

ESTTA Tracking number: **ESTTA413697**

Filing date: **06/09/2011**

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 | Seal Trademarks Pty Ltd | | |
| Entity | Corporation | Citizenship | Australia |
| Address | 1 Billabong Place Burleigh Heads, Queensland, 4220 AUSTRALIA | | |

| | | | |
|----------------------|---|--|--|
| Attorney information | Luke W. DeMarte Michael Best & Friedrich LLP 180 N. Stetson, Suite 2000 Chicago, IL 60601 UNITED STATES lwdemarte@michaelbest.com, dsternig@michaelbest.com Phone:312.222.0800 | | |
|----------------------|---|--|--|

Applicant Information

| | | | |
|------------------------|--|------------------------|------------|
| Application No | 85066754 | Publication date | 05/10/2011 |
| Opposition Filing Date | 06/09/2011 | Opposition Period Ends | 06/09/2011 |
| Applicant | Maui Sun Ventures LLC 2132 Paseo Del Mar Palos Verses Estates, CA 90274 UNITED STATES | | |

Goods/Services Affected by Opposition

| |
|--|
| Class 003. All goods and services in the class are opposed, namely: Lotions for skin, face, body; Sunscreen cream |
|--|

Grounds for Opposition

| | |
|--------------------------------------|-----------------------------|
| Priority and likelihood of confusion | Trademark Act section 2(d) |
| Dilution | Trademark Act section 43(c) |

Marks Cited by Opposer as Basis for Opposition

| | | | |
|-----------------------|----------------|-----------------------|------------|
| U.S. Registration No. | 1394912 | Application Date | 06/15/1984 |
| Registration Date | 05/27/1986 | Foreign Priority Date | NONE |
| Word Mark | DA KINE HAWAII | | |
| Design Mark | | | |
| Description of | NONE | | |

| | |
|----------------|--|
| Mark | |
| Goods/Services | <p>Class 022. First use: First Use: 1979/10/00 First Use In Commerce: 1979/10/00 SAILBAGS</p> <p>Class 025. First use: First Use: 1979/10/00 First Use In Commerce: 1979/10/00 [MEN'S AND WOMEN'S BEACHWEAR, MEN'S SPORTSHIRTS, SWIM TRUNKS, WALKING SHORTS, AND PANTS, WOMEN'S BLOUSES, SWIM SUITS, SHORTS, PANTS AND DRESSES, MEN'S AND]WOMEN'S PRINTED T-SHIRTS [AND SWEATSHIRTS]</p> <p>Class 028. First use: First Use: 1979/10/00 First Use In Commerce: 1979/10/00 SAILBOARDING PRODUCTS, NAMELY,[FOOTSTRAPS, FOOTSTRAP INSERTS,]HARNESSES, [BOOMS, MASTS, SAILBOARDS AND SAILS SOLD AS A UNIT, SURFBOARD LEASHES, BODY BOARD LEASHES, SURFBOARDS, BODYBOARDS, SAILBOARD BAGS, MAST BAGS, SURFBOARD BAGS, BODYBOARD BAGS, GEAR BAGS,]MAST FOOT PROTECTOR PADS [AND MAST FEET]</p> |

| | | | |
|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 2704219 | Application Date | 03/28/2002 |
| Registration Date | 04/08/2003 | Foreign Priority Date | NONE |

| | |
|-----------|---------|
| Word Mark | DA KINE |
|-----------|---------|

| | |
|-------------|---|
| Design Mark |  |
|-------------|---|

| | |
|---------------------|------|
| Description of Mark | NONE |
|---------------------|------|

