

ESTTA Tracking number: **ESTTA463140**

Filing date: **03/21/2012**

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	HeadBlade, Inc.		
Entity	Corporation	Citizenship	California
Address	3623 Eastham Drive Culver City, CA 90232 UNITED STATES		

Attorney information	Alexa L. Lewis Mitchell Silberberg & Knupp LLP 11377 West Olympic Boulevard Los Angeles, CA 90064 UNITED STATES all@msk.com, kls@msk.com, ejg@msk.com Phone:(310) 312-2000		
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### Applicant Information

Application No	85419614	Publication date	02/21/2012
Opposition Filing Date	03/21/2012	Opposition Period Ends	03/22/2012
Applicant	Thomas M. Poladian 727 N. Rosevere Dearborn, MI 48128 UNITED STATES		

### Goods/Services Affected by Opposition

Class 008. All goods and services in the class are opposed, namely: Non-electric razors; Straight razors
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### 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.	3563311	Application Date	12/05/2007
Registration Date	01/20/2009	Foreign Priority Date	NONE
Word Mark	HEADBLADE		

Design Mark	<b>HEADBLADE</b>
Description of Mark	NONE
Goods/Services	Class 008. First use: First Use: 1999/06/01 First Use In Commerce: 1999/06/01 non-electric, hand-held razors

U.S. Registration No.	3253546	Application Date	07/19/2006
Registration Date	06/19/2007	Foreign Priority Date	NONE
Word Mark	HEADBLADE		
Design Mark	<b>HEADBLADE</b>		
Description of Mark	NONE		
Goods/Services	Class 008. First use: First Use: 2005/10/00 First Use In Commerce: 2005/10/00 Electric razors		

U.S. Registration No.	3062992	Application Date	01/20/2005
Registration Date	02/28/2006	Foreign Priority Date	NONE
Word Mark	HEADBLADE		

Design Mark	<b>HEADBLADE</b>
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2000/01/00 First Use In Commerce: 2000/01/00 caps, hats, T-shirts

U.S. Application No.	85514505	Application Date	01/11/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	HEADBLADE		
Design Mark	<b>HEADBLADE</b>		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2003/04/04 First Use In Commerce: 2003/04/04 Toiletries, namely, shaving cream, moisturizing cream, soaps, sunscreen, body wash, self-tanner, wipes impregnated with a cleaning preparation and after-tan moisturizer		

Attachments	77344766#TMSN.jpeg ( 1 page )( bytes ) 78933049#TMSN.jpeg ( 1 page )( bytes ) 78550963#TMSN.jpeg ( 1 page )( bytes ) 85514505#TMSN.jpeg ( 1 page )( bytes ) Headblade - Chinblade (Poladian) - Notice of Opposition (4528020).PDF ( 8 pages )(190240 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	/s/ Alexa L. Lewis
Name	Alexa L. Lewis
Date	03/21/2012

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

HEADBLADE, INC.,	)	
	)	
Opposer	)	
	)	
v.	)	Opposition No. _____
	)	App. No. 85/419,614
THOMAS M. POLADIAN,	)	Mark: CHINBLADE
	)	
Applicant	)	
_____	)	

**NOTICE OF OPPOSITION**

HeadBlade, Inc. (“HeadBlade”), a California corporation with a business address at 3623 Eastham Drive, Culver City, California 90232, believes that it will be damaged by the registration of the mark that is the subject of Application No. 85/419,614, filed by Thomas M. Poladian (“Applicant”), and hereby opposes its registration on the following grounds:

1. HeadBlade is the owner of a family of marks comprised of the word HEADBLADE that identify and distinguish in commerce its razors, toiletries, clothing and related products. In addition to its common law use of its HEADBLADE family of marks in connection with said goods, and its Application Serial No. 85/514,505 for HEADBLADE in connection with “toiletries, namely, shaving cream, moisturizing cream, soaps, sunscreen, body wash, self-tanner, wipes impregnated with a cleaning preparation and after-tan moisturizer,” HeadBlade is the owner of U.S. registrations in the U.S. Patent and Trademark Office (“PTO”) for the following marks:

- A.    Mark:        HEADBLADE  
      Reg. No.:   3,563,311

First Use: At least as early as June 1, 1999  
Registered: January 20, 2009  
Goods: Non-electric, hand-held razors

B. Mark: HEADBLADE  
Reg. No.: 3,253,546  
First Use: At least as early as October 2005  
Registered: June 19, 2007  
Goods: Electric razors

C. Mark: HEADBLADE  
Reg. No.: 3,062,992  
First Use: At least as early as January 2000  
Registered: February 28, 2006  
Goods: Caps, hats, T-shirts

2. As proof of status and title, attached as Exhibit A hereto and incorporated by reference herein are true and correct copies of the foregoing registrations. (The marks identified above hereinafter are designated as the “Marks” for purposes of this pleading.)

