

ESTTA Tracking number: **ESTTA182629**

Filing date: **12/21/2007**

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	JeffBrown
Granted to Date of previous extension	12/29/2007
Address	8321 S. 8th St. Broken Arrow, OK 74801 UNITED STATES

Attorney information	Rachel Blue Doerner Saunders Daniel & Anderson 320 S. Boston, Suite 500 Tulsa, OK 74103 UNITED STATES rblue@dnda.com Phone:918-591-5324
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Applicant Information

Application No	77040379	Publication date	10/30/2007
Opposition Filing Date	12/21/2007	Opposition Period Ends	12/29/2007
Applicant	Patriot Guard Riders, Inc. 312 Granite Ct Windsor, CO 80550 UNITED STATES		

Goods/Services Affected by Opposition

Class 045. First Use: 2005/11/11 First Use In Commerce: 2006/06/01 All goods and services in the class are opposed, namely: Organizing and conducting support groups in the field of combat veterans and their families
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)

Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	77041061	Application Date	11/09/2006
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PATRIOT GUARD RIDER		
Design Mark			

Description of Mark	NONE
Goods/Services	<p>Class 006. First use: First Use: 2005/12/09 First Use In Commerce: 2005/12/09 Metal license plates</p> <p>Class 014. First use: First Use: 2005/12/14 First Use In Commerce: 2005/12/14 Ornamental pins</p> <p>Class 024. First use: First Use: 2005/11/29 First Use In Commerce: 2005/11/29 Cloth banners; Fabric flags</p> <p>Class 025. First use: First Use: 2005/12/08 First Use In Commerce: 2005/12/08 Hats; Short-sleeved or long-sleeved t-shirts</p> <p>Class 026. First use: First Use: 2005/12/23 First Use In Commerce: 2005/12/23 Embroidered patches for clothing</p> <p>Class 035. First use: First Use: 2005/10/27 First Use In Commerce: 2005/11/09 Association services, namely, promoting the interests of families of deceased military members and families of deceased veterans</p>

Attachments	<p>77041061#TMSN.jpeg (1 page)(bytes)</p> <p>884110_1.pdf (1 page)(12136 bytes)</p>
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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	/RachelBlue/
Name	Rachel Blue
Date	12/21/2007

The opposed application and that of the opposer were filed on the same day within minutes of each other. Opposer's application reflects his earlier use of the mark in commerce, at least as early as 2005. The application filed by PGR, Inc. was initiated by an individual who is no longer an officer or member of the board of directors of that group and who filed the application without authorization and with full knowledge of Mr. Brown's prior rights in the mark.

PGR, Inc., was well aware that Mr. Brown had founded the organization, still in its infancy at that point, and that Mr. Brown had prior use of the mark not only on the organization's services but also on merchandise that he produced using the name. The affidavit that PGR, Inc. knew of no other party entitled to use the mark PATRIOT GUARD RIDERS was fraudulent.