| | |
|----------------|---|
| Goods/Services | <p>Class 006. First use: First Use: 1990/10/00 First Use In Commerce: 1990/10/00 METAL KEY RINGS AND CHAINS</p> <p>Class 008. First use: First Use: 1998/01/00 First Use In Commerce: 1998/01/00 HAND TOOLS, NAMELY, TORQUE RACHET SCREWDRIVER, MULTIFUNCTION POCKET KNIFE</p> <p>Class 012. First use: First Use: 1979/10/00 First Use In Commerce: 1979/10/00 KAYAK AND CANOE LEASHES, VEHICLE RACKS AND VEHICLE RACK PADS, CANOE PADDLE BAGS</p> <p>Class 014. First use: First Use: 1979/10/00 First Use In Commerce: 1979/10/00 WATCHBANDS</p> <p>Class 016. First use: First Use: 1979/10/00 First Use In Commerce: 1979/10/00 STICKERS</p> <p>Class 018. First use: First Use: 1979/10/00 First Use In Commerce: 1979/10/00 WALLETS; ATHLETIC BAGS; BACKPACKS; ATTACHE CASES; BRIEFCASES; TRAVEL BAGS; TRAVEL KIT BAGS; MESSENGER BAGS; LUGGAGE; DUFFLE BAGS</p> <p>Class 022. First use: First Use: 1979/10/00 First Use In Commerce: 1979/10/00 SAILBAGS</p> |
|----------------|---|

| | |
|--|--|
| | <p>Class 025. First use: First Use: 1979/10/00 First Use In Commerce: 1979/10/00 MEN'S AND WOMEN'S BEACHWEAR; MEN'S SPORTSHIRTS, SWIM TRUNKS, WALKING SHORTS AND PANTS; WOMEN'S BLOUSES, SWIM SUITS, SHORTS, PANTS AND DRESSES; MEN'S AND WOMEN'S PRINTED T-SHIRTS AND SWEATSHIRTS; SOCKS; HATS, CAPS AND VISORS</p> <p>Class 028. First use: First Use: 1979/10/00 First Use In Commerce: 1979/10/00 SAILBOARDING PRODUCTS, NAMELY, FOOTSTRAPS, FOOTSTRAP INSERTS, GLOVES AND MITTS, HARNESSSES, BOOMS, MASTS, SAILBOARDS AND SAILS SOLD AS A UNIT; SURFBOARD LEASHES; BODY BOARD LEASHES; SURFBOARDS; BODYBOARDS; SAILBOARD BAGS; MAST BAGS; SURFBOARD BAGS; BODYBOARD BAGS; FIN BAGS; AND PADDLE BLADE COVERS; GEAR BAGS; SWIM FINs; MAST PADS; BOOM PADS; MAST FOOT PROTECTOR PADS AND MAST FEET</p> |
|--|--|

| | | | |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 2711020 | Application Date | 03/28/2002 |
| Registration Date | 04/29/2003 | Foreign Priority Date | NONE |
| Word Mark | DAKINE | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | <p>Class 006. First use: First Use: 1998/09/00 First Use In Commerce: 1998/09/00 METAL KEY RINGS AND CHAINS</p> <p>Class 009. First use: First Use: 1998/09/00 First Use In Commerce: 1998/09/00 lanyards for safety</p> <p>Class 012. First use: First Use: 1998/09/00 First Use In Commerce: 1998/09/00 VEHICLE RACKS AND VEHICLE RACK PADS; KAYAK AND CANOE LEASHES; CANOE PADDLE BAGS</p> <p>Class 016. First use: First Use: 1998/09/00 First Use In Commerce: 1998/09/00 STICKERS</p> <p>Class 018. First use: First Use: 1998/09/00 First Use In Commerce: 1998/09/00 WALLETS; ATHLETIC BAGS; BACKPACKS; ATTACHE CASES; BRIEFCASES; TRAVEL BAGS; TRAVEL KIT BAGS; MESSENGER BAGS; LUGGAGE; DUFFLE BAGS</p> <p>Class 022. First use: First Use: 1998/09/00 First Use In Commerce: 1998/09/00 SAILBAGS, LANYARDS FOR HOLDING ITEMS</p> <p>Class 025. First use: First Use: 1979/10/00 First Use In Commerce: 1979/10/00 MEN'S AND WOMEN'S BEACHWEAR; MEN'S SPORTSHIRTS, SWIM TRUNKS, WALKING SHORTS AND PANTS; WOMEN'S BLOUSES, SWIM SUITS, SHORTS, PANTS AND DRESSES; MEN'S AND WOMEN'S PRINTED T-SHIRTS AND SWEATSHIRTS; SOCKS; HATS, CAPS AND VISORS</p> <p>Class 028. First use: First Use: 1998/09/00 First Use In Commerce: 1998/09/00 SAILBOARDING PRODUCTS, NAMELY, FOOTSTRAPS, FOOTSTRAP INSERTS, GLOVES AND MITTS, HARNESSSES, BOOMS, MASTS, SAILBOARDS AND SAILS SOLD AS A UNIT; SURFBOARD LEASHES; BODY BOARD LEASHES; SURFBOARDS; BODYBOARDS; SAILBOARD BAGS; MAST BAGS; SURFBOARD BAGS; BODYBOARD BAGS; FIN BAGS; AND</p> | | |

