

ESTTA Tracking number: **ESTTA156374**

Filing date: **08/13/2007**

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	Head Technology GmbH
Granted to Date of previous extension	08/12/2007
Address	Wuhrkopfweg 1 Kennelbach, 6921 AUSTRIA

Attorney information	Linda K. McLeod Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. 901 New York Avenue, N.W. Washington, DC 20001-4413 UNITED STATES docketing@finnegan.com, linda.mcleod@finnegan.com, judy.valusek@finnegan.com Phone:202-408-4000
----------------------	--

**Applicant Information**

Application No	78497300	Publication date	02/13/2007
Opposition Filing Date	08/13/2007	Opposition Period Ends	08/12/2007
Applicant	Roochi Traders Incorporated 6393 E. Washington Blvd Commerce, CA 90040 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 025. All goods and services in the class are opposed, namely: Apparel, namely jackets, coats, pants, shirts, skirts, dresses, t-shirts, sweaters, vests, shorts, sport shirts, blouses, neckwear, belts, socks, underwear, lingerie, pajamas, robes, gloves, swimwear, sweatpants, sweatshirts and wristbands; Footwear, namely, shoes, boots and sandals; Headwear, namely, scarves, hats, caps and headbands
---

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	871815	Application Date	10/19/1967
-----------------------	--------	------------------	------------

Registration Date	06/24/1969	Foreign Priority Date	NONE
Word Mark	HEAD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U039 (International Class 009, 025). First use: First Use: 1967/03/20 First Use In Commerce: 1967/03/20 SKI CLOTHING-NAMELY, [ SKI PANTS, ] SKI PARKAS [ , SKI SWEATERS, SKI GLOVES, AND HARD HELMETS ]		

U.S. Registration No.	822756	Application Date	07/06/1964
Registration Date	01/24/1967	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U022 (International Class 016, 018, 020, 022, 025, 028). First use: First Use: 1960/01/00 First Use In Commerce: 1960/01/00 SNOW SKIS, SKI POLE, [SKI POLE RINGS,] SKI TIP PROTECTORS[, SKI EDGE TOUCH-UP TOOLS, SKI SURFACE REPAIR KITS, AND SKI BASE TREATING MATERIAL IN LIQUID FORM PACKAGED IN AN AEROSOL CAN]		

U.S. Registration No.	1686138	Application Date	10/04/1990
Registration Date	05/12/1992	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1990/04/00 First Use In Commerce: 1990/04/00 [ tensiometers; namely, meters and measuring devices for determining the tension to which a sports racket is strung ] Class 018. First use: First Use: 1975/09/00 First Use In Commerce: 1975/09/00 tote bags, carry-on bags, back packs and waist bags Class 025. First use: First Use: 1983/01/00 First Use In Commerce: 1983/01/00 T-shirts, visors, hats and athletic footwear Class 028. First use: First Use: 1970/09/00 First Use In Commerce: 1970/09/00 tennis rackets, squash rackets, racketball rackets, tennis racket bags, squash racket bags, racket gloves, grip tape for rackets, racket strings, ski bindings, ski boots		

U.S. Registration No.	2058653	Application Date	06/20/1995
Registration Date	05/06/1997	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark	
Description of Mark	The mark consists of the stylized head of a ski.
Goods/Services	<p>Class 018. First use:  sport bags, namely, athletic bags; [bags, namely school bags, book bags, and beach bags; game bags, namely, animal game bags and hunters' game bags; leather and imitation leather sold in bulk; suitcases; trunks for traveling; attache cases; briefcases; mesh, textile, and leather shopping bags; mesh, textile, and leather shopping nets in the nature of netted bags; handbags;] wallets; [vanity cases sold empty; toiletry bags sold empty for traveling; traveling bags;] rucksacks; duffel bags for traveling; key wallets in the nature of cases; and bags with rollers, namely, traveling bags and luggage</p> <p>Class 020. First use:  [camping bags, namely, sleeping bags and bags for carrying sleeping bags]</p> <p>Class 021. First use:  [fitted vanity cases]</p> <p>Class 022. First use:  [trunks for storage]</p>

U.S. Registration No.	2501493	Application Date	01/12/2000
Registration Date	10/30/2001	Foreign Priority Date	10/27/1999
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use:  Eyeglasses, eyeglass cases, safety goggles, ski helmets, [bicycle helmets], safety helmets, [and telephones]</p> <p>Class 014. First use:  [Clocks, pocket watches, and wristwatches]</p>		

Attachments	72282900#TMSN.gif ( 1 page )( bytes ) 72197121#TMSN.gif ( 1 page )( bytes ) 74103150#TMSN.gif ( 1 page )( bytes ) 74691149#TMSN.gif ( 1 page )( bytes ) 75894492#TMSN.gif ( 1 page )( bytes ) 0004546.PDF ( 5 pages )(225456 bytes )
-------------	---

Signature	/Linda K. McLeod/
Name	Linda K. McLeod
Date	08/13/2007

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

<p>HEAD TECHNOLOGY GMBH,  Opposer  v.  ROOCHI TRADERS INCORPORATED,  Applicant.</p>	<p>Opposition No.  Serial No. 78497300 Filing Date: October 8, 2004  Mark: Mark: </p>
---	--

