

ESTTA Tracking number: **ESTTA178170**

Filing date: **12/03/2007**

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	Rain Bird Corporation
Granted to Date of previous extension	12/05/2007
Address	1000 W. Sierra Madre Ave. Azusa, CA 91702 UNITED STATES

Attorney information	Joseph T. Nabor Fitch, Even, Tabin & Flannery 120 S. LaSalle Street, Suite 1600 Chicago, IL 60603-3406 UNITED STATES Trademark@fitcheven.com Phone:312.577.7000
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### Applicant Information

Application No	77132141	Publication date	08/07/2007
Opposition Filing Date	12/03/2007	Opposition Period Ends	12/05/2007
Applicant	Melnor, Inc. 3085 Shawnee Drive Winchester, VA 22601 UNITED STATES		

### Goods/Services Affected by Opposition

Class 011. All goods and services in the class are opposed, namely: Valves being parts of lawn sprinkler systems, namely mechanical devices connected between lawn sprinklers and water hoses with water timers for the purpose of cutting water supply to sprinklers during rain
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### 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. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	RAIN CHECK		
Goods/Services	Controllers for lawn sprinkler systems		

U.S. Registration No.	567442	Application Date	07/09/1951
Registration Date	12/02/1952	Foreign Priority Date	NONE
Word Mark	RAINBIRD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U013 (International Class 011). First use: First Use: 1935/11/01 First Use In Commerce: 1936/05/06 LAWN AND YARD SPRINKLERS		

U.S. Registration No.	771728	Application Date	09/16/1963
Registration Date	06/23/1964	Foreign Priority Date	NONE
Word Mark	RAIN BIRD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U013 (International Class 006). First use: First Use: 1957/08/26 First Use In Commerce: 1957/08/29 Manually-Operated Turf Valves, Angle, Globe, and Check Valves, Quick Coupling Valves and Valve Keys, Electrically and Hydraulically Operated Remote Control Valves		

U.S. Registration No.	771809	Application Date	09/16/1963
Registration Date	06/23/1964	Foreign Priority Date	NONE
Word Mark	RAIN BIRD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U021 (International Class 009). First use: First Use: 1962/06/21 First Use In Commerce: 1962/06/29 Electrically-Operated Controllers for Sprinkler Systems, and Electrical Wire for Use in Such Systems		

U.S. Registration No.	908921	Application Date	05/08/1970
Registration Date	03/02/1971	Foreign Priority Date	NONE
Word Mark	RAIN BIRD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U013 (International Class 006). First use: First Use: 1953/01/01 First Use In Commerce: 1953/01/10 TURF AND AGRICULTURAL SPRINKLERS		

U.S. Registration No.	962015	Application Date	07/07/1972
Registration Date	06/26/1973	Foreign Priority Date	NONE
Word Mark	RAIN BIRD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U027 (International Class 014). First use: First Use: 1962/06/21 First Use In Commerce: 1962/06/21 CLOCKS USED IN CONNECTION WITH TIMING CONTROLS		

U.S. Registration No.	982529	Application Date	07/07/1972
Registration Date	04/23/1974	Foreign Priority Date	NONE
Word Mark	RAIN BIRD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U026 (International Class 009). First use: First Use: 1962/06/21 First Use In Commerce: 1962/06/29 MOISTURE AND TEMPERATURE RESPONSIVE CONTROLLERS		

U.S. Registration No.	984827	Application Date	08/04/1972
Registration Date	05/28/1974	Foreign Priority Date	NONE
Word Mark	RAIN BIRD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U013 (International Class 020). First use: First Use: 1950/01/10 First Use In Commerce: 1950/02/15 SPRINKLER HEAD SCREENS		

U.S. Registration No.	999325	Application Date	08/04/1972
Registration Date	11/26/1974	Foreign Priority Date	NONE
Word Mark	RAIN BIRD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U103 (International Class 037). First use: First Use: 1949/01/15 First Use In Commerce: 1949/01/30 REPAIR OF SPRINKLER AND RELATED IRRIGATION EQUIPMENT OWNED BY OTHERS		

U.S. Registration No.	1638034	Application Date	01/23/1989
Registration Date	03/19/1991	Foreign Priority Date	NONE
Word Mark	RAIN BIRD		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 001. First use: First Use: 1970/12/00 First Use In Commerce: 1970/12/00 [ ADHESIVES FOR PVC PIPE ]</p> <p>Class 003. First use: First Use: 1985/12/00 First Use In Commerce: 1985/12/00 [ SHAMPOO STICKS FOR USE WITH BRUSHES FOR WASHING CARS ]</p> <p>Class 006. First use: First Use: 1965/12/00 First Use In Commerce: 1965/12/00 METAL MANUALLY OPERATED VALVES, NAMELY Y VALVES, SHUT-OFF VALVES, ANTI-SIPHON VALVES, AIR VENT VALVES, VACUUM RELIEF VALVES, PRESSURE REGULATING VALVES, QUICK COUPLING VALVES, DRAIN VALVES, ANGLE VALVES, GLOBE VALVES, BALL VALVES, GATE VALVES, AND CHECK VALVES; METAL HOSE HANGERS; AND METAL PIPES</p> <p>Class 007. First use: First Use: 1965/12/00 First Use In Commerce: 1965/12/00 HYDRAULICALLY OPERATED REMOTE CONTROL VALVES</p> <p>Class 008. First use: First Use: 1965/12/00 First Use In Commerce: 1965/12/00 [ HAND TOOLS, NAMELY SAWS AND BLADES THEREFOR; WRENCHES; CHUCKS; SCREW DRIVERS; KNIVES; KEYS; PUNCHES; AND SHEARS, NAMELY LOPPING SHEARS, PRUNING SHEARS, HEDGE SHEARS, GRASS SHEARS, TRIMMING SHEARS, AND FLOWER SHEARS; PIPE CUTTERS; DRIPPER INSTALLATION TOOLS ]</p> <p>Class 009. First use: First Use: 1963/12/00 First Use In Commerce: 1963/12/00 AUTOMATIC CONTROLS FOR IRRIGATION SPRINKLERS AND SPRINKLER SYSTEMS, NAMELY MECHANICAL CONTROLLERS, ELECTROMECHANICAL CONTROLLERS, ELECTRICAL CONTROLLERS, COMPUTER CONTROLLERS, CLOCK TIMERS, WATER TIMERS, TEMPERATURE RESPONSIVE CONTROLLERS, MOISTURE RESPONSIVE CONTROLLERS; ELECTRIC SWITCHES; ELECTRIC SOLENOIDS, ELECTRIC RELAYS; ELECTRICAL CONNECTORS; ELECTRIC WIRE; PHOTO CELLS; WEATHER STATIONS, COMPRISING A RAIN GAUGE, SOLAR RADIATION SENSOR, WIND SPEED AND RELATIVE HUMIDITY SENSOR COMBINED AS A UNIT; FLUID METERS AND GAUGES, NAMELY WATER METERS, PILOT TUBES, PRESSURE GAUGES, AND RAIN GAUGES; SOLENOID AND ELECTRICALLY OPERATED REMOTE CONTROL VALVES; AUDIO RECORDINGS AND AUDIO VIDEO TAPE, NAMELY AUDIO CASSETTE TAPES AND VIDEO TAPES CONCERNING SPRINKLER SYSTEMS AND IRRIGATION; AND COMPUTERS AND COMPUTER PROGRAMS FOR IRRIGATION CONTROL; COMPUTERS; RADIO CONTROL TRANSCEIVERS; SURGE PROTECTORS; TRANSFORMERS; THERMOMETERS</p> <p>Class 011. First use: First Use: 1963/12/00 First Use In Commerce: 1963/12/00 SPRINKLER SYSTEMS AND SPRINKLERS THEREFOR, NAMELY IMPACT AND IMPULSE DRIVE SPINKLERS, POP-UP SPRINKLERS, BALL DRIVE SPRINKLERS, TURBINE DRIVE SPRINKLERS, REACTION DRIVE SPRINKLERS; OSCILLATORS; SPRAY HEADS; BUBBLERS; SPRINKLER NOZZLES; SPRINKLER SUPPORTS AND BASES; DRIPPERS; EMITTERS; SOAKERS; SPINNER SEPARATORS, SPRINKLER SYSTEM FILTERS AND FILTER SCREENS; [ ELECTRIC OUTDOOR LIGHTS; ] AND FAUCET</p>		