| | |
|--|---|
| | PADDLE BLADE COVERS; GEAR BAGS; SWIM FINS; MAST PADS; BOOM PADS; MAST FOOT PROTECTOR PADS AND MAST FEET |
|--|---|

| | | | |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 3644469 | Application Date | 02/28/2008 |
| Registration Date | 06/23/2009 | Foreign Priority Date | NONE |
| Word Mark | DAKINE | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 035. First use: First Use: 1985/00/00 First Use In Commerce: 1985/00/00 retail store services featuring sporting goods, bags and clothing; on-line retail store services featuring sporting goods, bags and clothing | | |

| | |
|-------------|--|
| Attachments | 76387962#TMSN.gif (1 page)(bytes) 76387961#TMSN.gif (1 page)(bytes) 77408711#TMSN.jpeg (1 page)(bytes) maui sun DA KINE notice of opposition.pdf (9 pages)(248923 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 | /Luke W. DeMarte/ |
| Name | Luke W. DeMarte |
| Date | 06/09/2011 |

CERTIFICATE OF TRANSMISSION

I hereby certify that this Notice of Opposition is being transmitted by the Electronic System for Trademark Trials and Appeals to the United States Patent and Trademark Office on June 9, 2011.


signature

Gina A. Bilotto
printed name

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

In the Matter of:)
Applicant: Maui Sun Ventures LLC)
Mark: DA KINE)
Serial No. : 85/066754)
Filed : June 18, 2010)
Published in the Official Gazette May 10, 2011)

Seal Trademarks Pty Ltd,)
Opposer,)
v.)
Maui Sun Ventures LLC,)
Applicant.)

Opp. No.

NOTICE OF OPPOSITION

Seal Trademarks Pty Ltd, a corporation organized under the laws of Australia (“Opposer”), believes that it will be damaged by the registration by Maui Sun Ventures LLC (“Applicant”) of the mark DA KINE, shown in Serial No. 85/066754, for “lotions for skin, face, body; sunscreen cream” filed on June 18, 2010 (the “Opposed Application”), and hereby opposes said registration.

The grounds for opposition are as follows:

1. On information and belief, Applicant is a California limited liability company with an address at 2132 Paseo Del Mar, Palos Verses Estates, California 90274.

2. On May 10, 2011, the Opposed Application was published in the Official Gazette of the United States Patent and Trademark Office.

3. Long prior to June 18, 2010, the filing date of the Opposed Application, Opposer and its predecessors in interest adopted and have continuously used in interstate commerce the marks DA KINE, DA KINE HAWAII, DAKINE and stylized variations thereof (collectively, "Opposer's DA KINE Marks") in connection with sporting goods, clothing, accessories and other items (as well as the retail sale of such products).

4. Opposer owns U.S. Registration Nos. 1394912, 2704219, 2711020, and 3644469 for Opposer's DA KINE Marks. Copies of the registration certificates are attached hereto as Exhibits A. Opposer's Registration Nos. 1394912, 2704219, and 2711020 are incontestable within the meaning of Section 15 of the Trademark Act, 15 U.S.C. §1065.

5. Opposer's rights in Opposer's DA KINE Marks predate any rights Applicant has in the Opposed Application or the mark shown therein.

6. As a result of Opposer's widespread and extensive use of Opposer's DA KINE Marks, such marks has become widely and favorably known throughout the United States and have become recognized by the trade and public as identifying Opposer's goods and services and distinguishing them from the goods and services of others. Opposer established exceedingly valuable goodwill in such marks long before June 18, 2010, the filing date of the Opposed Application.

