

ESTTA Tracking number: **ESTTA332978**

Filing date: **02/18/2010**

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	American Covers, Inc.
Granted to Date of previous extension	02/27/2010
Address	675 West 14600 South Bluffdale, UT 84065 UNITED STATES

Attorney information	Peter M. de Jonge Thorpe North & Western, LLP P.O. Box 1219 Sandy, UT 84091-1219 UNITED STATES murphy@tnw.com, docket@tnw.com, barraclough@tnw.com, connor@tnw.com, dejonge@tnw.com Phone:801-566-6633
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Applicant Information

Application No	77650202	Publication date	12/29/2009
Opposition Filing Date	02/18/2010	Opposition Period Ends	02/27/2010
Applicant	Zecals, Inc. 301 Raleigh Street Newton Grove, NC 28366 UNITED STATES		

Goods/Services Affected by Opposition

Class 016. All goods and services in the class are opposed, namely: decals, stickers, vinyl stickers, temporary tattoos, paper banners, printed paper signs, and bumper stickers

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2731769	Application Date	07/19/2002
Registration Date	07/01/2003	Foreign Priority Date	NONE
Word Mark	STICKY PAD		

Design Mark	STICKY PAD
Description of Mark	NONE
Goods/Services	Class 020. First use: First Use: 2001/01/01 First Use In Commerce: 2001/01/01 REMOVABLE NON-SLIP SURFACE FOR USE IN VEHICLES TO HOLD OBJECTS ON DASHBOARD AND OTHER INTERIOR SURFACES

Attachments	76432341#TMSN.gif (1 page)(bytes) 77650202.pdf (4 pages)(110552 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	/petermdejonge/
Name	Peter M. de Jonge
Date	02/18/2010

Peter M. de Jonge
J. Abby Barraclough
THORPE NORTH & WESTERN, L.L.P.
8180 South 700 East, Suite 350
Sandy, Utah 84070
Telephone: (801) 566-6633
Facsimile: (801) 566-0750

Attorneys for American Covers, Inc.
Opposed Mark: STICKY LIFE
U.S. Trademark Application Serial Number 77/650,202

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

<p>American Covers, Inc.</p> <p>Opposer,</p> <p>v.</p> <p>Zecals, Inc.</p> <p>Applicant.</p>	<p>Opposition No. _____</p>
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NOTICE OF OPPOSITION

American Covers, Inc. (hereinafter referred to as "Opposer"), a corporation organized and existing under the laws of the State of Utah , having a principal place of business at 675 West 14600 South, Bluffdale, Utah 84065, believes it will be damaged by the registration of the mark STICKY LIFE in Application Serial No. 77/650,202, and opposes and alleges the following:

1. Upon information and belief, Zecals, Inc. (hereinafter "Applicant"), a Corporation organized and existing under the laws of State of North Carolina, having a principal place of business at 301 Raleigh Street, Newton Grove, North Carolina 28366, seeks to register the mark

STICKY LIFE as a trademark for “decals, stickers, vinyl stickers, temporary tattoos, paper banners, printed paper signs, and bumper stickers” in International Class 16.

2. Opposer is the owner of U.S. Trademark Registration No. 2,731,769, for the mark STICKY PAD, for use in connection with a “removable non-slip surface for use in vehicles to hold objects on dashboard and other interior surfaces” in International Class 20.

3. Opposer is currently using and has continuously used the mark STICKY PAD in Registration No. 2,731,769 in interstate commerce since at least as early as January 1, 2001.

4. Opposer has built up substantial good will in its mark for STICKY PAD.

5. Registration of Applicant’s mark STICKY LIFE is likely to damage Opposer in that Applicant’s mark, when used on or in connection with the identified goods, so resembles Opposer’s STICKY PAD mark as to be likely to cause confusion, to cause mistake or to deceive. Such confusion is likely to falsely suggest a connection between Applicant and Opposer.

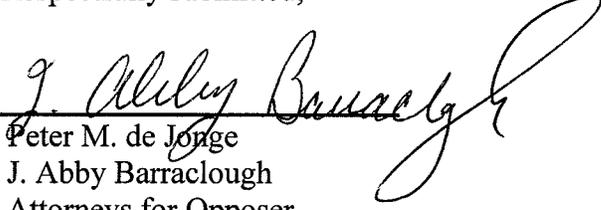
6. Upon information and belief, Applicant selected its mark with full knowledge of Opposer’s STICKY PAD mark.

WHEREFORE, Opposer requests that Application Serial No. 77/650,202 be refused registration, that no registration be issued to Applicant for the mark STICKY LIFE and that this Opposition be sustained in favor of Opposer.

That statutory Opposition Filing Fee of \$300.00 is included herewith. Please charge any additional fees and credit any overpayment to Deposit Account No. 20-0100.

DATED this 18th day of February, 2010.

Respectfully submitted,


Peter M. de Jonge
J. Abby Barraclough
Attorneys for Opposer

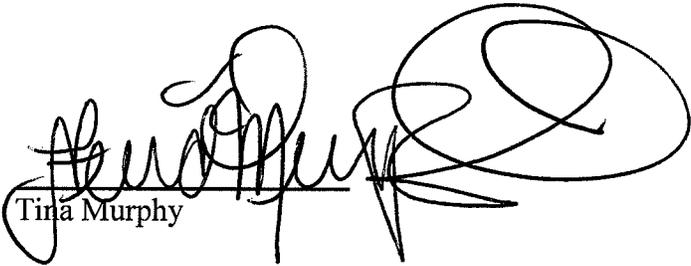
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing NOTICE OF OPPOSITION was served upon Applicant by the method(s) indicated:

Zecals, Inc.
301 Raleigh Street
Newton Grove, North Carolina 28366

- Hand Delivery
- United States Mail
- First Class, Postage Pre-Paid
- Overnight Delivery
- Fax Transmission
- Electronic Mail

on this 18th day of February, 2010.


Tina Murphy