

ESTTA Tracking number: **ESTTA331663**

Filing date: **02/11/2010**

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	Taylor Brands, LLC
Granted to Date of previous extension	02/13/2010
Address	1043 Fordtown Road Kingsport, TN 37663 UNITED STATES

Correspondence information	Robert O. Fox Attorney Luedeka, Neely & Graham PC P.O. Box 1871 Knoxville, TN 37901 UNITED STATES RFox@LNG-patent.com Phone:865-546-4305
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**Applicant Information**

Application No	77559092	Publication date	12/15/2009
Opposition Filing Date	02/11/2010	Opposition Period Ends	02/13/2010
Applicant	Margaret Lu 2600 South Kelly Avenue Edmond, OK 73013 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 008. First Use: 2008/08/01 First Use In Commerce: 2008/08/01  
All goods and services in the class are opposed, namely: Carving knives; Hunting knives; Japanese chopping kitchen knives; Pocket knives; Sport knives; Throwing knives; Utility knives; Whittling knives; Working knives

**Grounds for Opposition**

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

U.S. Registration No.	717513	Application Date	05/19/1960
Registration Date	06/27/1961	Foreign Priority Date	NONE
Word Mark	OLD TIMER		

Design Mark	
Description of Mark	NONE
Goods/Services	Class U023 (International Class 008). First use: First Use: 1958/12/00 First Use In Commerce: 1958/12/00 Pocket Knives

U.S. Registration No.	818241	Application Date	11/29/1965
Registration Date	11/08/1966	Foreign Priority Date	NONE
Word Mark	UNCLE HENRY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U023 (International Class 008). First use: First Use: 1965/10/28 First Use In Commerce: 1965/10/28 POCKET KNIVES		

Attachments	6532700-topto-20100211-notice of opposition.pdf ( 3 pages )(98496 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	/robertofox/
Name	Robert O. Fox
Date	02/11/2010



of considerable and valuable goodwill, which brands have been extensively promoted and advertised for a substantial period of time prior to any use by Applicant of its mark.

4. Opposer is the owner of U.S. Registration No. 818,241 for the mark OLD HENRY and U.S. Registration No. 717,513 for the mark OLD TIMER.
5. By reason of extensive advertisement and promotion of the OLD HENRY and OLD TIMER marks in commerce, the consuming public has come to recognize the marks as indication of a source or origin of the goods/services offered thereunder such marks are symbolic of extensive good will, and this goodwill is an important and valuable asset of Opposer's business.
6. The opposed application was filed in the United States Patent and Trademark Office on August 29, 2008, under Serial No. 77/559,092.
7. On information and belief the goods of the opposed application are or will be offered and provided by the Applicant through the same channels of trade and advertising media and are directed to the same general class of purchasers ("consumers") as the goods offered and provided by Opposer under the OLD TIMER and UNCLE HENRY marks.
8. The mark of the opposed application is a combination of the well known OLD TIMER and UNCLE HENRY marks and is an attempt to confuse the public and trade on Opposer's considerable good will.
9. Opposer has not licensed, consented or in any manner authorized use of the mark of the opposed application, and has previously sent a letter to Applicant requesting that Applicant cease and desist use of the mark of the opposed application and abandon the application which Opposer now opposes.
10. As used for the same or related goods, the mark of the application herein opposed is confusingly similar to at least Opposer's UNCLE HENRY mark.
11. Unauthorized use of the mark of the opposed application is likely to cause confusion among members of the public and to deceive purchasers who, on seeing the mark used in connection with the goods stated therein, are likely to believe that the goods originate with, have some connection or association with, or are sponsored by, approved or licensed by the source of the goods/services offered and provided by Opposer under its

OLD TIMER and/or UNCLE HENRY marks. Opposer therefore avers that registration and/or use of the mark of the opposed application would damage it.

WHEREFORE, Opposer believes it will be damaged by registration of the mark of the opposed application and prays that registration thereof to Applicant be refused.

Respectfully submitted,

LUEDEKA, NEELY & GRAHAM, P.C.

By:           *A.S.N.*          

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(865) 546-4305

Certificate of Service

This is to certify that a true and correct copy of the foregoing is being served on counsel of record, by first class mail, postage prepaid, addressed as follows:

Margaret Lu DBA Wu Jau Co. Inc.  
2600 S. Kelly Avenue  
Edmond, OK 73013

Date: February 11, 2010

          *R.O.F.*            
Robert O. Fox