

ESTTA Tracking number: **ESTTA376866**

Filing date: **11/04/2010**

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	Brian O. Jordan		
Entity	Individual	Citizenship	UNITED STATES
Address	6087 Tennyson Parkway Norcross, GA 30097 UNITED STATES		

Attorney information	Angela H. Smith Moore Ingram Johnson & Steele, LLP Emerson Overlook 326 Roswell St. Marietta, GA 30060 UNITED STATES ahsmith@mij.com Phone:770-429-1499		
----------------------	--	--	--

Applicant Information

Application No	76484919	Publication date	10/05/2010
Opposition Filing Date	11/04/2010	Opposition Period Ends	11/04/2010
Applicant	Game Face Sports International, Inc. 715 Sherman Street Belleville, IL 62221 UNITED STATES		

Goods/Services Affected by Opposition

Class 003. All goods and services in the class are opposed, namely: Fragrances for personal use, namely, body lotion, scented body oil, perfume, cologne, room fragrances, body wash, deodorant soap, liquid soap for face and body
Class 018. All goods and services in the class are opposed, namely: Travel bags, fanny packs, waist packs, garment bags, beach bags, bookbags, cosmetic bags sold empty, duffel bags, shaving bags sold empty, tote bags
Class 026. All goods and services in the class are opposed, namely: Novelty buttons, Novelty ribbons

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.	3351973	Application Date	04/22/2005
-----------------------	---------	------------------	------------

Registration Date	12/11/2007	Foreign Priority Date	NONE
Word Mark	GAME FACE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1995/08/31 First Use In Commerce: 1995/08/31 Clothing, namely, T-shirts, polo shirts, tank tops, sweat shirts, sweat pants, shorts, socks, caps, hats, and jackets		

Attachments	78614620#TMSN.jpeg (1 page)(bytes) Opposition.pdf (4 pages)(144034 bytes) EXHIBITA.pdf (1 page)(26187 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	/AHS/
Name	Angela H. Smith
Date	11/04/2010

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

In Re Application of:	*	
	*	
Game Face Sports International, Inc.	*	TM Attorney: Martha L. Fromm
	*	
Serial No.: 76484919	*	Law Office: 106
	*	
Filed: 01/28/2003	*	International Classes: 003, 018, 026
	*	
Mark: GAME FACE	*	Published for Opposition: 10/05/2010

Brian O. Jordan,	*	
	*	
Opposer,	*	
	*	
v.	*	Opposition No. _____
	*	
Game Face Sports International, Inc.	*	
	*	
Applicant.	*	

NOTICE OF OPPOSITION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1450

Sir:

Brian O. Jordan, 6087 Tennyson Parkway, Norcross, Georgia 30097, an individual residing in Georgia (hereinafter "Opposer"), believes he will be damaged by registration of the mark shown in trademark application Serial No. 76484919, filed January 28, 2003 and published for opposition on October 5, 2010, and hereby opposed said application.

As grounds for opposition, it is alleged that:

1. Applicant seeks to register the mark GAME FACE to identify “fragrances for personal use, namely, body lotion, scented body oil, perfume, cologne, room fragrances, body wash, deodorant soap, liquid soap for face and body,” in International Class 003, and “travel bags, fanny packs, waist packs, garment bags, beach bags, bookbags, cosmetic bags sold empty, duffel bags, shaving bags sold empty, tote bags,” in International Class 018, and “novelty buttons, novelty ribbons,” in International Class 026; as evidenced by the publication of said mark in the October 5, 2010 issue of the *Official Gazette*. Upon information and belief, Applicant offers, promotes, distributes, or intends to offer, promote and distribute the good identified in its application through Applicant’s business.

2. Since at least as early as August 1995, Opposer has been engaged in the business of promoting sportswear under his mark GAME FACE.

3. Opposer owns United States Registration No. 3,351,973 issued December 11, 2007 for the mark GAME FACE covering “clothing, namely, T-shirts, polo shirts, tank tops, sweat shirts, sweat pants, shorts, socks, caps, hats, and jackets.” Opposer’s foregoing registration is valid and subsisting, and in full force and effect. A copy of the registration is attached as Exhibit “A.”

4. In addition to its registration for GAME FACE, Opposer uses the mark GAME FACE significantly throughout his promotional activities for sports related business.

5. Since at least as early as August, 1995, Opposer has extensively, continuously and without interruption, used his GAME FACE trademark in publicizing and promoting his sports related businesses in interstate commerce. By reason of

Opposer's activities over an extended period of time, Opposer's mark has become well known to the relevant public as identifying and distinguishing Opposer, Opposer's business, and Opposer's sports related businesses from others. Opposer, through great expense and quality control, has created an association among the relevant public between his GAME FACE mark and Opposer's business, and has built up, and is owner of, substantial goodwill in the mark GAME FACE for certain sport related businesses.

6. Applicant filed its intent to use based application for GAME FACE on January 1, 2003, and has, as of yet, not claimed a first use in commerce date.

7. Opposer's mark, GAME FACE, is identical to Applicant's applied for mark GAME FACE, and is therefore confusingly similar in terms of appearance, connotation and commercial impression. Consumers are likely to mistakenly associate Applicant's GAME FACE with Opposer.

8. The goods identified in the application are substantially related to Opposer's goods insofar as sports related goods and goods that can be related to sports based businesses are concerned.

9. Use of, and registration by, Applicant of GAME FACE for Applicant's goods would cause confusion, mistake, or will deceive consumers erroneously into the belief that Applicant's goods are in fact related or associated with the services offered by Opposer, or are authorized or sponsored by, or otherwise connected with the business of Opposer. Any fault or defect found in Applicant's goods would reflect upon and injure the reputation that Opposer has established in his GAME FACE mark and the services offered in connection therewith. The use of GAME FACE by Applicant would allow Applicant to reap financial reputation-related reward associated with Opposer's services

and goods and misappropriate the goodwill to Applicant that Opposer has established. Opposer would be injured in the provision, sale and distribution of Applicant's products, and in the conduct of his business.

10. The nature of Opposer's goods and services and Applicant's goods identified in the application are substantially similar. Oppose has priority over Applicant in the use of the mark GAME FACE.

WHEREFORE, Opposer prays that this Opposition be sustained, that Application Serial No. 76484919 hereby be refused and no registration be issued to Applicant thereon, and for such other and further relief as may be deemed appropriate.

This 4th day of November, 2010.

Respectfully submitted,

MOORE INGRAM JOHNSON & STEELE, LLP

/s/ Angela H. Smith

Angela H. Smith

Attorney for Opposer

Emerson Overlook
326 Roswell Street
Marietta, Georgia 30060
(770) 429-1499
ahsmith@mijs.com

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,351,973

Registered Dec. 11, 2007

TRADEMARK
PRINCIPAL REGISTER

GAME FACE

JORDAN, BRIAN O. (UNITED STATES INDIVIDUAL)
1069 SPRING STREET
ATLANTA, GA 30309

FOR: CLOTHING, NAMELY, T-SHIRTS, POLO SHIRTS, TANK TOPS, SWEAT SHIRTS, SWEAT PANTS, SHORTS, SOCKS, CAPS, HATS, AND JACKETS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 8-31-1995; IN COMMERCE 8-31-1995.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-614,620, FILED 4-22-2005.

GISELLE AGOSTO, EXAMINING ATTORNEY