7. As a result of Opposer's extensive use and advertising of Opposer's DA KINE Marks in connection with its goods and services throughout the United States, and the recognition of Opposer's marks by the trade and the public, Opposer's marks are distinctive and famous for Opposer's goods and services. Opposer's marks became distinctive and famous long before June 18, 2010, the filing date of the Opposed Application.

8. The goods of Applicant and the goods of Opposer are similar, related or complementary in nature.

9. If Applicant is permitted to use and register the mark set forth in the Opposed Application, such use and registration by Applicant are likely to cause confusion, deception and mistake with Opposer's DA KINE Marks, all to Opposer's irreparable damage and injury.

10. If Applicant is permitted to use and register the mark set forth in the Opposed Application, such use and registration by Applicant are likely to cause dilution of the distinctive quality of Opposer's famous DA KINE Marks, all to Opposer's irreparable damage and injury.

11. If Applicant were granted the registration herein opposed, it would thereby obtain at least a prima facie exclusive right to use the mark set forth in the Opposed Application. Such registration by Applicant would be a source of irreparable damage and injury to Opposer.

WHEREFORE, Opposer prays that this opposition be sustained and that registration of the Opposed Application be denied and refused.

Dated: June 9, 2011

Respectfully submitted,
Seal Trademarks Pty Ltd



By: _____
One of its Attorneys

Luke W. DeMarte
Charles A. Laff
Jeffrey H. Brown
Michael Best & Friedrich LLP
180 N. Stetson Ave., Suite 2000
Chicago, Illinois 60601
(312) 222-0800

Attorneys for Seal Trademarks Pty Ltd

200990-9044\9320825.1

EXHIBIT A

Int. Cl.: 35

Prior U.S. Cls.: 100, 101, and 102

United States Patent and Trademark Office

Reg. No. 3,644,469

Registered June 23, 2009

**SERVICE MARK
PRINCIPAL REGISTER**

DAKINE

SEAL TRADEMARKS PTY LTD (AUSTRALIA
CORPORATION)
1 BILLABONG PLACE, BURLEIGH HEADS
QUEENSLAND, AUSTRALIA 4220

FOR: RETAIL STORE SERVICES FEATURING
SPORTING GOODS, BAGS AND CLOTHING; ON-
LINE RETAIL STORE SERVICES FEATURING
SPORTING GOODS, BAGS AND CLOTHING , IN
CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 0-0-1985; IN COMMERCE 0-0-1985.

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

OWNER OF U.S. REG. NOS. 1,394,912, 2,704,219,
AND 2,711,020.

THE ENGLISH TRANSLATION OF THE WORD
"DAKINE" IN THE MARK IS "THAT KIND".

SN 77-408,711, FILED 2-28-2008.

YAT SYE, LEE, EXAMINING ATTORNEY

Int. Cls.: 6, 9, 12, 16, 18, 22, 25 and 28

**Prior U.S. Cls.: 1, 2, 3, 5, 7, 12, 13, 14, 19, 21, 22, 23,
25, 26, 29, 31, 35, 36, 37, 38, 39, 41, 42, 44 and 50**

Reg. No. 2,711,020

Registered Apr. 29, 2003

United States Patent and Trademark Office

**TRADEMARK
PRINCIPAL REGISTER**

DAKINE

**KAPLAN, ROBERT (UNITED STATES INDIVIDUAL), DBA DA KINE HAWAII
211 WEST KUIAHA ROAD
HAIKU, MAUI, HI 96708**

FOR: METAL KEY RINGS AND CHAINS, IN CLASS 6 (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).

FIRST USE 9-0-1998; IN COMMERCE 9-0-1998.

FOR: LANYARDS FOR SAFETY, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 9-0-1998; IN COMMERCE 9-0-1998.

FOR: VEHICLE RACKS AND VEHICLE RACK PADS; KAYAK AND CANOE LEASHES; CANOE PADDLE BAGS, IN CLASS 12 (U.S. CLS. 19, 21, 23, 31, 35 AND 44).

FIRST USE 9-0-1998; IN COMMERCE 9-0-1998.

