

ESTTA Tracking number: **ESTTA414580**

Filing date: **06/15/2011**

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	ECCO Sko A/S
Granted to Date of previous extension	06/15/2011
Address	Industrivej 5 Bredebro, DK 6261 DENMARK

Attorney information	Stephen P. McNamara St. Onge Steward Johnston & Reens LLC 986 Bedford Street Stamford, CT 06905 UNITED STATES smcnamara@ssjr.com, litigation@ssjr.com Phone:203-324-6155
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Applicant Information

Application No	85123250	Publication date	02/15/2011
Opposition Filing Date	06/15/2011	Opposition Period Ends	06/15/2011
Applicant	Crayton, Zaneta S 6103 Summertime Lane Culver City, CA 90230 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 025. All goods and services in the class are opposed, namely: Anglers' shoes; Apparel for dancers, namely, tee shirts, sweatshirts, pants, leggings, shorts and jackets; Apres-ski shoes; Aqua shoes; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Athletic shoes; Ballet shoes; Balloon pants; Ballroom dancing shoes; Baseball caps and hats; Baseball shoes; Beach shoes; Boat shoes; Body shirts; Bowling shoes; Boxing shoes; Button down shirts; Button-front aloha shirts; Camouflage pants; Camouflage shirts; Camp shirts; Canvas shoes; Capri pants; Cargo pants; Chef's hats; Cleats for attachment to sports shoes; Climbing shoes; Clothing for athletic use, namely, padded pants; Clothing for athletic use, namely, padded shirts; Clothing shields, namely, pads applied to the underarms of shirts, blouses and sweaters; Collared shirts; Cycling shoes; Dance shoes; Deck-shoes; Denims; Dress pants; Dress shirts; Drivers; Fishing shirts; Fitted shoe or boot covering to protect the shoes or boot from water or other damage; Football shoes; Fur hats; Golf pants, shirts and skirts; Golf shirts; Golf shoes; Gym pants; Gymnastic shoes; Handball shoes; Hat bands; Hats; Hats for infants, babies, toddlers and children; Headgear, namely, hats, caps, headbands; Heel pieces for shoes; Hockey shoes; Hooded sweat shirts; Hunting pants; Hunting shirts; Infants' shoes and boots; Insoles; Jeans; Jeggings, namely, pants that are partially jeans and partially leggings; Jogging pants; Knit shirts; Leather hats; Leather pants; Leather shirts; Leather shoes; Leg shielding device, attachable to and detachable from a person's pants, comprised</p>

of padding to shield the legs from flying debris when mowing with a string trimmer; Leisure shoes; Long-sleeved shirts; Lounge pants; Moisture-wicking sports pants; Moisture-wicking sports shirts; Mountaineering shoes; Night shirts; Non-disposable cloth training pants; Nurse pants; Open-necked shirts; Over shirts; Pants; Paper hats for use as clothing items; Paper shoes used when going through metal detectors to keep feet and socks clean; Party hats; Perspiration absorbent strap to be used in the bill of a hat; Petti-pants; Pique shirts; Polo shirts; Polymer custom cushioned shoe inserts for primarily non-orthopedic purposes; Protective metal members for shoes and boots; Rain hats; Riding shoes; Rubber shoes; Rugby shirts; Rugby shoes; Running pads that strap onto shoes; Running shoes; Sandals and beach shoes; Scientific and technological apparel, namely, shirts, pants, jackets, footwear, hats and caps, uniforms; Sedge hats (suge-gasa); Shirt fronts; Shirt yokes; Shirts; Shirts and short-sleeved shirts; Shirts and slips; Shirts for infants, babies, toddlers and children; Shirts for suits; Shoe covers for use when wearing shoes; Shoe dowels; Shoe inserts for primarily non-orthopedic purposes; Shoe pegs; Shoe soles; Shoe straps; Shoes; Shoes soles for repair; Shoes with hook and pile fastening tapes; Short-sleeved or long-sleeved t-shirts; Short-sleeved shirts; Ski and snowboard shoes and parts thereof; Ski pants; Skiing shoes; Sleep pants; Sleep shirts; Sleeves worn separate and apart from blouses, shirts and other tops; Small hats; Snow pants; Snowboard pants; Soccer shoes; Sport shirts; Sports caps and hats; Sports pants; Sports shirts; Sports shirts with short sleeves; Stretch pants; Sweat pants; Sweat shirts; T-shirts; Tap pants; Tap shoes; Tee shirts; Tennis shoes; Toboggan hats, pants and caps; Tongue or pullstrap for shoes and boots; Track and field shoes; Track pants; Training shoes; Travel clothing contained in a package comprising reversible jackets, pants, skirts, tops and a belt or scarf; Triathlon clothing, namely, triathlon tights, triathlon shorts, triathlon singlets, triathlon shirts, triathlon suits; Turtle neck shirts; Volleyball shoes; Water repelling leather shoes and boots; Waterproof jackets and pants; Waterproof leather shoes; Waterproof leather shoes and boots; Wearable garments and clothing, namely, shirts; Welts for boots and shoes; Wind pants; Wind shirts; Women's hats and hoods; Women's shoes; Wooden shoes; Woolly hats; Work shoes and boots; Yoga pants; Yoga shirts