	<p><b>ADAPTERS</b></p> <p>Class 014. First use: First Use: 1982/12/00 First Use In Commerce: 1982/12/00 TIE TACKS; WATCHES AND CLOCKS</p> <p>Class 016. First use: First Use: 1965/12/00 First Use In Commerce: 1965/12/00 MAINTENANCE AND OPERATIONAL MANUALS RELATED TO IRRIGATION EQUIPMENT AND SYSTEMS; INSTALLATION MANUALS RELATED TO IRRIGATION SPRINKLERS AND SPRINKLER SYSTEMS; IRRIGATION DESIGN MANUALS AND BOOKS; MAGAZINES AND NEWSLETTERS RELATED TO IRRIGATION; NOTE PAPER AND PADS; PAPER BANNERS; BINDERS; PAPER BOXES; BUMPER STICKERS; CALENDARS; DECALS; STATIONERY FOLDERS; LABELS; PAPER NAME BADGES; NAPKINS; PLAYING CARDS; SIGNS; POSTERS; PAPER FLAGS; LUGGAGE TAGS; PAPER SHOPPING BAGS; PENS; PENCILS; PAPER CLIP HOLDERS; CLIP BOARDS; LETTER OPENERS</p> <p>Class 017. First use: First Use: 1965/12/00 First Use In Commerce: 1965/12/00 LAWN AND GARDEN EQUIPMENT COMPRISING NON-METALLIC HOSE, TUBING, PIPE, PIPE JOINT AND COUPLINGS, HOSE CONNECTORS, HOSE QUICK COUPLING CONNECTORS, HOSE REPAIR COUPLINGS, RISER PIPES, PIPE ADAPTERS; FITTINGS, NAMELY DRIP FITTINGS, BARB FITTINGS; COMPRESSION FITTINGS; RUBBER VALVE MARKERS; BALLOONS; HOSE AND VALVE WASHERS; SPRINKLER COLLARS</p> <p>Class 020. First use: First Use: 1965/12/00 First Use In Commerce: 1965/12/00 CABINETS AND HOUSINGS FOR VALVES AND IRRIGATION CONTROLLERS; COUNTER STOOLS; LITERATURE AND CORRESPONDENCE RACKS; STADIUM CUSHIONS; PLASTIC MANUALLY OPERATED VALVES, NAMELY Y VALVES, SHUT-OFF VALVES, ANTI-SIPHON VALVES, AIR-VENT VALVES, VACUUM RELIEF VALVES, PRESSURE REGULATING VALVES, QUICK COUPLING VALVES, DRAIN VALVES, ANGLE VALVES, GLOBE VALVES, BALL VALVES, GATE VALVES, AND CHECK VALVES; PLASTIC HOSE HANGERS, AND PLASTIC SIGNS</p> <p>Class 021. First use: First Use: 1978/12/00 First Use In Commerce: 1978/12/00 [ BRUSHES, NAMELY CAR WASH BRUSHES AND PATIO AND DECK BRUSHES; ] INSULATED CUPS; MUGS; CORK SCREWS; LAWN SPRINKLER NOZZLES; HOSE END NOZZLES AND HOSE NOZZLES</p> <p>Class 025. First use: First Use: 1977/12/00 First Use In Commerce: 1977/12/00 CLOTHING, NAMELY COVERALLS, JACKETS, SCARFS, SWEATERS, SWEATSHIRTS, SHIRTS, NECKTIES, T-SHIRTS, VESTS, CAPS, PANTS</p> <p>Class 028. First use: First Use: 1978/12/00 First Use In Commerce: 1978/12/00 SPORTS EQUIPMENT, NAMELY GOLF BALLS AND GOLF TEES</p> <p>Class 037. First use: First Use: 1965/12/00 First Use In Commerce: 1965/12/00 IRRIGATION EQUIPMENT REPAIR SERVICES, NAMELY SPRINKLER REPAIR, VALVE REPAIR AND CONTROLLER REPAIR; AND IRRIGATION SYSTEM INSTALLATION SERVICES</p>
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U.S. Registration No.	2176837	Application Date	07/14/1997
Registration Date	07/28/1998	Foreign Priority Date	NONE
Word Mark	EASY RAIN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1996/01/00 First Use In Commerce: 1996/01/00		

	electronic controllers for operating irrigation systems valves
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Attachments	71616244#TMSN.gif ( 1 page )( bytes ) 73776298#TMSN.gif ( 1 page )( bytes ) 90865 RAINCHECK Opposition.pdf ( 26 pages )(1055453 bytes )
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### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/John E. Lyhus/
Name	John E. Lyhus
Date	12/03/2007