FOR: STICKERS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 9-0-1998; IN COMMERCE 9-0-1998.

FOR: WALLETS; ATHLETIC BAGS; BACKPACKS; ATTACHE CASES; BRIEFCASES; TRAVEL BAGS; TRAVEL KIT BAGS; MESSENGER BAGS; LUGGAGE; DUFFLE BAGS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 9-0-1998; IN COMMERCE 9-0-1998.

FOR: SAILBAGS, LANYARDS FOR HOLDING ITEMS, IN CLASS 22 (U.S. CLS. 1, 2, 7, 19, 22, 42 AND 50).

FIRST USE 9-0-1998; IN COMMERCE 9-0-1998.

FOR: MEN'S AND WOMEN'S BEACHWEAR; MEN'S SPORTSHIRTS, SWIM TRUNKS, WALKING SHORTS AND PANTS; WOMEN'S BLOUSES, SWIM SUITS, SHORTS, PANTS AND DRESSES; MEN'S AND WOMEN'S PRINTED T-SHIRTS AND SWEATSHIRTS; SOCKS; HATS, CAPS AND VISORS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 10-0-1979; IN COMMERCE 10-0-1979.

FOR: SAILBOARDING PRODUCTS, NAMELY, FOOTSTRAPS, FOOTSTRAP INSERTS, GLOVES AND MITTS, HARNESSES, BOOMS, MASTS, SAILBOARDS AND SAILS SOLD AS A UNIT; SURFBOARD LEASHES; BODY BOARD LEASHES; SURFBOARDS; BODYBOARDS; SAILBOARD BAGS; MAST BAGS; SURFBOARD BAGS; BODYBOARD BAGS; FIN BAGS; AND PADDLE BLADE COVERS; GEAR BAGS; SWIM FINS; MAST PADS; BOOM PADS; MAST FOOT PROTECTOR PADS AND MAST FEET, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 9-0-1998; IN COMMERCE 9-0-1998.

OWNER OF U.S. REG. NO. 1,394,912.

SER. NO. 76-387,961, FILED 3-28-2002.

MATTHEW KLINE, EXAMINING ATTORNEY

Int. Cls.: 6, 8, 12, 14, 16, 18, 22, 25 and 28

Prior U.S. Cls.: 1, 2, 3, 5, 7, 12, 13, 14, 19, 21, 22, 23,
25, 27, 28, 29, 31, 35, 37, 38, 39, 41, 42, 44 and 50

Reg. No. 2,704,219

United States Patent and Trademark Office

Registered Apr. 8, 2003

**TRADEMARK
PRINCIPAL REGISTER**

DA KINE

KAPLAN, ROBERT (UNITED STATES INDIVIDUAL), DBA DA KINE HAWAII
211 WEST KUIAHA ROAD
HAIKU, MAUI, HI 96708

FOR: METAL KEY RINGS AND CHAINS, IN CLASS 6 (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).

FIRST USE 10-0-1990; IN COMMERCE 10-0-1990.

FOR: HAND TOOLS, NAMELY, TORQUE RACHET SCREWDRIVER, MULTIFUNCTION POCKET KNIFE, IN CLASS 8 (U.S. CLS. 23, 28 AND 44).

FIRST USE 1-0-1998; IN COMMERCE 1-0-1998.

FOR: KAYAK AND CANOE LEASHES, VEHICLE RACKS AND VEHICLE RACK PADS, CANOE PADDLE BAGS, IN CLASS 12 (U.S. CLS. 19, 21, 23, 31, 35 AND 44).

FIRST USE 10-0-1979; IN COMMERCE 10-0-1979.

FOR: WATCHBANDS, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 10-0-1979; IN COMMERCE 10-0-1979.

FOR: STICKERS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 10-0-1979; IN COMMERCE 10-0-1979.

FOR: WALLETS; ATHLETIC BAGS; BACKPACKS; ATTACHE CASES; BRIEFCASES; TRAVEL BAGS; TRAVEL KIT BAGS; MESSENGER BAGS; LUGGAGE; DUFFLE BAGS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 10-0-1979; IN COMMERCE 10-0-1979.

