with expansion capabilities that can maintain the same compact form factor? Here's an idea. How about swappable faceplates that allow you to choose keyboard, Graffiti, or game pad? I could have graffiti for

How about expansion sleeves that match the shape of the PDA, but can build on top of each other: attach WiFi, then Bluetooth, a phone, a camera... It could lead to a brick, but my experience (and I have owned six PDAs!) is that making a PDA thicker is better than making it longer as far as pocketability goes.

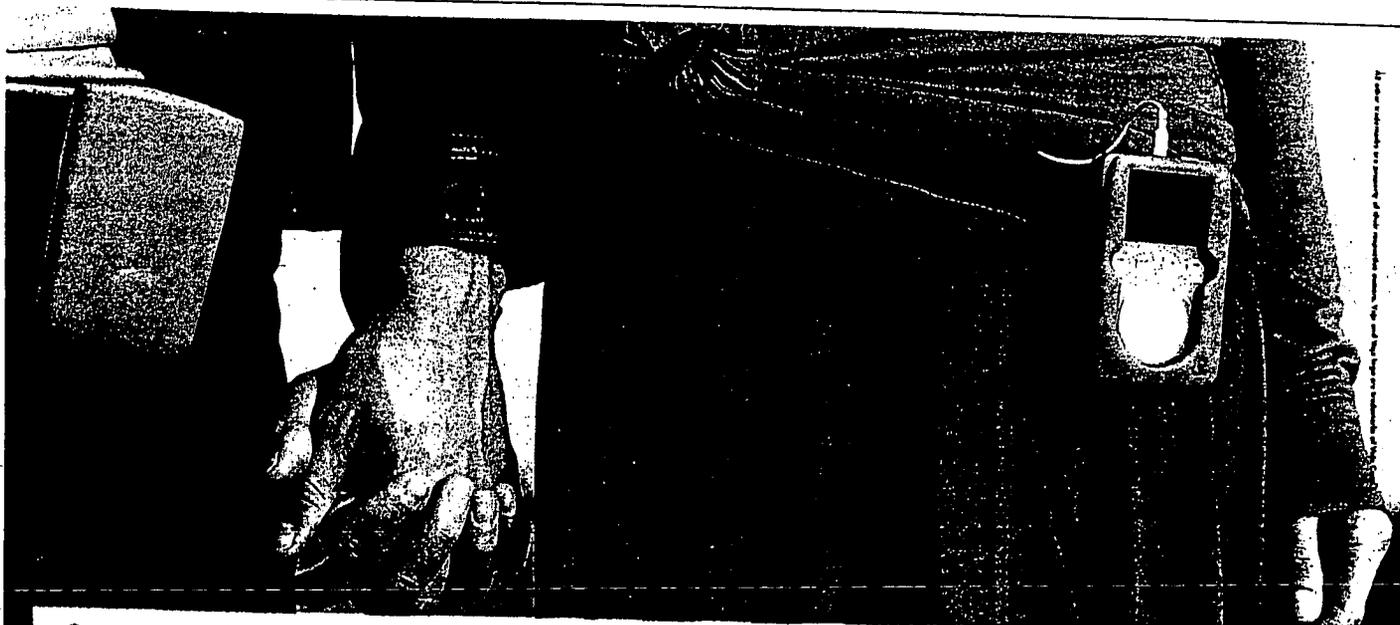
Virtual keyboards. Some day you will be able to type on the conference room table while your PDA estimates what key you were virtually pressing. No more tiny keys or carrying foldable keyboards around.

—Tony Jones

we've seen a lot of people get excited about virtual keyboards, but we're skeptical. If you hunt-and-peck, they may be an okay alternative, but touch-typists require the tactile feedback of a real, physical keyboard.

Correction

In our review of The Athlete's Diary (issue 6.4, p.51), we incorrectly stated that the Windows or Macintosh version added \$60 to the price of the program. The Palm version and either desktop version can be purchased together for \$59.95. Handheld Computing regrets the error.