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

RAIN BIRD CORPORATION,	)	
	)	OPPOSITION No.
OPPOSER,	)	
	)	
v.	)	
	)	
MELNOR, INC.,	)	
	)	
APPLICANT.	)	
_____	)	
Serial No.: 77/132,141	)	
Filed: March 15, 2007	)	
Mark: RAINCHECK	)	
Published: August 7, 2007	)	

NOTICE OF OPPOSITION

Rain Bird Corporation (“Rain Bird”), a California corporation, having a place of business at 1000 W. Sierra Madre Avenue, Azusa, California 91702, believes that it will be damaged by registration of the RAINCHECK trademark Application No. 77/132,141, and hereby opposes the same on the following grounds:

COUNT I – LIKELIHOOD OF CONFUSION

1. In intent-to-use Application Serial No. 77/132,141, Melnor, Inc. ("Applicant"), is seeking registration on the Principal Register for the mark RAINCHECK specifying “valves being parts of lawn sprinkler systems, namely mechanical devices connected between lawn sprinklers and water hoses with water timers for the purpose of cutting water supply to sprinklers during rain.”

2. On information and belief, the Applicant cannot rely on any priority for the RAINCHECK mark in connection with the goods specified in the subject application earlier than March 15, 2007, the filing date of Application Serial No. 77/132,141.

3. Since at least as early as January 1, 1993, Rain Bird adopted and began using the mark RAIN CHECK in connection with controllers for lawn sprinkler systems which Rain Bird has continuously marketed and sold in interstate commerce throughout the United States.

4. Since at least as early as May 6, 1936, Rain Bird adopted and began using the mark RAINBIRD in interstate commerce for use on "lawn and yard sprinklers" which are and have been marketed in commerce throughout the United States, as well as throughout the world. On December 2, 1952, the United States Patent & Trademark Office issued Principal Registration No. 567,442 for the mark RAINBIRD for use in connection with these goods. Said Registration is presently valid and subsisting and is now owned by Rain Bird and is *prima facie* evidence of Rain Bird's exclusive right to use said mark in commerce on the specified goods. Said Registration is also incontestable under 15 U.S.C. § 1065.

5. On June 23, 1964, the United States Patent & Trademark Office issued Principal Registration No. 771,728 for the mark RAIN BIRD for use in connection with "manually-operated turf valves, angle, globe, and check valves, quick coupling valves and valve keys, electrically and hydraulically operated remote control valves." Said Registration is presently valid and subsisting and is now owned by Rain Bird and is *prima facie* evidence of Rain Bird's exclusive right to use said mark in commerce on the specified goods. Said Registration is also incontestable under 15 U.S.C. § 1065. Rain Bird has made substantially continuous use in commerce of said mark on the said goods since at least as early as August 29, 1957.

6. On June 23, 1964, the United States Patent & Trademark Office issued Principal Registration No. 771,809 for the mark RAIN BIRD for use in connection with "electrically-operated controllers for sprinkler systems, and electrical wire for use in such systems." Said Registration is presently valid and subsisting and is now owned by Rain Bird and is *prima facie* evidence of Rain Bird's exclusive right to use said mark in commerce on the specified goods.

Said Registration is also incontestable under 15 U.S.C. § 1065. Rain Bird has made substantially continuous use in commerce of the said mark on the said goods since at least as early as June 29, 1962.

7. On March 2, 1971, the United States Patent & Trademark Office issued Principal Registration No. 908,921 for the mark RAIN BIRD for use in connection with “turf and agricultural sprinklers.” Said Registration is presently valid and subsisting and is now owned by Rain Bird and is *prima facie* evidence of Rain Bird's exclusive right to use said mark in commerce on the specified goods. Said Registration is also incontestable under 15 U.S.C. § 1065. Rain Bird has made substantially continuous use in commerce of the said mark on the said goods since at least as early as January 10, 1953.

8. On June 26, 1973, the United States Patent & Trademark Office issued Principal Registration No. 962,015 for the mark RAIN BIRD for use in connection with “clocks used in connection with timing controls.” Said Registration is presently valid and subsisting and is now owned by Rain Bird and is *prima facie* evidence of Rain Bird's exclusive right to use said mark in commerce on the specified goods. Said Registration is also incontestable under 15 U.S.C. § 1065. Rain Bird has made substantially continuous use in commerce of the said mark on the said goods since at least as early as June 21, 1962.

9. On April 23, 1974, the United States Patent & Trademark Office issued Principal Registration No. 982,529 for the mark RAIN BIRD for use on in connection with “moisture and temperature responsive controllers.” Said Registration is presently valid and subsisting and is now owned by Rain Bird and is *prima facie* evidence of Rain Bird's exclusive right to use said mark in commerce on the specified goods. Said Registration is also incontestable under 15 U.S.C. § 1065. Rain Bird has made substantially continuous use in commerce of the said mark on the said goods since at least as early as June 29, 1962.

10. On May 28, 1974, the United States Patent & Trademark Office issued Principal Registration No. 984,827 for the mark RAIN BIRD for use on in connection with “sprinkler head screens.” Said Registration is presently valid and subsisting and is now owned by Rain Bird and is *prima facie* evidence of Rain Bird's exclusive right to use said mark in commerce on the specified goods. Said Registration is also incontestable under 15 U.S.C. § 1065. Rain Bird has made substantially continuous use in commerce of the said mark on the said goods since at least as early as February 15, 1950.

11. On November 26, 1974, the United States Patent & Trademark Office issued Principal Registration No. 999,325 for the mark RAIN BIRD for use on in connection with “repair of sprinkler and related irrigation equipment owned by others.” Said Registration is presently valid and subsisting and is now owned by Rain Bird and is *prima facie* evidence of Rain Bird's exclusive right to use said mark in commerce in connection with these services. Said Registration is also incontestable under 15 U.S.C. § 1065. Rain Bird has made substantially continuous use in commerce of the said mark on the said services since at least as early as January 30, 1949.

