

ESTTA Tracking number: **ESTTA347174**

Filing date: **05/12/2010**

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	G. Loomis, Inc.		
Entity	Corporation	Citizenship	Washington
Address	1359 Down River Drive Woodland, WA 98674 UNITED STATES		

Attorney information	Rod S. Berman Jeffer Mangels Butler & Marmaro LLP 1900 Avenue of the Stars, 7th Floor Los Angeles, CA 90067 UNITED STATES trademarkdocket@jmbm.com Phone:310-203-8080		
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### Applicant Information

Application No	77886436	Publication date	04/13/2010
Opposition Filing Date	05/12/2010	Opposition Period Ends	05/13/2010
Applicant	Grundens USA, Ltd. P.O. Box 2068 Poulsbo, WA 98370 UNITED STATES		

### Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Bib overalls; Boots; Coats; Fishermen's jackets; Fleece vests; Gloves; Hats; Pants; Rain boots; Rain coats; Rain hats; Rainproof jackets; Shirts; Sweat pants; Sweat shirts; Vests
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### Applicant Information

Application No	77886494	Publication date	04/13/2010
Opposition Filing Date	05/12/2010	Opposition Period Ends	05/13/2010
Applicant	Grundens USA, Ltd. P.O. Box 2068 Poulsbo, WA 98370 UNITED STATES		

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jackets; Shirts; Sweat pants; Sweat shirts; Vests

## Grounds for Opposition

Priority and likelihood of confusion

Trademark Act section 2(d)

## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2469517	Application Date	05/15/2000
Registration Date	07/17/2001	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1997/08/00 First Use In Commerce: 1997/08/00 caps, hats, jackets, pull-overs, shirts, sweat shirts, T-shirts, tops, turtle neck shirts, vests and wind resistant jackets		

U.S. Registration No.	2922865	Application Date	10/03/2003
Registration Date	02/01/2005	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1998/08/04 First Use In Commerce: 1998/08/04 Decals, stick-on transfers, appliqué@s in the form of decals Class 018. First use: First Use: 1998/09/02 First Use In Commerce: 1998/09/02 Luggage, backpacks, fanny packs, knapsacks, travel cases		

	<p>Class 021. First use: First Use: 2003/04/03 First Use In Commerce: 2003/04/03  Portable coolers, ice chests, thermal insulated bottles for beverages</p> <p>Class 028. First use: First Use: 2003/03/10 First Use In Commerce: 2003/03/10  Fishing rods, fishing tackle boxes, rod tubes, fishing poles, fishing rod blanks,  fishing tackle</p>
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Attachments	<p>76048755#TMSN.gif ( 1 page )( bytes )  78309260#TMSN.gif ( 1 page )( bytes )  G. Loomis v. Grundens (69873-0032) Notice of Opposition re 77886436 and  77886494.pdf ( 5 pages )(56988 bytes )</p>
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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	/rod s. berman/
Name	Rod S. Berman
Date	05/12/2010

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

<p>G. LOOMIS, INC., Opposer, v. GRUNDENS USA, LTD., Applicant.</p>	<p>Opposition No.: _____ Application Serial Nos.: 77/886,436, 77/886,494 Marks:  Published for Opposition: April 13, 2010 Atty. Ref. No.: 69873-0032</p>
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Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**NOTICE OF OPPOSITION**

Opposer G. Loomis, Inc., a Washington corporation, ("Opposer"), having an address of 1359 Down River Drive, Woodland, Washington 98674, believes that it will be damaged by the registration on the Principal Register of the  and  design marks that are the subject of Federal Trademark Application Serial Nos. 77/886,436 and 77/886,494 (the "Applications"), allegedly owned by GRUNDENS USA, LTD. ("Applicant"), in connection with goods in International Class 25 as identified in the Applications, and Opposer hereby opposes registration thereof.

As grounds for this Opposition, it is alleged that:

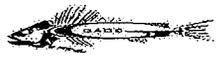
1. Opposer is the owner of the  design mark ("Opposer's Mark") for various goods.