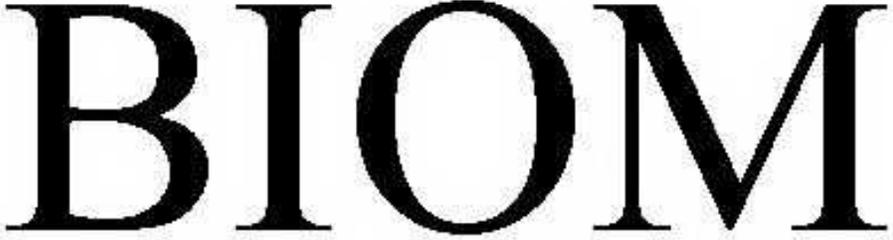
Grounds for Opposition

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

U.S. Registration No.	3576527	Application Date	07/04/2008
Registration Date	02/17/2009	Foreign Priority Date	01/14/2008
Word Mark	BIOM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: Footwear, namely, running shoes and shoes for exercise		

U.S. Registration No.	3658257	Application Date	07/04/2008
Registration Date	07/21/2009	Foreign Priority Date	01/14/2008
Word Mark	BIOM		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: Footwear, namely, running shoes and shoes for exercise

Attachments	79055897#TMSN.jpeg (1 page)(bytes) 79056410#TMSN.jpeg (1 page)(bytes) 85123250 Notice of Opposition.pdf (9 pages)(166946 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	/spmcnamara/
Name	Stephen P. McNamara
Date	06/15/2011

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

ECCO Sko A/S,	:	
Opposer,	:	
	:	
-v-	:	Opposition No.
	:	
Zaneta S. Crayton	:	
Applicant.	:	

Re: Trademark Application:
 Serial No. 85-123,250
 For: IBOM
 By: Zaneta Crayton
 Filed on: 3 Sept. 2010
 Published: 15 Feb 2011