12. On March 19, 1991, the United States Patent & Trademark Office issued Principal Registration No. 1,638,034 for the mark RAIN BIRD and Design for use in connection with, *inter alia*: “Metal manually operated valves, namely valve, shut-off valves, anti-siphon valves, air vent valves, vacuum relief valves, pressure regulating valves, quick coupling valves, drain valves, angle valves, glove valves, ball valves, gate valves, and check valves; metal hose hangers; and metal pipes;” “Hydraulically operated remote control valves;” “Automatic controls for irrigation sprinklers and sprinkler systems...;” “Sprinkler systems and sprinklers therefore...;” “Lawn and garden equipment comprising non-metallic hose, tubing, pipe, pipe joint and couplings, hose

connectors, hose quick coupling connectors, hose repair couplings, riser pipes, pipe adapters; fittings, namely drip fittings, barb fittings; compression fittings; rubber valve markers; balloons; hose and valve washers; sprinkler collars;” “Cabinets and housings for valves and irrigation controllers; counter stools; literature and correspondence racks; stadium cushions; plastic manually operated valves, namely y valves, shut-off valves, anti-siphon valves, air-vent valves, vacuum relief valves, pressure regulating valves, quick coupling valves, drain valves, angle valves, glove valves, ball valves, gate valves, and check valves, plastic hose hangers, and plastic signs;” and “Irrigation equipment repair services, namely sprinkler repair, valve repair and controller repair; and irrigation system installation services.” Said Registration is presently valid and subsisting and is now owned by Rain Bird and is *prima facie* evidence of Rain Bird's exclusive right to use said mark in commerce on the specified goods and services. Said Registration is also incontestable under 15 U.S.C. § 1065. Rain Bird has made substantially continuous use in commerce of the said mark on the said goods and services since at least as early as December 1963.

13. On July 28, 1998, the United States Patent & Trademark Office registered on the Principal Register and issued, Registration No. 2,176,837 for the mark EASY RAIN for use in connection with “electronic controllers for operating irrigation systems valves.” Said Registration is presently valid and subsisting and is now owned by Rain Bird and is *prima facie* evidence of Rain Bird's exclusive right to use said mark in commerce on the specified goods. Said Registration is also incontestable under 15 U.S.C. § 1065. Rain Bird has made substantially continuous use in commerce of the said mark on the said goods since at least as early as January 1996.

14. As detailed above, Rain Bird is the owner of all right, title and interest in the following Federal trademark registrations, copies of the current printouts from the electronic

database records of the USPTO showing the current status and title of the registration are attached hereto as Exhibit A:

MARK	REGISTRATION NO.	REGISTRATION DATE	GOODS
<b>RAINBIRD</b>	567,442	December 2, 1952	Lawn and yard sprinklers
RAIN BIRD	771,728	June 23, 1964	Manually-operated turf valves, angle globe, and check valves, quick coupling valves and valve keys, electrically and hydraulically operated remote control valves
RAIN BIRD	771,809	June 23, 1964	Electrically-operated controllers for sprinkler systems, and electrical wire for use in such systems
RAIN BIRD	908,921	March 2, 1971	Turf and agricultural sprinklers
RAIN BIRD	962,015	June 26, 1973	Clocks used in connection with timing controls
RAIN BIRD	982,529	April 23, 1974	Moisture and temperature responsive controllers
RAIN BIRD	984,827	May 28, 1974	Sprinkler head screens
RAIN BIRD	999,325	November 26, 1974	Repair of sprinkler and related irrigation equipment owned by others

MARK	REGISTRATION NO.	REGISTRATION DATE	GOODS
	1,638,034	March 19, 1991	<p><i>International Class 6:</i> Metal manually operated valves, namely y valve, shut-off valves, anti-siphon valves, air vent valves, vacuum relief valves, pressure regulating valves, quick coupling valves, drain valves, angle valves, glove valves, ball valves, gate valves, and check valves; metal hose hangers; and metal pipes; <i>International Class 7:</i> Hydraulically operated remote control valves; <i>International Class 9:</i> Automatic controls for irrigation sprinklers and sprinkler systems...; <i>International Class 11:</i> Sprinkler systems and sprinklers therefore...; <i>International Class 17:</i> Lawn and garden equipment comprising non-metallic hose, tubing, pipe, pipe joint and couplings, hose connectors, hose quick coupling connectors, hose repair couplings, riser pipes, pipe adapters; fittings, namely drip fittings, barb fittings; compression fittings; rubber valve markers; balloons; hose and valve washers; sprinkler collars; <i>International Class 20:</i> Cabinets and housings for valves and irrigation controllers; counter stools; literature and correspondence racks; stadium cushions; plastic manually operated valves, namely y valves, shut-off valves, anti-siphon valves, air-vent valves, vacuum relief valves, pressure regulating valves, quick coupling valves, drain valves, angle valves, glove valves, ball valves, gate valves, and check valves, plastic hose hangers, and plastic signs; <i>International Class 37:</i> Irrigation equipment repair services, namely sprinkler repair, valve repair and controller repair; and irrigation system installation services</p>
EASY RAIN	2,176,837	July 28, 1998	Electronic controllers for operating irrigation systems valves

15. Long before Applicant can claim any priority in its RAINCHECK mark for the goods specified in the subject application, Rain Bird was actively engaged in interstate and foreign commerce manufacturing, distributing, advertising and selling the aforementioned

irrigation products and services bearing the aforesaid RAIN BIRD and EASY RAIN registered marks as well as the aforesaid RAIN CHECK mark (collectively hereinafter “aforesaid marks”).

16. Rain Bird has expended millions of dollars in advertising and promoting its products under the aforesaid marks, and has sold millions of dollars of products bearing the aforesaid marks in the United States and throughout the world, making the aforesaid marks famous.

17. On information and belief, Applicant adopted the RAINCHECK trademark for the goods specified in the subject application with full knowledge of Rain Bird’s famous aforesaid marks and with the intent to trade and capitalize on the goodwill generated by Rain Bird’s extensive and exclusive use of its aforesaid marks.

18. Applicant filed its application for the RAINCHECK mark without the consent of Rain Bird.

19. Applicant’s RAINCHECK mark for the goods specified in the subject application is likely to cause confusion, mistake or deception as to the origin of the goods among the relevant consuming public relative to Rain Bird’s aforesaid marks, namely, the RAIN CHECK, RAINBIRD and EASY RAIN marks. The public is likely to believe that Applicant’s products originate from Rain Bird, are licensed by Rain Bird, or are sponsored, authorized, endorsed, approved or are otherwise related to Rain Bird.

20. The goods for which Applicant seeks registration of the RAINCHECK trademark are identical or highly related to the goods and services which Rain Bird offers bearing the aforesaid marks.

21. On information and belief the goods for which Applicant seeks registration of the RAINCHECK mark are likely to be sold to the same customers or in the same channels of trade in which Rain Bird sells its goods and services bearing the aforesaid marks.

22. If Applicant is granted registration of its RAINCHECK trademark, Applicant will obtain the *prima facie* exclusive right to use such mark for the goods specified in the subject application, and such registration will cause damage to Rain Bird's goodwill and rights in its aforesaid marks.

