

ESTTA Tracking number: **ESTTA344858**

Filing date: **04/29/2010**

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	K-2 Corporation		
Entity	Corporation	Citizenship	Indiana
Address	4201 6th Avenue S Seattle, WA 98108 UNITED STATES		

Attorney information	Cindy L. Caditz Davis Wright Tremaine LLP 1201 Third Avenue, Suite 2200 Seattle, WA 98101 UNITED STATES cindycaditz@dwt.com Phone:206-757-8097
----------------------	---

**Applicant Information**

Application No	77852856	Publication date	03/30/2010
Opposition Filing Date	04/29/2010	Opposition Period Ends	04/29/2010
Applicant	The Bitch Group Corporation 7434 Trade Street San Diego, CA 92121 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 006. All goods and services in the class are opposed, namely: Snowboard locks of metal
Class 008. All goods and services in the class are opposed, namely: Mallets
Class 009. All goods and services in the class are opposed, namely: Ski glasses; Ski goggles
Class 025. All goods and services in the class are opposed, namely: After ski boots; Apres-ski shoes; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Ski and snowboard shoes and parts thereof; Ski boot bags; Ski boots; Ski gloves; Ski jackets; Ski masks; Ski pants; Ski suits; Ski wear; Snowboard boots; Snowboard gloves; Snowboard mittens; Snowboard pants; Surf wear; Swimsuits
Class 028. All goods and services in the class are opposed, namely: Bindings for snowboards; Ski bags; Ski bindings; Ski bindings and parts therefor; Ski cases; Ski poles; Snowboard bindings; Snowboard decks; Snowboards; Surf boards; Surf skis; Water skis

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

### Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	1878248	Application Date	09/03/1992
Registration Date	02/07/1995	Foreign Priority Date	NONE
Word Mark	RIDE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 1992/09/00 First Use In Commerce: 1992/12/00 snowboards and accessories for snowboards; namely, snowboard boots, snowboard bindings and parts therefor, snowboard boot bags and snowboard leashes		

Attachments	RIDE Opposition.pdf ( 4 pages )(153919 bytes )
-------------	--

### 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	/Cindy L. Caditz/
Name	Cindy L. Caditz
Date	04/29/2010

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

3 Applicant: The Bitch Group Corporation International Classes: 6, 8, 9, 25, and 28  
4 Serial No.: 77/852,856 Published for Opposition: March 30, 2010  
5 Filed: October 20, 2009

6 Mark: BITCHES RIDE HARDER  
7 K-2 CORPORATION dba RIDE SNOWBOARD  
8 COMPANY, an Indiana corporation,

Attorney Docket No.: 91399-23

Opposition No. \_\_\_\_\_

NOTICE OF OPPOSITION

9 Opposer,

10 v.

11  
12 THE BITCH GROUP CORPORATION, a  
13 California corporation,

14 Applicant.

15 NOTICE OF OPPOSITION

16 Seattle, Washington 98101  
17 April 29, 2010

18 TO THE COMMISSIONER FOR TRADEMARKS  
19 TRADEMARK TRIAL AND APPEAL BOARD:

20 K-2 Corporation dba Ride Snowboard Company, a corporation of the State of Indiana,  
21 having a place of business at 4201 6<sup>th</sup> Avenue South, Seattle, WA 98108 (hereinafter "Opposer"),  
22 believes that it will be damaged by registration of the trademark claimed by Application Serial  
23 No. 77/852,856 for the goods claimed by said application and hereby opposes the same. As  
24 grounds for the opposition, Opposer alleges as follows.

25 1. On information and belief, The Bitch Group Corporation is a California  
26 corporation having an address at 7434 Trade St., San Diego, CA 92121-2410 (hereinafter  
27

NOTICE OF OPPOSITION - 1

DAVIS WRIGHT  
TREMAYNE LLP

LAW OFFICES  
1201 Third Avenue  
Suite 2200  
Seattle, WA 98101-3045  
TELEPHONE: 206.757.8097

1 "Applicant").

2 2. Continuously since long prior to any date upon which Applicant can rely, Opposer  
3 has used the trademark RIDE, in association with the sale of snowboards and snowboard  
4 accessories, and winter sports clothing and clothing.

5 3. Opposer is the owner of U.S. Trademark Registration No. 1,878,248, for the mark  
6 RIDE, for snowboards and accessories for snowboards, namely, snowboard boots, snowboard  
7 bindings and parts therefor, snowboard boot bags and snowboard leashes, in International  
8 Class 28. Said registration issued February 7, 1995, in International Class 28, setting forth a date  
9 of first use of September 1992 and representing a priority date of September 3, 1992, pursuant to  
10 15 U.S.C. § 1051(b). Registration No. 1,878,248 is currently valid, subsisting, and incontestable.

11 4. The mark BITCHES RIDE HARDER, shown in Application Serial  
12 No. 77/852,856, so resembles Opposer's mark RIDE, when used in association with the goods  
13 claimed by Application Serial No. 77/852,856, as to be likely to cause confusion, or to cause  
14 mistake, or to deceive within the meaning of Section 2(d) of the Lanham Act, 15 U.S.C.  
15 § 1052(d).

16 5. Opposer will be damaged by the registration sought by Applicant insofar as the  
17 registration will be *prima facie* evidence of the validity of the registration, Applicant's ownership  
18 of the mark BITCHES RIDE HARDER for the goods claimed by Application Serial  
19 No. 77/852,856, and Applicant's exclusive right to use the mark BITCHES RIDE HARDER, in  
20 association with the goods claimed by Application Serial No. 77/852,856 when, in fact,  
21 Applicant is not entitled to the full scope of such rights by virtue of Opposer's prior and  
22 continuous use of the mark RIDE, for snowboards and accessories for snowboards and clothing,  
23 which are sold in the same channels of trade in which the goods claimed by Application Serial  
24 No. 77/852,856 may be sold.

25 6. Based upon the foregoing, registration of the mark shown by Application Serial  
26 No. 77/852,856, filed October 20, 2009, is likely to cause injury and damage to Opposer.

27



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**CERTIFICATE OF FILING**

I hereby certify that this NOTICE OF OPPOSITION to U.S. Trademark Application Serial No. 77/852,856 for the mark BITCHES RIDE HARDER is being filed with the Trademark Trial and Appeal Board using the ESTTA filing system of the U.S. Patent and Trademark Office on the below date.

Date: April 29, 2010 s/Cindy L. Caditz

**CERTIFICATE OF SERVICE**

I hereby certify that this NOTICE OF OPPOSITION to U.S. Trademark Application Serial No. 77/852,856 for the mark BITCHES RIDE HARDER is being duly served upon the Applicant by mailing a copy thereof via the U.S. Postal Service in a sealed envelope as first class mail with postage thereupon fully prepaid and addressed to:

The Bitch Group Corporation  
7434 Trade Street  
San Diego, CA 92121-2140

Date: April 29, 2010