

ESTTA Tracking number: **ESTTA441430**

Filing date: **11/16/2011**

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	Olin Corporation
Granted to Date of previous extension	11/16/2011
Address	190 Carondelet Plaza, Suite 1530 St. Louis, MO 63105 UNITED STATES

Attorney information	Bryan K. Wheelock Harness, Dickey & Pierce, P.L.C. 7700 Bonhomme Avenue, Suite 400 St. Louis, MO 63105 UNITED STATES medwards@hdp.com, bwheelock@hdp.com, mmcclane@hdp.com, kbearley@hdp.com Phone:314-726-7500
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Applicant Information

Application No	85053918	Publication date	07/19/2011
Opposition Filing Date	11/16/2011	Opposition Period Ends	11/16/2011
Applicant	Alliance Armament, LLC 1077 Mt. Gilead Road Boonville, IN 47601 UNITED STATES		

Goods/Services Affected by Opposition

Class 013. First Use: 2007/04/20 First Use In Commerce: 2007/04/20
All goods and services in the class are opposed, namely: Firearms

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
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.	1039225	Application Date	06/13/1975
Registration Date	05/11/1976	Foreign Priority Date	NONE
Word Mark	AA		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 013. First use: First Use: 1975/01/20 First Use In Commerce: 1975/01/20 AMMUNITION AND PARTS THEREOF

U.S. Registration No.	837743	Application Date	04/14/1967
Registration Date	10/31/1967	Foreign Priority Date	NONE

Word Mark	AA
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class U009 (International Class 013). First use: First Use: 1965/01/20 First Use In Commerce: 1965/01/20 SHOT SHELLS AND WADS FOR SHOT SHELLS
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U.S. Registration No.	837744	Application Date	04/14/1967
Registration Date	10/31/1967	Foreign Priority Date	NONE

Word Mark	DOUBLE A
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class U009 (International Class 013). First use: First Use: 1965/01/20 First Use In Commerce: 1965/01/20 [SHOT SHELLS AND] WADS FOR SHOT SHELLS
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Attachments	72269148#TMSN.gif (1 page)(bytes) Notice of Opposition.PDF (5 pages)(36894 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	/Bryan K. Wheelock/
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Name	Bryan K. Wheelock
Date	11/16/2011

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

In re U.S. Trademark Application Serial No. 85/053,918
for “AA (STYLIZED/DESIGN)” filed June 3, 2010 and
Published in the *Official Gazette* on July 19, 2011

Olin Corporation,)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
Alliance Armament, LLC,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Olin Corporation, a corporation of the State of Virginia, having a principal place of business at 190 Carondelet Plaza, Suite 1530, St. Louis, Missouri 63105, (hereinafter “Olin” or “Opposer”), believes that it is being damaged, and will be damaged, by the registration of the mark shown in Application Serial No. 85/053,918 (hereinafter “the ‘918 Application”), in International Classes 13 by Alliance Armament, LLC (hereinafter “Applicant”), filed on June 3, 2010, and published July 19, 2011, and hereby opposes the same.

The grounds for the opposition are as follows:

1. Since long prior to the filing date of the ‘918 Application, Opposer has continuously used marks comprising or including the letters “AA”, including U.S. Reg. No. 1,039,225 on AA for “ammunition and parts thereof”; Reg. No. 837743 on AA for “shot shells and wads for shot shells”; and U.S. Reg. No. 837744 on DOUBLE A for “wads for shot shells.” Copies of U.S. Trademark Registration Nos. 1,039,225, 837,743, and 837,744 are attached hereto.

2. Opposer is the owner of U.S. Trademark Registration Nos. 1,039,225, 837,743, and 837,744.

3. Opposer's U.S. Trademark Registration Nos. 1,039,225, 837,743, and 837,744 are valid and subsisting and record title therein is in the name of Opposer.