COUNT II - FEDERAL TRADEMARK DILUTION

23. Paragraphs 1-22 are incorporated by reference herein.

24. Rain Bird has expended substantial monies in marketing, advertising and promoting its aforesaid marks on its goods and in connection with its services.

25. Rain Bird established and possesses extremely valuable goodwill in the aforesaid marks by reason of its extensive use, marketing, publicity, advertising and geographic extent of its use and promotion long before Applicant can claim any priority in its RAINCHECK mark.

26. Rain Bird has sold goods bearing the aforesaid marks in excess of millions of dollars.

27. The aforesaid marks are famous and distinctive within the meaning of the Lanham Act, and are entitled to the protection of the anti-dilution provisions of the Lanham Act, including 15 U.S.C. § 1125(c).

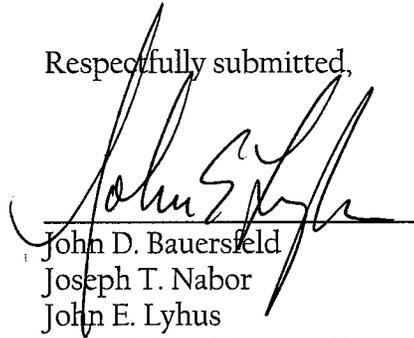
28. Applicant filed the Application Serial No. 77/132,141 long after the aforesaid marks became famous and distinctive.

29. If Applicant is granted registration of its RAINCHECK trademark, Applicant will obtain the *prima facie* exclusive right to use such mark for the goods specified in the subject application, and such registration will impair, diminish, dilute and damage Rain Bird's goodwill and rights in its aforesaid marks.

PRAYER FOR RELIEF

WHEREFORE, Rain Bird respectfully requests that Application Serial No. 77/132,141 be rejected, and that registration of the RAINCHECK trademark for the goods specified therein be refused.

Respectfully submitted,



John D. Bauersfeld  
Joseph T. Nabor  
John E. Lyhus

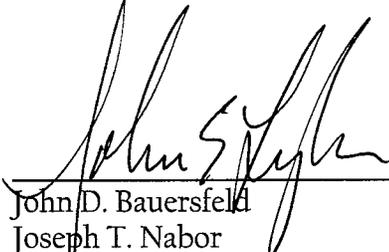
FITCH, EVEN, TABIN & FLANNERY  
120 South LaSalle Street, Suite 1600  
Chicago, Illinois 60603-3406  
Telephone: 312.577.7000  
Facsimile: 312.577.7007  
*Attorneys for Opposer*

December 3, 2007

CERTIFICATE OF OPPOSER'S ATTORNEYS

We hereby certify that we are trademark attorneys for Rain Bird Corporation, the Opposer herein, and that we have been instructed to file the foregoing Opposition. We are, therefore, filing this Opposition under Section 13 of the Trademark Act of 1946 and under Trademark Rule 2.101.

December 3, 2007



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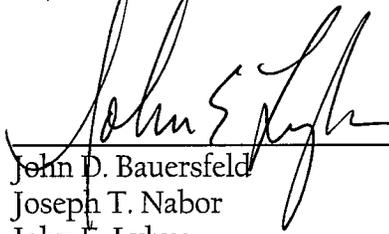
John D. Bauersfeld  
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Chicago, Illinois 60603-3406  
Telephone: 312.577.7000  
Facsimile: 312.577.7007  
*Attorneys for Opposer*

CERTIFICATE OF SERVICE

I, John E. Lyhus, one of the Attorneys for Opposer, hereby certify that a copy of the foregoing NOTICE OF OPPOSITION was served by first class mail, postage prepaid, upon:

DIANA MICHELLE SOBO  
WESTERMAN, HATTORI, DANIELS & ADRIAN LL  
1250 CONNECTICUT AVE NW STE 700  
WASHINGTON, DC 20036-2657

on this 3<sup>rd</sup> day of December 2007.



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John D. Bauersfeld  
Joseph T. Nabor  
John E. Lyhus  
FITCH, EVEN, TABIN & FLANNERY  
120 South LaSalle Street, Suite 1600  
Chicago, Illinois 60603-3406  
Telephone: 312.577.7000  
Facsimile: 312.577.7007  
*Attorneys for Opposer*

# EXHIBIT A



# Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Sat Dec 1 04:06:52 EST 2007

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## Record 1 out of 1

[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

# RAINBIRD

<b>Word Mark</b>	RAINBIRD
<b>Goods and Services</b>	IC 011. US 013. G & S: LAWN AND YARD SPRINKLERS. FIRST USE: 19351101. FIRST USE IN COMMERCE: 19360506
<b>Mark Drawing Code</b>	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
<b>Serial Number</b>	71616244
<b>Filing Date</b>	July 9, 1951
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Registration Number</b>	0567442
<b>Registration Date</b>	December 2, 1952
<b>Owner</b>	(REGISTRANT) RAIN BIRD SPRINKLER MFG. CORP. CORPORATION CALIFORNIA 633 WEST FOOTHILL BOULEVARD GLENDORA CALIFORNIA 91740  (LAST LISTED OWNER) RAIN BIRD CORPORATION CORPORATION BY CHANGE OF NAME CALIFORNIA 155 N. GRAND AVENUE GLENDORA CALIFORNIA 917412469
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	JOHN D. BAUERSFELD
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECTION 8(10-YR) 20021018.
<b>Renewal</b>	3RD RENEWAL 20021018
<b>Live/Dead</b>	LIVE



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## Record 1 out of 1

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### Typed Drawing

<b>Word Mark</b>	RAIN BIRD
<b>Goods and Services</b>	IC 006. US 013. G & S: Manually-Operated Turf Valves, Angle, Globe, and Check Valves, Quick Coupling Valves and Valve Keys, Electrically and Hydraulically Operated Remote Control Valves. FIRST USE: 19570826. FIRST USE IN COMMERCE: 19570829
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	72177092
<b>Filing Date</b>	September 16, 1963
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Registration Number</b>	0771728
<b>Registration Date</b>	June 23, 1964
<b>Owner</b>	(REGISTRANT) Rain Bird Sprinkler Manufacturing Corp. CORPORATION CALIFORNIA 19233 E. Foothill Blvd. Glendora CALIFORNIA  (LAST LISTED OWNER) RAIN BIRD CORPORATION CORPORATION CALIFORNIA 145 NORTH GRAND AVENUE GLENDORA CALIFORNIA 91741
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Prior Registrations</b>	0567442
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECTION 8(10-YR) 20040612.
<b>Renewal</b>	2ND RENEWAL 20040612
<b>Live/Dead Indicator</b>	LIVE