For: Anglers' shoes; Apparel for dancers, namely, tee shirts, sweatshirts, pants, leggings, shorts and jackets; Apres-ski shoes; Aqua shoes; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Athletic shoes; Ballet shoes; Balloon pants; Ballroom dancing shoes; Baseball caps and hats; Baseball shoes; Beach shoes; Boat shoes; Body shirts; Bowling shoes; Boxing shoes; Button down shirts; Button-front aloha shirts; Camouflage pants; Camouflage shirts; Camp shirts; Canvas shoes; Capri pants; Cargo pants; Chef's hats; Cleats for attachment to sports shoes; Climbing shoes; Clothing for athletic use, namely, padded pants; Clothing for athletic use, namely, padded shirts; Clothing shields, namely, pads applied to the underarms of shirts, blouses and sweaters; Collared shirts; Cycling shoes; Dance shoes; Deck-shoes; Denims; Dress pants; Dress shirts; Drivers; Fishing shirts; Fitted shoe or boot covering to protect the shoes or boot from water or other damage; Football shoes; Fur hats; Golf pants, shirts and skirts; Golf shirts; Golf shoes; Gym pants; Gymnastic shoes; Handball shoes; Hat bands; Hats; Hats for infants, babies, toddlers and children; Headgear, namely, hats, caps, headbands; Heel pieces for shoes; Hockey shoes; Hooded sweat shirts; Hunting pants; Hunting shirts; Infants' shoes and boots; Insoles; Jeans; Jeggings, namely, pants that are partially jeans and partially leggings; Jogging pants; Knit shirts; Leather hats; Leather pants; Leather shirts; Leather shoes; Leg shielding device, attachable to and detachable from a person's pants, comprised of padding to shield the legs from flying debris when mowing with a string trimmer; Leisure shoes; Long-sleeved shirts. Lounge pants; Moisture-wicking sports pants; Moisture-wicking sports shirts; Mountaineering shoes; Night shirts; Non-disposable cloth training pants; Nurse pants; Open-necked shirts; Over shirts; Pants; Paper hats for use as clothing items; Paper shoes used when going through metal detectors to keep feet and socks clean; Party hats; Perspiration absorbent strap to be used in the bill of a hat; Petti-pants; Pique shirts; Polo shirts; Polymer custom cushioned shoe inserts for primarily non-orthopedic purposes; Protective metal members for shoes and boots; Rain hats; Riding shoes; Rubber shoes; Rugby shirts; Rugby shoes; Running

pads that strap onto shoes; Running shoes; Sandals and beach shoes; Scientific and technological apparel, namely, shirts, pants, jackets, footwear, hats and caps, uniforms; Sedge hats (suge-gasa); Shirt fronts; Shirt yokes; Shirts; Shirts and short-sleeved shirts; Shirts and slips; Shirts for infants, babies, toddlers and children; Shirts for suits; Shoe covers for use when wearing shoes; Shoe dowels; Shoe inserts for primarily non-orthopedic purposes; Shoe pegs; Shoe soles; Shoe straps; Shoes; Shoes soles for repair; Shoes with hook and pile fastening tapes; Short-sleeved or long-sleeved t-shirts; Short-sleeved shirts; Ski and snowboard shoes and parts thereof; Ski pants; Skiing shoes; Sleep pants; Sleep shirts; Sleeves worn separate and apart from blouses, shirts and other tops; Small hats; Snow pants; Snowboard pants; Soccer shoes; Sport shirts; Sports caps and hats; Sports pants; Sports shirts; Sports shirts with short sleeves; Stretch pants; Sweat pants; Sweat shirts; T-shirts; Tap pants; Tap shoes; Tee shirts; Tennis shoes; Toboggan hats, pants and caps. Tongue or pullstrap for shoes and boots; Track and field shoes; Track pants; Training shoes; Travel clothing contained in a package comprising reversible jackets, pants, skirts, tops and a belt or scarf; Triathlon clothing, namely, triathlon tights, triathlon shorts, triathlon singlets, triathlon shirts, triathlon suits; Turtle neck shirts; Volleyball shoes; Water repelling leather shoes and boots; Waterproof jackets and pants; Waterproof leather shoes; Waterproof leather shoes and boots; Wearable garments and clothing, namely, shirts; Welts for boots and shoes; Wind pants; Wind shirts; Women's hats and hoods; Women's shoes; Wooden shoes; Woolly hats; Work shoes and boots; Yoga pants; Yoga shirts

Class: 25

NOTICE OF OPPOSITION

Opposer, ECCO Sko A/S, a Danish corporation having a place of business at Industrivej 5, DK-6261 Bredebro, Denmark, (referred to herein as "Opposer"), believes it will be damaged by registration of IBOM for goods in International Class 25 by Zaneta Crayton (referred to herein as "Applicant"), and hereby opposes registration thereof pursuant to Section 13 of the 1946 Trademark Act (15 U.S.C. §1063), alleging as grounds for opposing the registration of IBOM that:

1. Opposer is the owner of the trademark BIOM, U.S. Trademark Reg. No. 3,576,527 for Footwear, namely, running shoes and shoes for exercise; and U.S. Trademark Reg. No. 3,658,257 for Footwear, namely, running shoes and shoes for exercise. Copies of the registrations are submitted herewith. The above identified registrations are valid and subsisting and are evidence

of Opposer's exclusive right to use the mark in commerce in connection with the goods specified in said registrations.