3. HeadBlade has expended considerable funds and made significant efforts in promoting and advertising HeadBlade’s goods identified by the Marks. These goods have enjoyed enormous commercial success and have been the subject of substantial, unsolicited media attention. As a result, HeadBlade has established an enviable reputation, acquired substantial goodwill, and attained distinctiveness and fame in each of the Marks throughout the entire United States.

4. HeadBlade’s rights in the Marks notwithstanding, on September 10, 2011, Applicant filed with the PTO intent-to-use Application 85/419,614 to register CHINBLADE for “Non-electric razors; straight razors” (herein, “the Opposed Application”).

5. HeadBlade's rights for the Marks are prior to any rights of Applicant to the mark CHINBLADE.

6. In view of the similarities between, on the one hand, each of the Marks, and, on the other hand, the CHINBLADE mark that is the subject of the Opposed Application, and the relationship between HeadBlade's goods as identified by the Marks and the goods identified in the Opposed Application, it is likely that members of the public will erroneously believe that Applicant's goods originate with, or are in some manner connected or associated with, or sponsored by, HeadBlade, all to the harm of HeadBlade's goodwill and reputation.

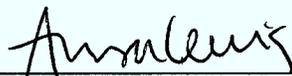
7. Applicant's CHINBLADE mark so resembles each of the Marks when used on or in connection with Applicant's goods as to be likely to cause confusion, mistake or to deceive, and is therefore precluded from registration under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

8. If Applicant is granted registration of the CHINBLADE mark, it would obtain a prima facie exclusive right to use of its mark that would cause damage and injury to HeadBlade.

WHEREFORE, HeadBlade respectfully requests that this Opposition be granted and that Application No. 85/419,614 be denied registration.

Date: March 21, 2012

HEADBLADE, INC.

By:   
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Alexa L. Lewis  
Mitchell Silberberg & Knupp LLP  
11377 West Olympic Blvd.  
Tel: (310) 312-3154  
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Attorneys for Opposer

**CERTIFICATE OF ELECTRONIC TRANSMISSION**

I hereby certify that this correspondence is being transmitted electronically through ESTTA pursuant to 37 C.F.R. §2.195(a) on March 21, 2012.

  
Kimberly Stewart

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing Notice of Opposition was served on March 21, 2012, by first-class mail, postage prepaid, on the following counsel for Applicant:

Thomas M. Poladian  
727 N. Rosevere Ave.  
Dearborn, MI 48128

  
Kimberly Stewart

# **EXHIBIT A**

# **EXHIBIT A**

**Int. Cl.: 8**

**Prior U.S. Cls.: 23, 28 and 44**

**United States Patent and Trademark Office**

**Reg. No. 3,563,311**

**Registered Jan. 20, 2009**

**TRADEMARK  
PRINCIPAL REGISTER**

# HEADBLADE

HEADBLADE COMPANY, LLC (CALIFORNIA  
LIMITED LIABILITY COMPANY)  
3623 EASTHAM DRIVE  
CULVER CITY, CA 90232

OWNER OF U.S. REG. NO. 3,062,992.

FOR: NON-ELECTRIC, HAND-HELD RAZORS,  
IN CLASS 8 (U.S. CLS. 23, 28 AND 44).

SEC. 2(F).

FIRST USE 6-1-1999; IN COMMERCE 6-1-1999.

SER. NO. 77-344,766, FILED 12-5-2007.

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

MATTHEW MCDOWELL, EXAMINING ATTOR-  
NEY

Int. Cl.: 8

Prior U.S. Cls.: 23, 28 and 44

United States Patent and Trademark Office

Reg. No. 3,253,546

Registered June 19, 2007

TRADEMARK  
PRINCIPAL REGISTER

# HEADBLADE

HEADBLADE COMPANY, LLC (CALIFORNIA  
LTD LIAB CO)  
3623 EASTHAM DRIVE  
CULVER CITY, CA 90232

FOR: ELECTRIC RAZORS, IN CLASS 8 (U.S. CLS.  
23, 28 AND 44).

FIRST USE 10-0-2005; IN COMMERCE 10-0-2005.

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

OWNER OF U.S. REG. NO. 2,388,664.

SER. NO. 78-933,049, FILED 7-19-2006.

CAROLINE WOOD, EXAMINING ATTORNEY

**Int. Cl.: 25**

**Prior U.S. Cls.: 22 and 39**

**United States Patent and Trademark Office**

**Reg. No. 3,062,992**

**Registered Feb. 28, 2006**

**TRADEMARK  
PRINCIPAL REGISTER**

**HEADBLADE**

HEADBLADE COMPANY, LLC (CALIFORNIA  
LTD LIAB CO)  
1629 ELECTRIC AVENUE  
VENICE, CA 90291

FOR: CAPS, HATS, T-SHIRTS, IN CLASS 25 (U.S.  
CLS. 22 AND 39).

FIRST USE 1-0-2000; IN COMMERCE 1-0-2000.

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

SER. NO. 78-550,963, FILED 1-20-2005.

MICHAEL LEWIS, EXAMINING ATTORNEY