

ESTTA Tracking number: **ESTTA387386**

Filing date: **01/08/2011**

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	KYLE R APPLGATE
Granted to Date of previous extension	01/08/2011
Address	541 N. 14TH ST. GROVER BEACH, CA 93433 UNITED STATES
Party who filed Extension of time to oppose	KYLERAPPLGATE
Relationship to party who filed Extension of time to oppose	The applicant's first name, middle initial, and last name are mistakenly presented in the pre-populated form as one word.

Attorney information	Victoria Carver CARVER LAW 170 Kenwood Avenue#255 Oneida, NY 13421 UNITED STATES vc@etmlaw.com Phone:805-964-9777
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Applicant Information

Application No	77761319	Publication date	11/09/2010
Opposition Filing Date	01/08/2011	Opposition Period Ends	01/08/2011
Applicant	VERHOEVEN, JASON 1840 N. SCREENLAND DR. BURBANK, CA 91505 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Denim clothing, namely, pants, trousers, leggings, sweatpants, shorts, bermuda shorts, capris, t-shirts, knit-tops, shirts, jackets, sweatshirts, zip-up jackets, wind-resistant jackets, vests, underwear, hats, and beanies
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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. Application No.	85088265	Application Date	07/20/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	VENDETTA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: Headgear, namely, hats and caps; Hooded pullovers; Hooded sweat shirts; Jeans; Pants; Shirts; Shoes; T-shirts		

Attachments	85088265#TMSN.jpeg (1 page)(bytes) NoticeofOpposition.pdf (2 pages)(69685 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	/vcarver/
Name	Victoria Carver
Date	01/08/2011

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

Kyle R. Applegate,]	
Opposer]	
]	
v.]	
]	Opposition
Jason Verhoeven,]	
Applicant]	

NOTICE OF OPPOSITION

Opposer, Kyle R. Applegate, hereby opposes registration of the mark that is the subject of application Serial No.77761319, published in the Official Gazette Trademarks on November 9, 2010, and requests that registration to Applicant be refused.

As grounds in support of its opposition, Opposer asserts as follows:

1. Applicant filed an intent-to-use trademark application to register the mark VENDETTA in International Class 25 for the following goods: Denim clothing, namely, pants, trousers, leggings, sweatpants, shorts, bermuda shorts, capris, t-shirts, knit-tops, shirts, jackets, sweatshirts, zip-up jackets, wind-resistant jackets, vests, underwear, hats, and beanies. That application was filed on June 16, 2009, and was assigned Serial No. 77-761,319.
2. Opposer filed a trademark application to register the mark VENDETTA in International Class 25 for the following goods: headgear, namely hats and caps, hooded pullovers, hooded sweatshirts, jeans, pants, shirts, shoes and T-shirts. That application was filed on July 20, 2010, and was assigned Serial No. 85-088,265.
3. Opposer received a Notice of Suspension on November 3, 2010, stating that its application was suspended pending the disposition of Applicant's application.
4. Opposer, for many years and since long prior to any date of first use upon which Applicant can rely, has adopted and continuously used the term "VENDETTA" as a trademark for clothing. Specifically, Applicant has used the mark VENDETTA on shirts since at least as early as January 2006.

5. Applicant's mark so resembles Opposer's previously used mark VENDETTA as to be likely, when applied to the goods set forth in Applicant's application, to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act.

WHEREFORE, Opposer prays that the opposition be sustained and that registration to Applicant be refused.

Respectfully submitted,



By: /vcarver/

Date: January 8, 2011

Victoria A. Carver, Attorney for Opposer, Kyle r. Applegate

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CERTIFICATE OF MAILING (37 C.F.R. §§1.8, 2.1 and T.M.E.P. §702.03)

The undersigned attorney hereby certifies that the foregoing NOTICE OF OPPOSITION and any and all appurtenant enclosures are being deposited with the United States postal service, first class postage pre-paid, in an envelope addressed to Jason Verhoeven, 1840 N. Screenland Dr., Burbank, CA 91505 on January 8, 2011.

/vcarver/



1/8/2011

Victoria A. Carver, Cal Bar No. 88938