2. Applicant is the owner of Trademark Application Serial No. 85-123,250 for IBOM, filed on: 3 Sept. 2010 and published: 15 Feb 2011 for the following goods in Class 25: Anglers' shoes; Apparel for dancers, namely, tee shirts, sweatshirts, pants, leggings, shorts and jackets; Apres-ski shoes; Aqua shoes; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Athletic shoes; Ballet shoes; Balloon pants; Ballroom dancing shoes; Baseball caps and hats; Baseball shoes; Beach shoes; Boat shoes; Body shirts; Bowling shoes; Boxing shoes; Button down shirts; Button-front aloha shirts; Camouflage pants; Camouflage shirts; Camp shirts; Canvas shoes; Capri pants; Cargo pants; Chef's hats; Cleats for attachment to sports shoes; Climbing shoes; Clothing for athletic use, namely, padded pants; Clothing for athletic use, namely, padded shirts; Clothing shields, namely, pads applied to the underarms of shirts, blouses and sweaters; Collared shirts; Cycling shoes; Dance shoes; Deck-shoes; Denims; Dress pants; Dress shirts; Drivers; Fishing shirts; Fitted shoe or boot covering to protect the shoes or boot from water or other damage; Football shoes; Fur hats; Golf pants, shirts and skirts; Golf shirts; Golf shoes; Gym pants; Gymnastic shoes; Handball shoes; Hat bands; Hats; Hats for infants, babies, toddlers and children; Headgear, namely, hats, caps, headbands; Heel pieces for shoes; Hockey shoes; Hooded sweat shirts; Hunting pants; Hunting shirts; Infants' shoes and boots; Insoles; Jeans; Jeggings, namely, pants that are partially jeans and partially leggings; Jogging pants; Knit shirts; Leather hats; Leather pants; Leather shirts; Leather shoes; Leg shielding device, attachable to and detachable from a person's pants, comprised of padding to shield the legs from flying debris when mowing with a string trimmer; Leisure shoes;

Long-sleeved shirts. Lounge pants; Moisture-wicking sports pants; Moisture-wicking sports shirts; Mountaineering shoes; Night shirts; Non-disposable cloth training pants; Nurse pants; Open-necked shirts; Over shirts; Pants; Paper hats for use as clothing items; Paper shoes used when going through metal detectors to keep feet and socks clean; Party hats; Perspiration absorbent strap to be used in the bill of a hat; Petti-pants; Pique shirts; Polo shirts; Polymer custom cushioned shoe inserts for primarily non-orthopedic purposes; Protective metal members for shoes and boots; Rain hats; Riding shoes; Rubber shoes; Rugby shirts; Rugby shoes; Running pads that strap onto shoes; Running shoes; Sandals and beach shoes; Scientific and technological apparel, namely, shirts, pants, jackets, footwear, hats and caps, uniforms; Sedge hats (suge-gasa); Shirt fronts; Shirt yokes; Shirts; Shirts and short-sleeved shirts; Shirts and slippers; Shirts for infants, babies, toddlers and children; Shirts for suits; Shoe covers for use when wearing shoes; Shoe dowels; Shoe inserts for primarily non-orthopedic purposes; Shoe pegs; Shoe soles; Shoe straps; Shoes; Shoes soles for repair; Shoes with hook and pile fastening tapes; Short-sleeved or long-sleeved t-shirts; Short-sleeved shirts; Ski and snowboard shoes and parts thereof; Ski pants; Skiing shoes; Sleep pants; Sleep shirts; Sleeves worn separate and apart from blouses, shirts and other tops; Small hats; Snow pants; Snowboard pants; Soccer shoes; Sport shirts; Sports caps and hats; Sports pants; Sports shirts; Sports shirts with short sleeves; Stretch pants; Sweat pants; Sweat shirts; T-shirts; Tap pants; Tap shoes; Tee shirts; Tennis shoes; Toboggan hats, pants and caps. Tongue or pullstrap for shoes and boots; Track and field shoes; Track pants; Training shoes; Travel clothing contained in a package comprising reversible jackets, pants, skirts, tops and a belt or scarf; Triathlon clothing, namely, triathlon tights, triathlon shorts, triathlon singlets, triathlon shirts, triathlon suits; Turtle neck shirts; Volleyball shoes; Water repelling leather shoes