FOR: SAILBAGS, IN CLASS 22 (U.S. CLS. 1, 2, 7, 19, 22, 42 AND 50).

FIRST USE 10-0-1979; IN COMMERCE 10-0-1979.

FOR: MEN'S AND WOMEN'S BEACHWEAR; MEN'S SPORTSHIRTS, SWIM TRUNKS, WALKING SHORTS AND PANTS; WOMEN'S BLOUSES, SWIM SUITS, SHORTS, PANTS AND DRESSES; MEN'S AND WOMEN'S PRINTED T-SHIRTS AND SWEATSHIRTS; SOCKS; HATS, CAPS AND VISORS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 10-0-1979; IN COMMERCE 10-0-1979.

FOR: SAILBOARDING PRODUCTS, NAMELY, FOOTSTRAPS, FOOTSTRAP INSERTS, GLOVES AND MITTS, HARNESSSES, BOOMS, MASTS, SAILBOARDS AND SAILS SOLD AS A UNIT; SURFBOARD LEASHES; BODY BOARD LEASHES; SURFBOARDS; BODYBOARDS; SAILBOARD BAGS; MAST BAGS; SURFBOARD BAGS; BODYBOARD BAGS; FIN BAGS; AND PADDLE BLADE COVERS; GEAR BAGS; SWIM FINS; MAST PADS; BOOM PADS; MAST FOOT PROTECTOR PADS AND MAST FEET, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 10-0-1979; IN COMMERCE 10-0-1979.

OWNER OF U.S. REG. NO. 1,394,912.

SER. NO. 76-387,962, FILED 3-28-2002.

MATTHEW KLINE, EXAMINING ATTORNEY

Int. Cls.: 22, 25 and 28

Prior U.S. Cls.: 2, 3, 19, 22 and 39

Reg. No. 1,394,912

United States Patent and Trademark Office Registered May 27, 1986

**TRADEMARK
PRINCIPAL REGISTER**

DA KINE HAWAII

KAPLAN, ROBERT (UNITED STATES CITIZEN), DBA, DA KINE HAWAII
211 WEST KUIAHA ROAD
HAIKU, MAUI, HI 96708

FOR: SAILBAGS, IN CLASS 22 (U.S. CLS. 2 AND 19).

FIRST USE 10-0-1979; IN COMMERCE 10-0-1979.

FOR: MEN'S AND WOMEN'S BEACHWEAR, MEN'S SPORTSHIRTS, SWIM TRUNKS, WALKING SHORTS, AND PANTS, WOMEN'S BLOUSES, SWIM SUITS, SHORTS, PANTS AND DRESSES, MEN'S AND WOMEN'S PRINTED T-SHIRTS AND SWEATSHIRTS, IN CLASS 25 (U.S. CL. 39).

FIRST USE 10-0-1979; IN COMMERCE 10-0-1979.

FOR: SAILBOARDING PRODUCTS, NAMELY, FOOTSTRAPS, FOOTSTRAP IN-

SERTS, HARNESSSES, BOOMS, MASTS, SAILBOARDS AND SAILS SOLD AS A UNIT, SURFBOARD LEASHES, BODY BOARD LEASHES, SURFBOARDS, BODYBOARDS, SAILBOARD BAGS, MAST BAGS, SURFBOARD BAGS, BODYBOARD BAGS, GEAR BAGS, MAST FOOT PROTECTOR PADS AND MAST FEET, IN CLASS 28 (U.S. CLS. 3, 19 AND 22).

FIRST USE 10-0-1979; IN COMMERCE 10-0-1979.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "HAWAII", APART FROM THE MARK AS SHOWN.

THE WORDS "DA KINE" MAY BE TRANSLATED INTO ENGLISH AS "THE BEST".

SER. NO. 485,467, FILED 6-15-1984.

ERIC WACHSPRESS, EXAMINING ATTORNEY

CERTIFICATE OF SERVICE

The undersigned certifies that a true and complete copy of the foregoing Notice of Opposition has been served upon Applicant by mailing said copy on June 9, 2011 via first class mail, postage prepaid, to:

JP Delaney
444 South Cedros Avenue
Suite 175
Solana Beach CA 92075



Luke W. DeMarte