

ESTTA Tracking number: **ESTTA469205**

Filing date: **04/25/2012**

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	Saeilo Enterprises, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	One Blue Hill Plaza PO Box 1518 Pearl River, NY 10965 UNITED STATES		

Attorney information	Darlene R. Seymour 1292 E. 91st Street Indianapolis, IN 46240 UNITED STATES dseymour@ce-ip.com Phone:317-818-0523		
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Applicant Information

Application No	85497657	Publication date	04/17/2012
Opposition Filing Date	04/25/2012	Opposition Period Ends	05/17/2012
Applicant	Finnegan, Gregory Michael 27 S Perry St Vandalia, OH 453772120 UNITED STATES		

Goods/Services Affected by Opposition

Class 008. First Use: 1986/03/14 First Use In Commerce: 1986/03/14 All goods and services in the class are opposed, namely: Hand operated polyethylene sprayers for use with industrial liquids; hand-pumped sprayers for use with liquids in residential, commercial and industrial applications
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Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
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)

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2885628	Application Date	04/19/2002
Registration Date	09/21/2004	Foreign Priority Date	NONE
Word Mark	TOMMY GUN		

Design Mark	TOMMY GUN
Description of Mark	NONE
Goods/Services	Class 013. First use: First Use: 1919/00/00 First Use In Commerce: 1920/00/00 Firearms

Attachments	76398303#TMSN.gif (1 page)(bytes) Notice of Opp.pdf (4 pages)(20221 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	/Darlene R. Seymour/
Name	Darlene R. Seymour
Date	04/25/2012

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

In the matter of trademark application: Serial No. 8,549,7657
For the mark: TOMMY GUN
Published in the Official Gazette on: April 17, 2012

Saeilo Enterprises, Inc.

v.

Gregory Michael Finnegan

NOTICE OF OPPOSITION

Saeilo Enterprises, Inc.
A Delaware Corporation
One Blue Hill Plaza
PO Box 1518
Pearl River, NY 10965

The above-identified opposer believes that it will be damaged by registration of the mark shown in the above-entitled application and hereby opposes the same pursuant to Section 13 of the Trademark Act (15 U.S.C. § 1063).

As grounds for opposition, Saeilo alleges as follows:

STANDING

1. Opposer, Saeilo Enterprises, Inc. (“Saeilo”), has standing to bring this Notice of Opposition because it has a direct and personal stake in the outcome of the proceeding.
2. Registration of the above identified mark will cause confusion in the marketplace, an inappropriate association with Saeilo and dilution of Saeilo’s trademark. Therefore, Saeilo will suffer damage from registration of the mark.

BACKGROUND

3. Saeilo is a business organized and existing under the laws of the state of Delaware with its principal office in Pearl River, New York.
4. Saeilo is a diversified manufacturing company consisting of three divisions, including Kahr Arms (“Kahr”), a leading designer and manufacturer of quality firearms.
5. Relative to its firearms business, Saeilo is the exclusive owner of a wide variety of intellectual property rights, including registration number 2,885,628 for the mark “TOMMY GUN” in class 13 for firearms (“the TOMMY GUN Mark”).
6. The TOMMY GUN Mark is distinctive and famous and has achieved the presumption of validity.
7. Furthermore, Saeilo is engaged in the sale and/or licensing of promotional merchandise bearing the TOMMY GUN Mark.
8. Gregory Michael Finnegan (“Finnegan”) has filed an application to register the “TOMMY GUN” word mark in class 8, hand-operated polyethylene sprayers for use with industrial liquids in residential, commercial and industrial applications.
9. Finnegan has filed this application with knowledge that the TOMMY GUN Mark is owned by Saeilo. As such, Finnegan’s application should be refused.

GROUNDS FOR OPPOSITION

10. Saeilo asserts three grounds for opposition: (1) likelihood of confusion; (2) likelihood of dilution; (3) false suggestion of a connection with Saeilo; and (4) Finnegan is not the rightful owner of the applied-for mark.

11. Finnegan is applying for registration of a mark that is identical to the TOMMY GUN Mark owned by Saeilo.
12. The class in which Finnegan has applied for the mark is a type of spray “gun”.
13. Due to the identical nature of the marks and the similarity in classes, there is a strong likelihood that consumers will be confused as to the affiliation of Finnegan’s mark with Saeilo.
14. The proposed registration is also likely to dilute the famousness of the TOMMY GUN Mark.
15. Finnegan’s use of the identical mark in connection with spray “guns” is likely to falsely suggest a connection or association with Saeilo.
16. Finnegan filed his application with complete awareness of the prior rights of Saeilo to the TOMMY GUN Mark and as such, is not the rightful owner of the mark.

WHEREFORE, Opposer, Saeilo Enterprises, Inc., respectfully requests that the application for the word mark, TOMMY GUN, Serial Number 8,549,7657, in class 8, be refused.

The filing fee for this Opposition has been submitted electronically with this Notice of Opposition.

Respectfully submitted:

By: [/Darlene R. Seymour/](#)
Darlene R. Seymour
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Date: April 25, 2012

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing is being served on this 25th day of April, 2012, via certified mail to the following counsel of record:

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