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## Record 1 out of 1

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### Typed Drawing

<b>Word Mark</b>	RAIN BIRD
<b>Goods and Services</b>	IC 009. US 021. G & S: Electrically-Operated Controllers for Sprinkler Systems, and Electrical Wire for Use in Such Systems. FIRST USE: 19620621. FIRST USE IN COMMERCE: 19620629
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	72177093
<b>Filing Date</b>	September 16, 1963
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Registration Number</b>	<b>0771809</b>
<b>Registration Date</b>	June 23, 1964
<b>Owner</b>	(REGISTRANT) Rain Bird Sprinkler Manufacturing Corp. CORPORATION CALIFORNIA 19233 E. Foothill Blvd. Glendora CALIFORNIA  (LAST LISTED OWNER) RAIN BIRD CORPORATION CORPORATION CALIFORNIA 145 NORTH GRAND AVENUE GLENDORA CALIFORNIA 91741
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Prior Registrations</b>	0567442
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECTION 8(10-YR) 20040612.
<b>Renewal</b>	2ND RENEWAL 20040612
<b>Live/Dead Indicator</b>	LIVE

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Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: 72359255

Filing Dt: 05/08/1970

Reg #: 908921

Reg. Dt: 03/02/1971

Registrant: RAIN BIRD SPRINKLER MFG. CORP.

Mark: RAIN BIRD

Assignment: 1

Reel/Frame: 2412/0468

Received: 12/26/2001

Recorded: 12/18/2001

Pages: 21

Conveyance: CHANGE OF NAME

Assignor: RAIN BIRD SPRINKLER MFG. CORP

Exec Dt: 12/03/2001

Entity Type: CORPORATION

Citizenship: CALIFORNIA

Entity Type: CORPORATION

Citizenship: CALIFORNIA

Assignee: RAIN BIRD CORPORATION

145 NORTH GRAND AVENUE  
GLENORA, CALIFORNIA 91741

Correspondent: KELLY BAUERSFELD LOWRY & KELLY, LLP

JOHN D. BAUERSFELD, ESQ.  
6320 CANOGA AVENUE, SUITE 1650  
WOODLAND HILLS, CA 91367

Search Results as of: 12/03/2007 11:52 AM

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Web interface last modified: April 20, 2007 v.2.0.1



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## Record 1 out of 1

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### Typed Drawing

<b>Word Mark</b>	RAIN BIRD
<b>Goods and Services</b>	IC 006. US 013. G & S: TURF AND AGRICULTURAL SPRINKLERS. FIRST USE: 19530101. FIRST USE IN COMMERCE: 19530110
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	72359255
<b>Filing Date</b>	May 8, 1970
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Registration Number</b>	<b>0908921</b>
<b>Registration Date</b>	March 2, 1971
<b>Owner</b>	(REGISTRANT) RAIN BIRD SPRINKLER MFG. CORP. CORPORATION CALIFORNIA 633 WEST FOOTHILL BLVD. GLENDORA CALIFORNIA 917412475
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Prior Registrations</b>	0567442;0771728;0771809
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20010526.
<b>Renewal</b>	2ND RENEWAL 20010526
<b>Live/Dead Indicator</b>	<b>LIVE</b>

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## Record 1 out of 1

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### Typed Drawing

<b>Word Mark</b>	RAIN BIRD
<b>Goods and Services</b>	IC 014. US 027. G & S: CLOCKS USED IN CONNECTION WITH TIMING CONTROLS. FIRST USE: 19620621. FIRST USE IN COMMERCE: 19620621
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	72429262
<b>Filing Date</b>	July 7, 1972
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Registration Number</b>	<b>0962015</b>
<b>Registration Date</b>	June 26, 1973
<b>Owner</b>	(REGISTRANT) RAIN BIRD SPRINKLER MFG. CORP. CORPORATION CALIFORNIA 633 W. FOOTHILL BLVD. GLENDORA CALIFORNIA 91740  (LAST LISTED OWNER) RAIN BIRD CORPORATION CORPORATION CALIFORNIA 145 North Grand Avenue Glendora CALIFORNIA 91741
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	JOHN D. BAUERSFELD
<b>Prior Registrations</b>	0567442;0908921;AND OTHERS
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20040202.
<b>Renewal</b>	2ND RENEWAL 20040202
<b>Live/Dead Indicator</b>	LIVE

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### Typed Drawing

<b>Word Mark</b>	RAIN BIRD
<b>Goods and Services</b>	IC 009. US 026. G & S: MOISTURE AND TEMPERATURE RESPONSIVE CONTROLLERS. FIRST USE: 19620621. FIRST USE IN COMMERCE: 19620629
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	72429350
<b>Filing Date</b>	July 7, 1972
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Registration Number</b>	<b>0982529</b>
<b>Registration Date</b>	April 23, 1974
<b>Owner</b>	(REGISTRANT) RAIN BIRD SPRINKLER MFG. CORP. CORPORATION CALIFORNIA 633 WEST FOOTHILL BOULEVARD GLENDORA CALIFORNIA 91740  (LAST LISTED OWNER) RAIN BIRD CORPORATION CORPORATION CALIFORNIA 145 NORTH GRAND AVENUE GLENDORA CALIFORNIA 91741
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	JOHN D. BAUERSFELD
<b>Prior Registrations</b>	0567442;0908921;AND OTHERS
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20040612.
<b>Renewal</b>	2ND RENEWAL 20040612
<b>Live/Dead Indicator</b>	LIVE

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### Typed Drawing

**Word Mark** RAIN BIRD

**Goods and Services** IC 020. US 013. G & S: SPRINKLER HEAD SCREENS. FIRST USE: 19500110. FIRST USE IN COMMERCE: 19500215

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 72431781

**Filing Date** August 4, 1972

**Current Filing Basis** 1A

**Original Filing Basis** 1A

**Registration Number** 0984827

**Registration Date** May 28, 1974

**Owner** (REGISTRANT) RAIN BIRD SPRINKLER MFG. CORP. CORPORATION CALIFORNIA 633 W. FOOTHILL BOULEVARD GLENDORA CALIFORNIA 91740

(LAST LISTED OWNER) RAIN BIRD CORPORATION CORPORATION CALIFORNIA 145 NORTH GRAND AVENUE GLENDORA CALIFORNIA 91741

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** JOHN D. BAUERSFELD

**Prior Registrations** 0567442;0908921;AND OTHERS

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20040612.

