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

Proceeding	91190713
Party	Defendant Ahmed Lago
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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**In the matter of:**  
**Application Serial No. 77/630,792**  
**Published in the *Official Gazette***  
**April 21, 2009**

Timberland Switzerland GmbH,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91190713
	)	
Ahmed Lago,	)	Mark: GET LITE
	)	
Applicant.	)	

**ANSWER TO NOTICE OF OPPOSITION**

**BACKGROUND**

Opposer Timberland Switzerland GmbH (the “Opposer”) alleges that it will be damaged by the registration to Applicant, Ahmed Lago, of the mark GET LITE, as shown in U.S. Trademark Application Serial No. 77630792, filed December 10, 2008, and published in the Official Gazette on April 21, 2009.

As grounds for opposition, Opposer alleges, *inter alia*, that:

- (1) Applicant’s GET LITE mark closely resembles and is highly similar to Opposer’s GOLITE marks and GOLITE trade name in sight, sound, connotation and overall commercial impression.
- (2) Goods recited in Applicant’s U.S. Trademark Application No. 77/630,792 for GET LITE and the goods identified in Opposer’s GOLITE Registrations are

identical or closely related, will travel in similar channels of trade and be marketed to a substantially overlapping universe of consumers.

- (3) Registration of Applicant's GET LITE mark in connection with the goods recited in U.S. Trademark Application No. 77/630,792 is likely to cause confusion as to source, origin, affiliation and/or sponsorship with Opposer's GOLITE marks and GOLITE trade name in connection with the goods recited in the GOLITE Registrations.
- (4) Applicant filed U.S. Trademark Application No. 77/630,792 for GET LITE for use in connection with goods in International Class 25. U.S. Trademark Application No. 77/630,792 has a filing date of December 10, 2008, and is based on intent-to-use.

#### ARGUMENT

In response to Opposer's opposition to the registration of Applicant's GET LITE mark in connection with the goods recited in U.S. Trademark Application No. 77/630,792, Applicant hereby argues that:

- (1) While Applicant's GET LITE mark may resemble or be similar to Opposer's GOLITE marks and GOLITE trade name in sight, sound and connotation, the resemblance and similarity is merely a generic one at best. Furthermore, Applicant's GET LITE mark is not similar in overall commercial impression to Opposer's GOLITE marks and GOLITE trade name. Any similarity, if at all, between Applicant's mark and the marks of Opposer is in the portion "LITE", which, upon information and belief, has been used and registered

by numerous third parties in connection with various purposes. As a result, Opposer cannot base any similarity between its marks and the mark of the Applicant of "LITE".

- (2) The main purpose, design and use of the goods in connection with Applicant's registered mark are not at all related, or identical, to the main purpose, design and use of those goods in connection with Opposer's registered marks and trade name. Therefore, it is highly unlikely that both Applicant's and Opposer's goods will travel in similar channels of trade and be marketed to a substantially overlapping universe of consumers. Opposer designs and produces goods for a specialized group of people, who are actively involved in specialized outdoor activities. As is written on the commercial website of Opposer, "GoLite is the world's leading manufacturer of lite-weight outdoor clothing and equipment, driving product innovation in a wide range of outdoor sports..... GoLite has one primary obsession: to design and produce unique, technologically superior products that provide maximum performance for minimum weight." More importantly, Opposer's mission is to "transform the outdoor athlete's everyday trail experience with gear that's light on the planet."

Applicant also designs and produces goods for a specialized group of people, those who participate in what has been come to be known as the Get Lite dance movement. Therefore the meaning and purpose behind the production of the goods in connection with U.S. Trademark Application No. 77/630,792 have no similarity to that of the goods in connection with Opposer's marks and trade name. Applicant's goods are designed and produced (1) as an extension of, and

identifier to, the culture and lifestyle of such Get Lite dance movement, and (2) for those consumers, mainly grade school and high school teenagers in the Northeast region of the United States, who are a part of this movement.

Applicant's GET LITE mark has a unique personality, purpose and design, all which are recognizable and distinguishable, apart from Opposer's GOLITE marks and trade name, and which has become distinct in the community of consumers, to which the goods in connection with Applicant's GET LITE mark are sold.

(3) For the foregoing reasons, Applicant disagrees with Opposer's allegations that registration of Applicant's GET LITE mark in connection with the goods recited in U.S. Trademark Application No. 77/630,792 is likely to cause confusion as to source, origin, affiliation and/or sponsorship with Opposer's GOLITE marks and GOLITE trade name in connection with the goods recited in the GOLITE Registrations.

(4) Although Applicant filed U.S. Trademark Application No. 77/630,792 on the basis of intent-to-use, Applicant's goods in connection with U.S. Trademark Application No. 77/630,792 are currently in use in commerce, which has allowed targeted consumers to become familiar with the GET LITE mark and name, as well as its purpose and design.

#### CONCLUSION

Applicant believes that there is no relevant similarity between its GET LITE mark and Opposer's GOLITE mark and trade name, that the goods in connection with

Applicant's GET LITE mark and Opposer's GOLITE mark will not travel in similar channels of trade and be marketed to a substantially overlapping universe of consumers and finally, that there is no likelihood that the registration of Applicant's GET LITE mark in connection with the goods recited in U.S. Trademark Application No. 77/630,792 will lead to confusion, as to source, origin, affiliation and/or sponsorship with Opposer's GOLITE marks and GOLITE trade name in connection with the goods recited in the GOLITE Registrations.

**WHEREFORE**, Applicant requests that Applicant's GET LITE mark, as shown in U.S. Trademark Application Serial No. 77630792, filed December 10, 2008, be registered on the principal register.

Please address all correspondence regarding this proceeding to Ahmed Lago at 195 Willoughby Ave, Apt. 111, Brooklyn, NY 11205.

This 28<sup>th</sup> day of July, 2009.

  
Ahmed Lago

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **ANSWER TO THE NOTICE OF OPPOSITION** has been served on Opposer Timberland Switzerland GmbH by mailing said copy on July 28, 2009, via Federal Express, and addressed as follows:

Matthew D. Stein  
Pierce Atwood LLP  
One Monument Square  
Portland, ME 04101

  
Ahmed Lago