and boots; Waterproof jackets and pants; Waterproof leather shoes; Waterproof leather shoes and boots; Wearable garments and clothing, namely, shirts; Welts for boots and shoes; Wind pants; Wind shirts; Women's hats and hoods; Women's shoes; Wooden shoes; Woolly hats; Work shoes and boots; Yoga pants; Yoga shirts.

3. Opposer's rights in its mark BIOM in the United States arose prior in time to any alleged first use or intent to use application by Applicant for IBOM.

4. In view of the similarities between Opposer's mark BIOM and Applicant's mark IBOM, and the similarity between Opposer's goods and Applicant's goods, there is a likelihood of confusion between Opposer's trademark and Applicant's trademark.

5. There is a likelihood that Applicant's IBOM goods will be seen as being sponsored by Opposer.

6. There is a likelihood that Applicant's IBOM goods will cause confusion among purchasers.

7. Applicant's IBOM trademark is likely to cause confusion, or to cause mistake, or to deceive.

8. The use and registration of IBOM by Applicant will damage Opposer.

WHEREFORE, Opposer prays that said application Serial No. 85-123,250 for IBOM be denied, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

Payment in the amount of \$300 is submitted herewith.

ECCO SKO A/S



June 15, 2011

By

STEPHEN P. MCNAMARA, Reg. No. 32,745
Attorney at Law

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986 Bedford Street
Stamford, CT 06905
Tel. (203) 324-6155
Fax (203) 327-1096
Email: Litigation@ssjr.com; smcnamara@ssjr.com

Attorneys for Opposer

CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing **NOTICE OF OPPOSITION** was served
by first class mail, postage prepaid on the Applicant as follows:

Zaneta S Crayton
IBOM
6103 Summertime Lane
Culver City CA 90230



15 June 2011

Date

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,576,527

Registered Feb. 17, 2009

**TRADEMARK
PRINCIPAL REGISTER**

biom

ECCO SKO A/S (DENMARK A CORPORATION
WITH LIMITED LIABILITY)
INDUSTRIVEJ 5
DK-6261 BREDEBRO
DENMARK

OWNER OF INTERNATIONAL REGISTRATION
0969825 DATED 7-4-2008, EXPIRES 7-4-2018.

FOR: FOOTWEAR, NAMELY, RUNNING SHOES
AND SHOES FOR EXERCISE, IN CLASS 25 (U.S.
CLS. 22 AND 39).

SER. NO. 79-055,897, FILED 7-4-2008.

PRIORITY DATE OF 1-14-2008 IS CLAIMED.

MARILYN IZZI, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,658,257

Registered July 21, 2009

**TRADEMARK
PRINCIPAL REGISTER**

BIOM

ECCO SKO A/S (DENMARK A CORPORATION
(WITH LIMITED LIABILITY))
INDUSTRIVEJ 5
DK-6261 BREDEBRO, DENMARK

FOR: FOOTWEAR, NAMELY, RUNNING SHOES
AND SHOES FOR EXERCISE, IN CLASS 25 (U.S.
CLS. 22 AND 39).

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

PRIORITY DATE OF 1-14-2008 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION
0971096 DATED 7-4-2008, EXPIRES 7-4-2018.

SER. NO. 79-056,410, FILED 7-4-2008.

ALLISON HOLTZ, EXAMINING ATTORNEY