**Renewal** 2ND RENEWAL 20040612

**Live/Dead Indicator** LIVE

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## Record 1 out of 1

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### Typed Drawing

<b>Word Mark</b>	RAIN BIRD
<b>Goods and Services</b>	IC 037. US 103. G & S: REPAIR OF SPRINKLER AND RELATED IRRIGATION EQUIPMENT OWNED BY OTHERS. FIRST USE: 19490115. FIRST USE IN COMMERCE: 19490130
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	72431727
<b>Filing Date</b>	August 4, 1972
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Registration Number</b>	0999325
<b>Registration Date</b>	November 26, 1974
<b>Owner</b>	(REGISTRANT) RAIN BIRD SPRINKLER MFG. CORP. CORPORATION CALIFORNIA 633 WEST FOOTHILL BOULEVARD GLENDORA CALIFORNIA 91740  (LAST LISTED OWNER) RAIN BIRD CORPORATION CORPORATION CALIFORNIA 145 NORTH GRAND AVENUE GLENDORA CALIFORNIA 91741
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	JOHN D. BAUERSFELD
<b>Prior Registrations</b>	0567442;0908921;AND OTHERS
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20050113.
<b>Renewal</b>	2ND RENEWAL 20050113
<b>Live/Dead Indicator</b>	LIVE

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Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: 73776298

Filing Dt: 01/23/1989

Reg #: 1638034

Reg. Dt: 03/19/1991

Registrant: RAIN BIRD SPRINKLER MFG. CORP.

Mark: RAIN BIRD

Assignment: 1

Reel/Frame: 2412/0468

Received: 12/26/2001

Recorded: 12/18/2001

Pages: 21

Conveyance: CHANGE OF NAME

Assignor: RAIN BIRD SPRINKLER MFG. CORP

Exec Dt: 12/03/2001

Entity Type: CORPORATION

Citizenship: CALIFORNIA

Entity Type: CORPORATION

Citizenship: CALIFORNIA

Assignee: RAIN BIRD CORPORATION

145 NORTH GRAND AVENUE  
GLENORA, CALIFORNIA 91741

Correspondent: KELLY BAUERSFELD LOWRY & KELLY, LLP

JOHN D. BAUERSFELD, ESQ.  
6320 CANOGA AVENUE, SUITE 1650  
WOODLAND HILLS, CA 91367

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Web interface last modified: April 20, 2007 v.2.0.1  
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**Word Mark** RAIN BIRD

**Goods and Services**

(CANCELLED) IC 003. US 001 004 006 050 051 052. G & S: [ SHAMPOO STICKS FOR USE WITH BRUSHES FOR WASHING CARS ]. FIRST USE: 19851200. FIRST USE IN COMMERCE: 19851200

IC 025. US 039. G & S: CLOTHING, NAMELY COVERALLS, JACKETS, SCARFS, SWEATERS, SWEATSHIRTS, SHIRTS, NECKTIES, T-SHIRTS, VESTS, CAPS, PANTS. FIRST USE: 19771200. FIRST USE IN COMMERCE: 19771200

IC 011. US 013 021 023 031 034. G & S: SPRINKLER SYSTEMS AND SPRINKLERS THEREFOR, NAMELY IMPACT AND IMPULSE DRIVE SPINKLERS, POP-UP SPRINKLERS, BALL DRIVE SPRINKLERS, TURBINE DRIVE SPRINKLERS, REACTION DRIVE SPRINKLERS; OSCILLATORS; SPRAY HEADS; BUBBLERS; SPRINKLER NOZZLES; SPRINKLER SUPPORTS AND BASES; DRIPPERS; EMITTERS; SOAKERS; SPINNER SEPARATORS, SPRINKLER SYSTEM FILTERS AND FILTER SCREENS; [ ELECTRIC OUTDOOR LIGHTS; ] AND FAUCET ADAPTERS. FIRST USE: 19631200. FIRST USE IN COMMERCE: 19631200

(CANCELLED) IC 001. US 001 005 006 010 026 046. G & S: [ ADHESIVES FOR PVC PIPE ]. FIRST USE: 19701200. FIRST USE IN COMMERCE: 19701200

IC 037. US 103. G & S: IRRIGATION EQUIPMENT REPAIR SERVICES, NAMELY SPRINKLER REPAIR, VALVE REPAIR AND CONTROLLER REPAIR; AND IRRIGATION SYSTEM INSTALLATION SERVICES. FIRST USE: 19651200. FIRST USE IN COMMERCE: 19651200

IC 016. US 037 038 050. G & S: MAINTENANCE AND OPERATIONAL MANUALS RELATED TO IRRIGATION EQUIPMENT AND SYSTEMS; INSTALLATION MANUALS RELATED TO IRRIGATION SPRINKLERS AND SPRINKLER SYSTEMS; IRRIGATION DESIGN MANUALS AND BOOKS; MAGAZINES AND NEWSLETTERS RELATED TO IRRIGATION; NOTE PAPER AND PADS; PAPER BANNERS; BINDERS; PAPER BOXES; BUMPER STICKERS; CALENDARS; DECALS; STATIONERY FOLDERS; LABELS; PAPER NAME BADGES; NAPKINS; PLAYING CARDS; SIGNS; POSTERS; PAPER FLAGS; LUGGAGE TAGS; PAPER SHOPPING BAGS; PENS; PENCILS; PAPER CLIP HOLDERS; CLIP BOARDS; LETTER OPENERS. FIRST USE: 19651200. FIRST USE IN COMMERCE: 19651200

IC 009. US 021 026 038. G & S: AUTOMATIC CONTROLS FOR IRRIGATION SPRINKLERS AND SPRINKLER SYSTEMS, NAMELY MECHANICAL CONTROLLERS, ELECTROMECHANICAL CONTROLLERS, ELECTRICAL CONTROLLERS, COMPUTER CONTROLLERS, CLOCK TIMERS, WATER TIMERS, TEMPERATURE RESPONSIVE CONTROLLERS, MOISTURE RESPONSIVE CONTROLLERS; ELECTRIC SWITCHES; ELECTRIC SOLENOIDS, ELECTRIC RELAYS; ELECTRICAL CONNECTORS; ELECTRIC WIRE; PHOTO CELLS; WEATHER STATIONS, COMPRISING A RAIN GAUGE, SOLAR RADIATION SENSOR, WIND SPEED AND RELATIVE HUMIDITY SENSOR COMBINED AS A UNIT; FLUID METERS AND GAUGES, NAMELY WATER METERS, PILOT TUBES, PRESSURE GAUGES, AND RAIN GAUGES; SOLENOID AND ELECTRICALLY OPERATED REMOTE CONTROL VALVES; AUDIO RECORDINGS AND AUDIO VIDEO TAPE, NAMELY AUDIO CASSETTE TAPES AND VIDEO TAPES CONCERNING SPRINKLER SYSTEMS AND IRRIGATION; AND COMPUTERS AND COMPUTER PROGRAMS FOR IRRIGATION CONTROL; COMPUTERS; RADIO CONTROL TRANSCEIVERS; SURGE PROTECTORS; TRANSFORMERS; THERMOMETERS. FIRST USE: 19631200. FIRST USE IN COMMERCE: 19631200