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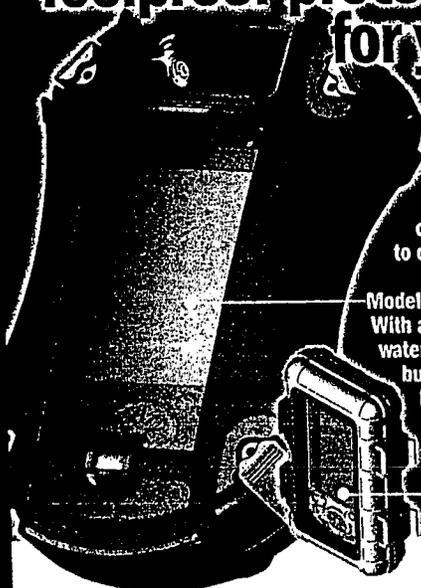
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Notice of Opposition against Serial No. 78657412

EXHIBIT 3

OPPOSER'S APPLICATION INFORMATION FOR CLASS 018

(This exhibit is 3 pages long)

Int. Cl.: 18

Prior U.S. Cls.: 1, 2, 3, 22, and 41

United States Patent and Trademark Office

Reg. No. 2,977,474

Registered July 26, 2005

TRADEMARK
PRINCIPAL REGISTER



HINDALY, JOHN[†] (ARGENTINA INDIVIDUAL)
ROQUES PEREZ N 3694, 2ND FLOOR, APT. B
CAPITAL FEDERAL, ARGENTINA

FIRST USE 7-1-2003; IN COMMERCE 7-1-2003.

OWNER OF U.S. REG. NO. 2,782,333.

FOR: LEATHER AND IMITATIONS OF LEATHER AND GOODS MADE FROM LEATHER, NAMELY, TRUNKS, TRAVEL BAGS, UMBRELLAS, PARASOLS, WHIPS, HARNESSSES AND SADDLES, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

SN 76-524,061, FILED 6-20-2003.

AMY HELLA, EXAMINING ATTORNEY

Int. Cl.: 18

Prior U.S. Cls.: 1, 2, 3, 22, and 41

United States Patent and Trademark Office

Reg. No. 2,782,333

Registered Nov. 11, 2003

TRADEMARK
PRINCIPAL REGISTER



HINDALY, JOHN (ARGENTINA INDIVIDUAL)
ROQUE PEREZ 3694
2ND FLOOR, APT. B
CAPITAL FEDERAL, ARGENTINA

FIRST USE 8-10-2000; IN COMMERCE 8-10-2000.

PRIORITY CLAIMED UNDER SEC. 44(D) ON
ARGENTINA APPLICATION NO. 2286226, FILED 5-
12-2000, REG. NO. 286226, EXPIRES 7-24-2011.

FOR: LEATHER AND IMITATION LEATHER
AND GOODS MADE FROM LEATHER OR IMITA-
TION LEATHER, NAMELY, TRUNKS, TRAVEL
BAGS, UMBRELLAS, PARASOLS, WHIPS, HARNES-
SES AND SADDLES, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22
AND 41).

SN 76-103,937, FILED 8-4-2000.

BILL DAWE, EXAMINING ATTORNEY

Hindaly (Opposer) v. Harms (Applicant)
Notice of Opposition against Serial No. 78657412

EXHIBIT 4

OPPOSER'S APPLICATION INFORMATION FOR CLASS 014

(This exhibit is 3 pages long)

FILING RECEIPT FOR TRADEMARK APPLICATION

Apr 29, 2006

This acknowledges receipt on the FILING DATE of the application for registration for the mark identified below. The FILING DATE is contingent upon all minimum filing date requirements being met. Your application will be considered in the order in which it was received. Please review the status of your application every six months from the filing date of your application. You can check the status of your application on-line at <http://tarr.uspto.gov/> or by contacting the Trademark Assistance Center at 1-800-786-9199. Also, documents in the electronic file for pending applications can be viewed and downloaded at <http://www.uspto.gov/>.

YATE K. CUTLIFF
PO BOX 15095
ST PETERSBURG, FL 33733-5095

ATTORNEY
REFERENCE NUMBER
4028.007

PLEASE REVIEW THE ACCURACY OF THE FILING RECEIPT DATA.

A request for correction to the filing receipt should be submitted within 30 days. Such requests may be submitted by mail to: COMMISSIONER FOR TRADEMARKS, P.O. BOX 1451, ALEXANDRIA, VIRGINIA 22313-1451; by fax to 571-273-9913; or by e-mail to tmfiling_receipt@uspto.gov. The USPTO will review the request and make corrections when appropriate.

SERIAL NUMBER: 76/658575
FILING DATE: Apr 17, 2006
REGISTER: Principal
MARK: VAJA
MARK TYPE(S): Trademark
DRAWING TYPE: Words, letters, or numbers and design
FILING BASIS: Sect. 1(b) (Intent to Use)

RECEIVED
MAY 05 2006

BY:.....

