

ESTTA Tracking number: **ESTTA291485**

Filing date: **06/24/2009**

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	Alpinestars Research S.r.l.
Granted to Date of previous extension	06/24/2009
Address	Via de Gasperi 54 Coste Di Maser (Treviso), I-31010 ITALY

Attorney information	Angelo Notaro Notaro & Michalos P.C. 100 Dutch Hill Road, Suite 110 Orangeburg, NY 10962 UNITED STATES anotaro@notaromichalos.com Phone:(845) 359-7700
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Applicant Information

Application No	77531849	Publication date	02/24/2009
Opposition Filing Date	06/24/2009	Opposition Period Ends	06/24/2009
Applicants	Kean Tung CHO Situn District No. 40, Alley 23, Lane 658, Fuke Rd. Taichung City 407, TAIWAN Ling-Yuan WANG YU No. 90, Wunhua Rd., Wuci Township Taichung County 435, TAIWAN		

Goods/Services Affected by Opposition

Class 012. All goods and services in the class are opposed, namely: Bicycles, bicycle frames, bicycle stands, bicycle handle bars, bicycle saddles, bicycle tires, bicycle pumps, bicycle bells
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	3516714	Application Date	10/03/2007
Registration Date	10/14/2008	Foreign Priority	NONE

		Date	
Word Mark	A-STARS		
Design Mark	A-STARS		
Description of Mark	NONE		
Goods/Services	<p>Class 012. First use: Bicycles, bicycle tire inner tubes, bells, rims, wheel rims, structural parts for bicycle gears being wires for actuating gears and brakes and for connecting a generator to a bicycle light, brakes, direction indicators, namely, direction indicators for bicycles; handle bars, bicycle pumps, spokes, saddles, chassis, kick stands; all for bicycles</p> <p>Class 014. First use: Jewellery, namely, rings, bracelets, brooches, ornamental pins, charms; horological and chronometric instruments, namely, watches, sporting watches, wristwatches, waterproof watches, watch cases</p>		

Attachments	79046688#TMSN.jpeg (1 page)(bytes) J877-007-NoticeofOpposition.pdf (4 pages)(223748 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	/J877-007-AN/
Name	Angelo Notaro
Date	06/24/2009

1. Opposer owns United States Trademark Registration No. 3,516,714 which was registered on October 14, 2008 for the trademark A-STARS for goods including goods identified as:

Bicycles, bicycle tire inner tubes, bells, rims, wheel rims, structural parts for bicycle gears being wires for actuating gears and brakes and for connecting a generator to a bicycle light, brakes, direction indicators, namely, direction indicators for bicycles; handle bars, bicycle pumps, spokes, saddles, chassis, kick stands; all for bicycles

in class 12.

2. U.S. Trademark Registration No. 3,516,714 was based on an application filed in the U.S. Patent and Trademark Office on October 3, 2007, which is prior to the filing date of Applicant's application.

3. U.S. Trademark Registration No. 3,516,714 is valid and subsisting.

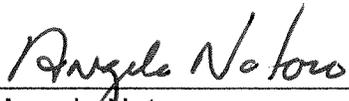
4. The registration of Opposer's registered trademark, A-STARS, U.S. Trademark Registration No. 3,516,714, is prima facie evidence of Opposer's exclusive right to use said trademark in commerce on the goods specified in said registration.

5. Opposer's trademark, A-STARS, so resembles the trademark Applicant seeks to register, namely, A Aster, when applied to the goods identified in Applicant's application, Serial No. 77/531,849, i.e., bicycles, bicycle frames, bicycle stands, bicycle handle bars, bicycle saddles, bicycle tires, bicycle pumps, bicycle bells, as to be likely to cause confusion or to cause mistake or deception.

WHEREFORE, Opposer believes that it will be damaged by the registration of the mark shown in application Serial No. 77/531,849 and prays that registration be denied and that the opposition be sustained in favor of Opposer.

Dated: June 24, 2009

Respectfully submitted,

By: 
Angelo Notaro
John Zaccaria
NOTARO & MICHALOS P.C.
100 Dutch Hill Road, Suite 110
Orangeburg, New York 10962-2100
Phone: (845) 359-7700
Fax: (845) 359-7798
E-Mail: anotaro@notaromichalos.com
Attorneys for Opposer

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing **Notice of Opposition** has been served by causing a copy thereof to be sent first class mail, postage prepaid, on June 24, 2009, to:

BRUCE H. TROXELL, ESQ.
TROXELL LAW OFFICE PLLC
5205 LEESBURG PIKE STE 1404
FALLS CHURCH, VA 22041-3894