4. Opposer has used and is using the marks that are the subject of U.S. Trademark Registration Nos. 1,039,225, 837,743, and 837,744 in interstate commerce in connection with the goods described in these registrations.

5. Opposer's U.S. Trademark Registration Nos. 1,039,225, 837,743, and 837,744 clearly show that Opposer has had a long history of using "AA" as a trademark for ammunition and related products.

6. On June 3, 2010, Applicant filed the '918 Application for:



(hereinafter referred to as Applicant's AA mark). The '918 Application describes the mark as "a logo comprised of **two letter 'A's**, one right-side up, the other upside down. To the left and right of the letters are two stylized flame designs, each facing outward away from the letters" (emphasis added). The '918 Application is for firearms and alleges a date of first use and first use in commerce on these goods of April 20, 2007.

7. Opposer's use of "AA" and Opposer's U.S. Trademark Registration Nos. 1,039,225, 837,743, and 837,744, long pre-dates the filing date of the '918 Application and the claimed date of first use of Applicant's AA mark.

8. The grant of a registration for Applicant's AA mark as sought in the '918 Application should be denied on the grounds of Opposer's prior use of "AA" and its U.S. Trademark Registration Nos. 1,039,225, 837,743, and 837,744.

9. The mark sought to be registered by Applicant is confusingly similar to Opposer's AA marks, including U.S. Trademark Registration Nos. 1,039,225, 837,743, and 837,744, and the use of Applicant's AA Mark by Applicant is likely to cause confusion or mistake in the minds of the public and lead the public and prospective purchasers to believe that Applicant's goods are those of Opposer or are endorsed, sponsored, or otherwise affiliated or connected with Opposer, or that Opposer's goods and services are associated with Applicant, contrary to 15 U.S.C. §1052(d), and all to the damage and injury of the purchasing public and to the damage and injury of Opposer.

10. The grant of a registration to Applicant as sought in the '918 Application should be denied on the grounds that Applicant's AA Mark is a close approximation of Olin's "AA" marks or name of Olin's products. "AA" uniquely points to Olin and Olin's products. Olin has no connection with Applicant. When used in connection with Applicant's firearms, the public will presume that Applicant's AA mark goods are connected to Olin and/or goods sold under Olin's famous "AA" marks. This is all to the damage and injury of the purchasing public and to the damage and injury of Olin.

11. The grant of a registration of Applicant's AA mark as sought in the '918 Application should be denied on the grounds that Applicant's use and registration of Applicant's AA mark dilutes the distinctiveness of Opposer's "AA" marks, including U.S. Trademark Registration Nos. 1,039,225, 837,743, and 837,744, which are famous.

WHEREFORE, Olin files this Notice of Opposition and prays that the aforesaid application of Alliance Armament, LLC, herein opposed, be refused; that no registration be issued thereon to Applicant; and for such other and further relief as may be deemed just and proper.

The Commissioner is hereby authorized to charge Deposit Account No. **08-0750** the amount of \$300 to cover the filing fees for this Notice of Opposition against the '918 Application. It is believed that this is the correct fee. However, the Commissioner is authorized to charge any additional fees to Deposit Account No. **08-0750** and requested to address all correspondence regarding this opposition to:

Bryan K. Wheelock
Harness, Dickey & Pierce, P.L.C.
7700 Bonhomme Avenue, Suite 400
St. Louis, Missouri 63105
Telephone: (314)726-7505
Facsimile: (314)726-7501
Email: bwheelock@hdp.com

Dated: November 16, 2011

Respectfully submitted,

By: /s/ Bryan K. Wheelock
Bryan K. Wheelock, EDMO #4696
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Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via U.S. Mail, postage fully pre-paid, on this 16th day of November, 2011, upon the following:

Gary K. Price
TERRELL, BAUGH, SALMON & BORN, LLP
700 S. Green River Road, Ste. 2000
Evansville, IN 47715-7907

Attorneys for Applicant

/s/ Bryan K. Wheelock

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