IC 028. US 022. G & S: SPORTS EQUIPMENT, NAMELY GOLF BALLS AND GOLF TEES. FIRST USE: 19781200. FIRST USE IN COMMERCE: 19781200

IC 021. US 002 013 023 029 030 033 040 050. G & S: [ BRUSHES, NAMELY CAR WASH BRUSHES AND PATIO AND DECK BRUSHES; ] INSULATED CUPS; MUGS; CORK SCREWS; LAWN SPRINKLER NOZZLES; HOSE END NOZZLES AND HOSE NOZZLES. FIRST USE: 19781200. FIRST USE IN COMMERCE: 19781200

IC 006. US 013. G & S: METAL MANUALLY OPERATED VALVES, NAMELY Y VALVES, SHUT-OFF VALVES, ANTI-SIPHON VALVES, AIR VENT VALVES, VACUUM RELIEF VALVES, PRESSURE REGULATING VALVES, QUICK COUPLING VALVES, DRAIN VALVES, ANGLE VALVES, GLOBE VALVES, BALL VALVES, GATE VALVES, AND CHECK VALVES; METAL HOSE HANGERS; AND METAL PIPES. FIRST USE: 19651200. FIRST USE IN COMMERCE: 19651200

IC 008. US 023 028 044. G & S: [ HAND TOOLS, NAMELY SAWS AND BLADES THEREFOR; WRENCHES; CHUCKS; SCREW DRIVERS; KNIVES; KEYS; PUNCHES; AND SHEARS, NAMELY LOPPING SHEARS, PRUNING SHEARS, HEDGE SHEARS, GRASS SHEARS, TRIMMING SHEARS, AND FLOWER SHEARS; PIPE CUTTERS; DRIPPER INSTALLATION TOOLS ]. FIRST USE: 19651200. FIRST USE IN COMMERCE: 19651200

IC 020. US 013 032. G & S: CABINETS AND HOUSINGS FOR VALVES AND IRRIGATION CONTROLLERS; COUNTER STOOLS; LITERATURE AND CORRESPONDENCE RACKS; STADIUM CUSHIONS; PLASTIC MANUALLY OPERATED VALVES, NAMELY Y VALVES, SHUT-OFF VALVES, ANTI-SIPHON VALVES, AIR-VENT VALVES, VACUUM RELIEF VALVES, PRESSURE REGULATING VALVES, QUICK COUPLING VALVES, DRAIN VALVES, ANGLE VALVES, GLOBE VALVES, BALL VALVES, GATE VALVES, AND CHECK VALVES; PLASTIC HOSE HANGERS, AND PLASTIC SIGNS. FIRST USE: 19651200. FIRST USE IN COMMERCE: 19651200

IC 017. US 013. G & S: LAWN AND GARDEN EQUIPMENT COMPRISING NON-METALLIC HOSE, TUBING, PIPE, PIPE JOINT AND COUPLINGS, HOSE CONNECTORS, HOSE QUICK COUPLING CONNECTORS, HOSE REPAIR COUPLINGS, RISER PIPES, PIPE ADAPTERS; FITTINGS, NAMELY DRIP FITTINGS, BARB FITTINGS; COMPRESSION FITTINGS; RUBBER VALVE MARKERS; BALLOONS; HOSE AND VALVE WASHERS; SPRINKLER COLLARS. FIRST USE: 19651200. FIRST USE IN COMMERCE: 19651200

IC 014. US 027 028. G & S: TIE TACKS; WATCHES AND CLOCKS. FIRST USE: 19821200. FIRST USE IN COMMERCE: 19821200

IC 007. US 013 023. G & S: HYDRAULICALLY OPERATED REMOTE CONTROL VALVES. FIRST USE: 19651200. FIRST USE IN COMMERCE: 19651200

**Mark Drawing Code**

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design**

03.15.19 - Birds or bats in flight or with outspread wings

**Search Code**

03.15.25 - Cardinals; Crows; Doves; Other birds; Pigeons; Ravens; Robins; Woodpeckers

**Serial**

73776298

**Number**

**Filing Date**

January 23, 1989

**Current Filing Basis**

1A

**Original Filing Basis**

1A

**Published for**

**Opposition** December 25, 1990  
**Change In Registration** CHANGE IN REGISTRATION HAS OCCURRED  
**Registration Number** 1638034  
**Registration Date** March 19, 1991  
**Owner** (REGISTRANT) RAIN BIRD SPRINKLER MFG. CORP. CORPORATION CALIFORNIA 633 WEST FOOTHILL BOULEVARD GLENDORA CALIFORNIA 91741  
**Assignment Recorded** ASSIGNMENT RECORDED  
**Attorney of Record** JOHN D. BAUERSFELD, ESQ.  
**Prior Registrations** 0567442;1038012;1157940;AND OTHERS  
**Type of Mark** TRADEMARK. SERVICE MARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. PARTIAL SECT 8 (6-YR). SECTION 8(10-YR) 20010416.  
**Renewal** 1ST RENEWAL 20010416  
**Live/Dead Indicator** LIVE

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# Trademarks > Trademark Electronic Search System (TESS)

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## Record 1 out of 1

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### Typed Drawing

**Word Mark** EASY RAIN

**Goods and Services** IC 009. US 021 023 026 036 038. G & S: electronic controllers for operating irrigation systems valves. FIRST USE: 19960100. FIRST USE IN COMMERCE: 19960100

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 75323667

**Filing Date** July 14, 1997

**Current Filing Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** May 5, 1998

**Registration Number** 2176837

**Registration Date** July 28, 1998

**Owner** (REGISTRANT) Rain Bird Sprinkler Mfg. Corp. CORPORATION CALIFORNIA 633 West Foothill Boulevard Glendora CALIFORNIA 91740

(LAST LISTED OWNER) RAIN BIRD CORPORATION CORPORATION CALIFORNIA 145 NORTH GRAND AVE. GLENDORA CALIFORNIA 91741

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** JOHN D BAUERSFELD

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR).

**Live/Dead Indicator** LIVE

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