2. Opposer is the owner of record of Registration No. 2,469,517, issued on July 17, 2001, for Opposer's Mark, as well as of the business and goodwill connected therewith. Opposer has been using the Opposer's mark in commerce in connection with various goods. Opposer's registration is unrevoked and uncanceled.

3. Opposer is the owner of record of Registration No. 2,922,865, issued on February 1, 2005, for Opposer's Mark, as well as of the business and goodwill connected therewith. Opposer has been using the Opposer's mark in commerce in connection with various goods. Opposer's registration is unrevoked and uncanceled.

4. On information and belief, Applicant is a Washington limited liability company with its principal place of business located at P.O. Box 2068, Poulsbo, Washington 98370.

5. On information and belief, Applicant is the owner of record of trademark application Serial No. 77/886,436 for registration of the design mark  for use in connection with "Bib overalls; Boots; Coats; Fishermen's jackets; Fleece vests; Gloves; Hats; Pants; Rain boots; Rain coats; Rain hats; Rainproof jackets; Shirts; Sweat pants; Sweat shirts; Vests" in International Class 25.

6. On information and belief, Applicant is the owner of record of trademark application Serial No. 77/886,494 for registration of the design mark  for use in connection with "Bib overalls; Boots; Coats; Fishermen's jackets; Fleece vests; Gloves; Hats; Jackets; Pants; Rain boots; Rain coats; Rain hats; Rainproof jackets; Shirts; Sweat pants; Sweat shirts; Vests" in International Class 25.

7. As set forth in Opposer's registrations identified above, Opposer has been using Opposer's Marks, in connection with its goods for many years, and on some goods since at least as early as 1997.

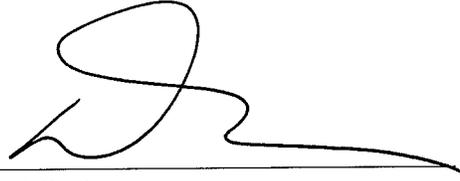
8. Since long prior to December 4, 2009, the filing date of the Applications, Opposer has widely advertised and promoted Opposer's Mark in connection with its goods with the result that Opposer's Mark has become well known and associated with Opposer in the United States. Because of these efforts, and by virtue of the excellence and success of the goods offered and provided by Opposer under Opposer's Mark, Opposer has built up a valuable reputation and tremendous goodwill in its Mark belonging exclusively to Opposer.

9. Applicant's Marks so resemble Opposer's Mark as to be likely, when used in connection with Applicant's goods as described in the Applications, as to cause confusion, or mistake, or deception. Applicant's Marks, therefore, create a confusingly similar commercial impression. Thus, consumers will likely believe that Applicant's use of Applicant's Marks in connection with clothing is in some way associated or connected with or sponsored, authorized, approved or licensed by Opposer. Any objection or fault with the goods offered in connection with Applicant's Marks may reflect upon and seriously injure Opposer's reputation in connection with goods offered under Opposer's Mark.

10. If Applicant is granted the registrations herein opposed, Applicant would thereby obtain at least a prima facie exclusive right to use of Applicant's Marks in connection with the goods identified in Application Serial Nos. 77/864,436 and 77/864,494. Such registrations would be a source of damage and injury to Opposer.

WHEREFORE, in accordance with Section 13 of the Trademark Act (15 U.S.C. § 1063),  
Opposer prays that this Opposition be sustained and that Application Serial Nos. 77/864,436 and  
77/864,494 be refused.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Rod S. Berman', written over a horizontal line.

Dated: May 11, 2010

Rod S. Berman  
JEFFER, MANGELS, BUTLER & MARMARO LLP  
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Los Angeles, CA 90067  
(310) 203-8080  
E-mail: [trademarkdocket@jmbm.com](mailto:trademarkdocket@jmbm.com)  
Attorneys for Opposer G. Loomis, Inc.

## CERTIFICATE OF SERVICE

It is hereby certified that on **May 12, 2010**, a copy of the foregoing NOTICE OF OPPOSITION has been sent by first class mail, postage prepaid to Opposer at the correspondence address of record in the Patent and Trademark Office:

Scott R. Reid  
21650 W. 11 Mile Rd., Ste. 200  
Southfield, MI 48076-3777



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Esther Silverman