

ESTTA Tracking number: **ESTTA368527**

Filing date: **09/15/2010**

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	COVERT SKATE, INC		
Entity	Corporation	Citizenship	FLORIDA
Address	2428 E ROBINSON STREET ORLANDO, FL 32803 UNITED STATES		

Correspondence information	THOMAS J BARGER COVERT SKATE, INC 2428 E ROBINSON STREET ORLANDO, FL 32803 UNITED STATES COVERTMOT@BELLSOUTH.NET Phone:407-489-6467
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Applicant Information

Application No	85002088	Publication date	08/17/2010
Opposition Filing Date	09/15/2010	Opposition Period Ends	09/16/2010
Applicant	KURTIS Roderick Beckstrom 911 S DODSWORTH AVE GLEN DORA, CA 91740 UNITED STATES		

Goods/Services Affected by Opposition

Class 028. All goods and services in the class are opposed, namely: Skateboards
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Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Other	Under common-law, the opposer (COVERT SKATE, INC DBA COVERT SKATE SHOP) has been producing and selling COVERT brand skateboards throughout the country since 2005 and prior to this trademark application.

Mark Cited by Opposer as Basis for Opposition

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	COVERT		

Goods/Services	SKATEBOARDS
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Attachments	Covert Skate Shop opposition.pdf (10 pages)(700372 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	/TJBCSI/
Name	THOMAS J BARGER
Date	09/15/2010

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

In the matter of trademark application Serial No. **85002088**

For the mark **COVERT**

Published in the Official Gazette on **AUGUST 17, 2010**

COVERT SKATE, INC DBA COVERT SKATE SHOP

vs.

Kurtis Roderick Beckstrom DBA Covert

NOTICE OF OPPOSITION:

**COVERT SKATE, INC DBA COVERT SKATE SHOP
2428 E. ROBINSON STREET, ORLANDO, FL 32803**

The above-identified opposer believes that he will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same.

The grounds for opposition are as follows:

1. I am opposing the Covert branding trademark application of Kurtis Roderick Beckstrom, DBA Covert located at 911 S. Dodsworth Ave, Glendora, CA 91740. My COVERT skate shop has been in business since February 2003, and I have been producing and selling COVERT brand skateboards since 2005. I continue to produce and sell COVERT brand skateboards in our Orlando, FL skate shop, as well as on our website www.thinklivecovert.com
2. In February 2003, I opened COVERT SKATE, INC DBA COVERT SKATE SHOP and started producing and selling COVERT brand skateboards in 2005 through a company called ACME. We used them until 2006. Unfortunately, they are no longer in business and we were unable to recover any previous invoices.

3. We left ACME in 2006 for our second manufacturer TGM FITNESS. They were our manufacturer from November 2006 until July 2008.

Exhibit A

Shows a photo of our first COVERT brand Army skateboard produced with ACME in 2005. This board has also been produced By TGM FITNESS and our current manufacturer POLE STAR.



Exhibit B

Shows an order history from TGM Skateboards dating back to 2006.

TGM Skateboards

183 S. Main Street
Mount Clemens, MI 48043
(586)775-2760
www.tgmskateboards.com

Tommy,

Unfortunately, due to the length of time that has passed since these invoices were produced, the system will not allow us to email/print them. I was, however, able to export a list of your invoices with the amounts for the COVERT brand skateboards that we produced for you. Listed below are the invoices we have on record. I hope this is sufficient.

Sincerely,
Kyla
TGM Skateboards

Customer ID	Invoice No.	Period	Date	Status	Invoice Total	Net Due
COVERT	44438	0	11/21/2006	Paid in full	\$810.00	\$0.00
COVERT	44617	0	12/27/2006	Paid in full	\$893.69	\$0.00
COVERT	45203	0	4/30/2007	Paid in full	\$472.00	\$0.00
COVERT	45964	0	8/15/2007	Paid in full	\$369.00	\$0.00
COVERT	49410	8	8/5/2008	Paid in full	\$656.17	\$0.00

Exhibit C

Shows another image for our COVERT brand Army skateboard. It was a limited edition, digitized version of Exhibit A. It was manufactured through TGM FITNESS in 2006.



4. In July 2008, we began producing skateboards through our current manufacturer POLE STAR.

Exhibit D

Shows an invoice for our COVERT brand Army skateboard shown in Exhibit A. It is from our current manufacturer POLE STAR and dates back to 2008.

