

ESTTA Tracking number: **ESTTA384986**

Filing date: **12/21/2010**

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	Jimmy John's Enterprises, LLC
Granted to Date of previous extension	01/19/2011
Address	2212 Fox Drive Champaign, IL 61820 UNITED STATES

Attorney information	Mark I. Feldman DLA Piper LLP (US) P.O. Box 64807 Chicago, IL 60664-0807 UNITED STATES mark.feldman@dlapiper.com, ch.tm@dlapiper.com, dana.davenport@dlapiper.com Phone:312-368-4000
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**Applicant Information**

Application No	77890217	Publication date	09/21/2010
Opposition Filing Date	12/21/2010	Opposition Period Ends	01/19/2011
Applicant	Hunt Club Subs N Grill, LLC 6426 Bowden Road Jacksonville, FL 32216 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 043. All goods and services in the class are opposed, namely: Restaurants; Restaurant services featuring sandwiches
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
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**Mark Cited by Opposer as Basis for Opposition**

U.S. Registration No.	2540308	Application Date	04/18/2001
Registration Date	02/19/2002	Foreign Priority Date	NONE
Word Mark	HUNTER'S CLUB		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 030. First use: First Use: 1984/01/01 First Use In Commerce: 1984/01/01 Sandwiches

Attachments	Notice of Opposition - HUNT CLUB.pdf ( 4 pages )(514118 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	/Mark I. Feldman/
Name	Mark I. Feldman
Date	12/21/2010

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

In re: Serial No. 77/890217  
Mark: HUNT CLUB SUBS N GRILL  
Published: September 21, 2010

<b>JIMMY JOHN'S ENTERPRISES, LLC,</b>	)	
	)	
<b>Opposer,</b>	)	
	)	<b>Opposition No.:</b>
<b>v.</b>	)	
	)	<b>Mark: HUNT CLUB SUBS N GRILL</b>
	)	
<b>HUNT CLUB SUBS N GRILL, LLC</b>	)	
	)	
<b>Applicant.</b>	)	

**NOTICE OF OPPOSITION**

U.S. Patent and Trademark Office  
P.O. Box 1451  
Alexandria, VA 22313-1451

**JIMMY JOHN'S ENTERPRISES, LLC**, a Delaware limited liability company located at 2212 Fox Drive, Champaign, Illinois 61820 (hereinafter, the "Opposer"), believes that it would be damaged by registration of the mark shown in Application Serial No. 77/890217 ("the Application"), filed on December 10, 2009 by Hunt Club Subs N Grill, LLC (hereinafter the "Applicant") and published in the Official Gazette of the United States Patent and Trademark Office on September 21, 2010, and hereby opposes the registration of this mark. The time to oppose was extended by timely requests for extension of time to file this opposition.

The grounds for the opposition are as follows:

1. Opposer is a national franchisor of restaurants featuring sandwiches, with more than 1,000 locations in operation throughout the United States.
2. Opposer owns a federal registration in the United States for the mark HUNTER'S CLUB, Registration No. 2,540,308, for "sandwiches," registered on February 19, 2002 with a first use date of January 1, 1984 (hereinafter "Opposer's Registration").

3. Opposer's Registration is valid, subsisting and incontestable pursuant to 15 U.S.C. § 1065.

4. On December 10, 2009, Applicant filed the Application for the mark HUNT CLUB SUBS N GRILL for "restaurants; restaurant services featuring sandwiches" in International Class 43 based on an intent to use the mark in the United States.

5. Opposer's filing date for its HUNTER'S CLUB trademark pre-dates the filing date of the Application.

6. The grant of a registration to Applicant for the HUNT CLUB SUBS N GRILL mark as sought in the Application should be denied based on a likelihood of confusion with Opposer's prior registration for the HUNTER'S CLUB mark, Reg. No. 2,540,308. The mark sought to be registered by Applicant is confusingly similar to Opposer's HUNTER'S CLUB mark, and the use of the HUNT CLUB SUBS N GRILL mark by Applicant is likely to cause confusion or mistake in the minds of the public and to lead the public and prospective purchasers to believe that Applicant's services are those of Opposer or are endorsed, sponsored or otherwise affiliated or connected with Opposer, or that Opposer's services are associated with Applicant, all to the damage and injury of the purchasing public and to the damage and injury of Opposer.

**WHEREFORE**, Opposer files this Notice of Opposition and prays that the aforesaid application of HUNT CLUB SUBS N GRILL, LLC, herein opposed be rejected; that no registration be issued thereon to Applicant; and for such other and further relief as may be deemed just and proper.

The Deposit Account No. 18-2284 will be charged the amount of \$300.00 to cover the filing fees of this notice of opposition against one application in one class. Please charge any additional fees to Deposit Account No. 18-2284, and address all correspondence regarding this opposition to:

Mark I. Feldman  
DLA PIPER LLP (US)  
P.O. Box 64807  
Chicago, Illinois 60664-0807

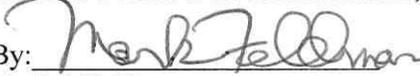
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Dated: December 21, 2010

Respectfully submitted,

**JIMMY JOHN'S ENTERPRISES, LLC**

By: 

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Dana M. Davenport  
DLA PIPER LLP (US)  
P.O. Box 64807  
Chicago, Illinois 60664-0807  
(312) 368-4000

*Attorneys for Opposer*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this correspondence is being deposited with the United States Postal Service as First-Class Mail in an envelope addressed to the correspondent of record on December 21, 2010 at the following address:

Debra Hill  
Hill & Chevalier, PLLC  
2304 University Boulevard W  
Jacksonville, FL 32217-2021



\_\_\_\_\_  
Signature

Mark I. Feldman  
\_\_\_\_\_  
Name

December 21, 2010  
\_\_\_\_\_  
Date of Signature