

ESTTA Tracking number: **ESTTA389561**

Filing date: **01/21/2011**

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	American Covers, Inc.
Granted to Date of previous extension	01/23/2011
Address	675 West 14600 South Bluffdale, UT 84065 UNITED STATES

Attorney information	Jed H. Hansen Thorpe North & Western, LLP 8180 South 700 East, Suite 350 Sandy, UT 84070 UNITED STATES kfranklin@tnw.com, hansen@tnw.com, docket@tnw.com, Phone:8015666633
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### Applicant Information

Application No	77675037	Publication date	07/27/2010
Opposition Filing Date	01/21/2011	Opposition Period Ends	01/23/2011
Applicant	ICC INNOVATIVE CONCEPTS CORPORATION 200 Smith Way Canton, CT 06019 UNITED STATES		

### Goods/Services Affected by Opposition

Class 012. All goods and services in the class are opposed, namely: Car accessories, namely, dashboard trays specially adapted to be placed on a car dashboard to hold cellular phones and other items while driving
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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.	3320690	Application Date	11/21/2005
Registration Date	10/23/2007	Foreign Priority Date	NONE
Word Mark	GADGET GRIPS		

Design Mark	<b>GADGET GRIPS</b>
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2006/01/00 First Use In Commerce: 2006/01/00 Carrying case for electronic devices namely MP3 players and personal digital assistants

Attachments	78758148#TMSN.jpeg ( 1 page )( bytes ) American Covers- MAXGRIP Opposition.pdf ( 4 pages )(89520 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	/Jed H. Hansen/
Name	Jed H. Hansen
Date	01/21/2011

Peter M. de Jonge  
Jed H. Hansen  
THORPE NORTH & WESTERN, L.L.P.  
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Attorneys for American Covers, Inc.  
U.S. Trademark Application Serial Number 77/675,037

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

<p>American Covers, Inc.</p> <p>Opposer,</p> <p>v.</p> <p>ICC Innovative Concepts Corporation.</p> <p>Applicant.</p>	<p>Opposition No. _____</p>
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**NOTICE OF OPPOSITION**

American Covers, Inc. (hereinafter referred to as “Opposer”), a corporation organized and existing under the laws of the State of Utah, having a principal place of business at 675 West 14600 South, Bluffdale, Utah 846065, believes it will be damaged by the registration of the mark MAXGRIP DASHTRAY in Application Serial No. 77/675,037, and opposes and alleges the following:

1. Upon information and belief, ICC Innovative Concepts Corporation (hereinafter “Applicant”), a corporation having an address of 200 Smith Way, Canton, Connecticut 06019, seeks to register the mark MAXGRIP DASHTRAY as a trademark for “car accessories, namely,

dashboard trays specially adapted to be placed on a car dashboard to hold cellular phones and other items while driving” in International Class 012.

2. Opposer is the owner of U.S. Trademark Registration No. 3,320,690, for the mark GADGET GRIPS, for use in connection with “carrying case for electronic devices namely MP3 players and personal digital assistants” in International Class 009.

3. Opposer is currently using and has used the mark in Registration No. 3,320,690 in interstate commerce since at least as early as January, 2006. Accordingly, Opposer has built up substantial good will and the common law rights attendant to such use.

4. Registration of Applicant’s mark MAXGRIP DASHTRAY is likely to damage Opposer in that Applicant’s mark, when used on or in connection with the identified goods, so resembles Opposer’s mark as to be likely to cause confusion, to cause mistake or to deceive. Such confusion is likely to falsely suggest a connection between Applicant and Opposer.

5. Upon information and belief, Applicant selected its mark with full knowledge of Opposer’s marks.

WHEREFORE, Opposer requests that Application Serial No. 77/675,037 be refused registration, that no registration be issued to Applicant for the mark MAXGRIP DASHTRAY and that this Opposition be sustained in favor of Opposer.

That statutory Opposition Filing Fee of \$300.00 is included herewith. Please charge any additional fees and credit any overpayment to Deposit Account No. 20-0100.

DATED this 21<sup>st</sup> day of January, 2011.

Respectfully submitted,

/s/Jed H. Hansen  
Peter M. de Jonge  
Jed H. Hansen  
Attorneys for Opposer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing NOTICE OF OPPOSITION was served upon Applicant by the method(s) indicated:

Anthony Handal  
HANDAL & MOROFSKY, LLC  
501 Kings Highway East  
Fairfield, CT 06825

Hand Delivery  
 United States Mail  
 First Class, Postage Pre-Paid  
 Overnight Delivery  
 Fax Transmission  
 Electronic Mail

on this 21<sup>st</sup> day of January, 2011.

/s/Kellie Franklin  
Kellie Franklin