**NOTICE OF OPPOSITION**

Opposer Head Technology GmbH (“Opposer” or “Head”), a corporation of Austria, having a business address at Wuhrkopfweg 1, A-6921 Kennelbach, Austria, believes that it is being and will be damaged by the registration of the mark shown in Application Serial No. 78497300, and hereby opposes the same. As grounds for its opposition, Opposer alleges that, upon actual knowledge with respect to itself and its own acts, and upon information and belief as to other matters:

**Opposer and its Marks**

1. Opposer Head Technology GmbH, is a corporation of Austria with its principal place of business at Wuhrkopfweg 1, A-6921 Kennelbach, Austria.
2. Opposer, through its related companies and licensees, has used the trademark shown below in connection with the manufacture, promotion, and sale of a wide variety of sports equipment since at least 1960. For over three decades, Opposer has used the mark in connection with the manufacture, promotion, and sale of clothing

and bags, and has since expanded its use of the mark to eyewear, helmets, and other collateral products. Indeed, since at least 1969, Opposer has used the trademark shown below in connection with clothing.



3. Opposer has achieved significant commercial success, having sold hundreds of millions of dollars worth of products under the trademark throughout the United States. Further, Opposer has spent tens of millions of dollars on advertising and promoting its products in the United States under the mark.

4. Opposer is the owner of, among others, the following United States trademark registrations for the marks set forth below, covering a wide variety of clothing, bags, eyewear, and sports equipment (collectively “Opposer’s Goods”):

Mark	Reg. No./ Reg. Date	Goods
	871815 6/24/1969	Ski parkas.
	822756 1/24/1967	Snow skis, ski poles, and ski tip protectors.

Mark	Reg. No./ Reg. Date	Goods
	1686138 5/12/1992	Tote bags, carry-on bags, back packs and waist bags; T-shirts, visors, hats and athletic footwear; tennis rackets, squash rackets, racquetball rackets, tennis racket bags, squash racket bags, racket gloves, grip tape for rackets, racket strings, ski bindings, ski boots.
	2058653 6/06/1997	Sport bags, namely, athletic bags; wallets; rucksacks; duffel bags for traveling; key wallets in the nature of cases; and bags with rollers, namely, traveling bags and luggage
	2501493 1/12/2000 10/27/99 (Priority)	Eyeglasses, eyeglass cases, safety goggles, ski helmets, safety helmets

5. The foregoing registrations are valid and subsisting and constitute *prima facie* evidence of the validity of the marks and registrations, of Opposer's ownership of and exclusive right to use the marks in commerce, and provide constructive notice of ownership thereof by Opposer.

6. As a result of Opposer's promotional efforts and commercial success, Opposer's marks have achieved such widespread public recognition that they have become famous.

**Applicant and its Mark**

7. Roochi Traders Inc. ("Applicant") is corporation organized and existing under the laws of the State of California, with an address of 6393 E. Washington Blvd., Commerce, CA 90040.

8. Applicant is the listed owner of Application Serial No. 78497300, for the mark shown below for "apparel, namely jackets, coats, pants, shirts, skirts, dresses, t-shirts, sweaters, vests, shorts, sport shirts, blouses, neckwear, belts, socks, underwear, lingerie, pajamas, robes, gloves, swimwear, sweatpants, sweatshirts and wristbands; footwear, namely, shoes, boots and sandals; headwear, namely, scarves, hats, caps and headbands," filed under Section 1(b), 15 U.S.C. § 1051(b).



**Likelihood of Confusion, 15 U.S.C. §1052(d)**

9. Opposer repeats and realleges each and every allegation set forth in Paragraphs 1 through 8.

10. Since well prior to the filing date of Application No. 78497300, and any date of first use alleged by Applicant, Opposer, through its related companies and licensees have used the marks set forth above in commerce in the United States in connection with the advertising, promotion, and sale of Opposer's Goods.

11. Opposer's pleaded registrations issued well prior to the filing date of Application No. 78497300, and any date of first use that may be alleged by Applicant.

12. In view of the similarity of the parties' marks and the identical and closely related nature of the parties' products, Applicant's mark so resembles Opposer's previously used and registered marks shown above as to be likely to cause confusion, or to cause mistake, or to deceive in violation of Section 2(d), 15 U.S.C. § 1052(d).

**Dilution, 15 U.S.C. §1125(c)(1)**

13. Opposer repeats and realleges each and every allegation set forth in Paragraphs 1 through 12.

14. Opposer's marks became famous well prior to the filing date of Application Serial No. 78497300, and any date of first use that may be alleged by Applicant.

15. In view of the similarities of the parties' marks and the fame of Opposer's marks, Applicant's mark so closely resembles Opposer's famous marks as to dilute or be likely to dilute the distinctive quality of Opposer's marks.

WHEREFORE, for the foregoing reasons, Opposer is being and will be damaged by the registration of the mark shown in Application Serial No. 78497300, and respectfully requests that registration be refused and that this opposition be sustained.

Respectfully submitted,

HEAD TECHNOLOGY GMBH

Dated: August 13, 2007

By:   
\_\_\_\_\_  
David M. Kelly  
Linda K. McLeod  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER L.L.P.  
901 New York Avenue, NW  
Washington, D.C. 20001-4413  
(202) 408-4000

Attorneys for Opposer