Polestar Distributions
663 W. 2nd Avenue, Ste. 6
Mesa, AZ 85210

Packing Slip

Voice: 480 835-7898
Fax: 480 615-7898

Invoice Number:
605046-Covert

Invoice Date:
Jul 29, 2008

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Sales Order Number

Sold To:
COVERT SKATE SHOP
2428 E. Robinson St.
Orlando, FL 32803
usa

Ship to:
2428 E ROBINSON ST
ORLANDO, FL 32803

Customer ID	Customer PO	Payment Terms	
COVERT	REP: Chris Fulton	visa	
Sales Rep ID	Shipping Method	Ship Date	Due Date
Paul	UPS Ground		7/29/08

Order Qty	Item	Description	Shipped Prior	This Shipment	Corrections
18.00	D615-AM	7.5 PS Phase 1 Colored Veneer (army board) (back order)		18.00	
20.00	D602-AM	7.625 PS Phase 1 Natural Deck (army board) (back order)		20.00	
✓ 17.00	D603-AM	7.75 PS Phase 1 Natural Deck (army board) (back order 3 decks)	-10+3+4	17.00	
✓ 24.00	D604-AM	7.875 PS Phase 1 Natural (army board)	12+8+4	24.00	
✓ 15.00	D605-AM	8.0 PS Phase 1 Natural Deck (army board) (back order 3 decks)	12+2+1	15.00	
1.00	P909	Set Up Fee		1.00	

6 Tail Bone's
 name 407-~~8~~ 625-7218

Exhibit F

Shows a sales invoice dating back to 2008 for our COVERT brand Army skateboard in Exhibit A sold to a customer in New York.

From
Covert Skate Shop
2428 East Robinson Street
Orlando Fl. 32803
407.228.0804

12 / 07 / 2008

To
Mike Lopilusa
341 East 19th st Apt D
New York NY 10003

Quantity	Description	Price	Total
2 x 8.0	COVERT O.G. Army Gun Skate Deck	\$35	\$70
1	Free Stickers		
1	Free Shipping		
Total:			\$70

Thanks Mike!

Exhibit G

Shows a sales invoice dating back to 2008 for our COVERT brand Army limited edition skateboard in Exhibit C sold to a customer in California.

From 09/06/2008
Covert Skate Shop
2428 East Robinson Street
Orlando Fl. 32803
407.228.0804

To
Boone Rogers
4743 Iroquois Ave
San Diego, CA 92117
619.251.4359

Quantity	Description	Price	Total
1 x 8.50	COVERT digital Army Ltd. Ed. Skate Deck	\$45	\$45
	Free Adidas poster and stickers		
	Shipping		\$15
	Total		\$60

Thank you for your order Boone. Please call us with any questions.

COVERT SKATE SHOP staff

Exhibit H

Shows the image of our most recent COVERT brand Spear/Halen skateboard produced by POLE STAR in 2010 that corresponds with Exhibit I.



Exhibit I

Shows a recent invoice for our COVERT brand Spear/Halen skateboard sold to a customer in Colorado. We continue to sell our private label skateboards both in state and throughout the country.



Aug 19, 2010 07:56:09 PDT
Transaction ID: [3XA31372BG520570T](#)

Hello Covert Skate Shop,

You received a payment of \$45.00 USD from David Thakurdin
(davidthakurdin@gmail.com)

Thanks for using PayPal. You can now ship any items. To see all the transaction details, log in to your PayPal account.

It may take a few moments for this transaction to appear in your account.

Seller Protection - Eligible

Buyer

David Thakurdin
davidthakurdin@gmail.com

Instructions to merchant

The buyer hasn't entered any instructions.

Shipping address - confirmed

David Thakurdin
300 E. 17th Ave
Apt 915
Denver, CO 80203
United States

Shipping details

You haven't added any shipping details.

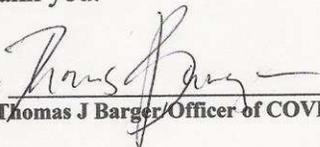
Description	Unit price	Qty	Amount
COVERT / Andrew Spear / VAN HALEN Skateboard Deck Item# 1377221_5039551 , Option: 8	\$35.00 USD	1	\$35.00 USD
		Subtotal	\$35.00 USD
		Shipping and handling	\$10.00 USD
		Total	\$45.00 USD
		Payment	\$45.00 USD

Payment sent to covertmot@bellsouth.net

Invoice ID: 1036717755

In Closing, COVERT SKATE, INC DBA COVERT SKATE SHOP located at 2428 E Robinson Street, Orlando, FL 32803 is a small retail business trying to survive in the skateboard industry. We believe that approving the trademark for Kurt Roderick Beckstrom DBA Covert located at 911 S. Dodsworth Ave, Glendora, CA 91740 will cause us harm by infringing on our ability to continue interstate commerce and severely affect the COVERT brand that we have worked so hard to cultivate over the last seven years.

Thank you.

By: 
(Thomas J Barger/Officer of COVERT)

Date: September 15, 2010