ATTORNEY: Yate K. Cutliff

DOMESTIC REPRESENTATIVE: Yate K. Cutliff

OWNER: Hindaly, John (ARGENTINA, Individual)
Roques Perez N* 3694
2nd Floor, Apt. B
Capital Federal, ARGENTINA

FOR: Jewellery; costume jewelry; precious stones; watch making, clock making, and chronometric instruments; precious metals and their alloys and goods in precious metals or coated therewith
INT. CLASS: 014

FOR: Paper, cardboard and goods made from these materials, not included in other classes; printed matter; book binding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic material for packaging (not included in other classes); playing cards; printers' type; printing blocks
INT. CLASS: 016

FOR: Furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics

INT. CLASS: 020

FOR: Clothing, footwear, headgear
INT. CLASS: 025

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

OTHER DATA

OWNER OF U.S. REG. NOS.: 2782333, 2977474

Design Search Codes:

26.03.21 - Ovals that are completely or partially shaded

26.03.28 - Miscellaneous designs with overall oval shape, including amoeba-like shapes and irregular ovals; Oval shape (miscellaneous overall shape)

Hindaly (Opposer) v. Harms (Applicant)
Notice of Opposition against Serial No. 78657412

EXHIBIT 5

APPLICANT'S APPLICATION INFORMATION FOR CLASSES 014 AND 018

(This exhibit is 6 pages long)



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BAJA

Word Mark BAJA
Goods and Services IC 014. US 002 027 028 050. G & S: Jewelry, watches and clocks

IC 018. US 001 002 003 022 041. G & S: Coin purses; tote bags; sports bags; backpacks; shoulder bags; beach bags; duffel bags; handbags; cosmetic bags sold empty; briefcases; briefcase type portfolios; catalog cases; all purpose carrying bags; roll bags; wallets; luggage, namely, suitcases with and without wheels; umbrellas

IC 009. US 021 023 026 036 038. G & S: Eyeglasses, sunglasses, sport goggles for use in skiing, snowboarding, bicycling, motorcycling and parachuting, eyeglass frames; eyeglass cases; eyeglass chains, straps and chords; optical lenses

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Design Search Code

Serial Number 78657412

Filing Date June 23, 2005

Current Filing Basis 1B

Original Filing Basis 1B

Published for Opposition October 10, 2006
Owner (APPLICANT) Harms, Donn K. INDIVIDUAL UNITED STATES 12702 Via Cortina, Suite 100 Del Mar CALIFORNIA 92014
Attorney of Record Karen Convery
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Serial Number: 78657412 Assignment Information

Registration Number: (NOT AVAILABLE)

Mark

BAJA

(words only): BAJA

Standard Character claim: Yes

Current Status: A request for an extension of time to file an opposition has been filed at the Trademark Trial and Appeal Board.

Date of Status: 2006-11-02

Filing Date: 2005-06-23

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 114

Attorney Assigned:
FENNESSY EDWARD JOHN Employee Location

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-08-31

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Harms, Donn K.

Address:
Harms, Donn K.

12702 Via Cortina, Suite 100
Del Mar, CA 92014
United States
Legal Entity Type: Individual
Country of Citizenship: United States

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
Eyeglasses, sunglasses, sport goggles for use in skiing, snowboarding, bicycling, motorcycling and parachuting, eyeglass frames; eyeglass cases; eyeglass chains, straps and chords; optical lenses
Basis: 1(b)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 014
Class Status: Active
Jewelry, watches and clocks
Basis: 1(b)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 018
Class Status: Active
Coin purses; tote bags; sports bags; backpacks; shoulder bags; beach bags; duffel bags; handbags; cosmetic bags sold empty; briefcases; briefcase type portfolios; catalog cases; all purpose carrying bags; roll bags; wallets; luggage, namely, suitcases with and without wheels; umbrellas
Basis: 1(b)
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

- 2006-11-02 - Extension Of Time To Oppose Received
- 2006-10-10 - Published for opposition
- 2006-09-20 - Notice of publication

2006-08-28 - Law Office Publication Review Completed
2006-08-25 - Assigned To LIE
2006-08-18 - Approved for Pub - Principal Register (Initial exam)
2006-08-04 - Teas/Email Correspondence Entered
2006-07-18 - Communication received from applicant
2006-07-18 - TEAS Response to Office Action Received
2006-01-18 - Non-final action mailed
2006-01-18 - Non-Final Action Written
2006-01-13 - Assigned To Examiner
2005-06-28 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Karen Convery

Correspondent

KAREN CONVERY
AMERICAN PATENT & TRADEMARK LAW CENTER
12702 VIA CORTINA STE 100
DEL MAR, CA 92014-3769
Phone Number: (858)509-1400
Fax Number: (858)509-1677
