

ESTTA Tracking number: **ESTTA476527**

Filing date: **06/06/2012**

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	Watercraft Superstore, Inc.
Granted to Date of previous extension	06/06/2012
Address	1401 North Myrtle Avenue Clearwater, FL 33755 UNITED STATES

Correspondence information	Zachary D. Messa Attorney of Record, Florida Bar member Johnson, Pope, Bokor, Ruppel & Burns, LLP 911 Chestnut Street Clearwater, FL 33756 UNITED STATES zacharym@jpfirm.com, pattit@jpfirm.com Phone:813/225-2500
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**Applicant Information**

Application No	85452637	Publication date	02/07/2012
Opposition Filing Date	06/06/2012	Opposition Period Ends	06/06/2012
Applicant	West Marine Products, Inc. 500 Westridge Drive Watsonville, CA 95076 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 016. All goods and services in the class are opposed, namely: Decals; Stickers
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**Applicant Information**

Application No	85452643	Publication date	02/07/2012
Opposition Filing Date	06/06/2012	Opposition Period Ends	
Applicant	West Marine Products, Inc. 500 Westridge Drive Watsonville, CA 95076 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 003. All goods and services in the class are opposed, namely: Sunscreen creams, sunscreen lotions,
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sunscreen sprays, lip balm

### Applicant Information

Application No	85452655	Publication date	02/07/2012
Opposition Filing Date	06/06/2012	Opposition Period Ends	
Applicant	West Marine Products, Inc. 500 Westridge Drive Watsonville, CA 95076 UNITED STATES		

### Goods/Services Affected by Opposition

Class 021.  
All goods and services in the class are opposed, namely: Portable coolers, mugs; insulated containers for food or beverage for domestic use

### Applicant Information

Application No	85452654	Publication date	02/07/2012
Opposition Filing Date	06/06/2012	Opposition Period Ends	
Applicant	West Marine Products, Inc. 500 Westridge Drive Watsonville, CA 95076 UNITED STATES		

### Goods/Services Affected by Opposition

Class 028.  
All goods and services in the class are opposed, namely: Fishing rod wraps and fishing reel wraps

### Applicant Information

Application No	85452648	Publication date	02/07/2012
Opposition Filing Date	06/06/2012	Opposition Period Ends	
Applicant	West Marine Products, Inc. 500 Westridge Drive Watsonville, CA 95076 UNITED STATES		

### Goods/Services Affected by Opposition

Class 020.  
All goods and services in the class are opposed, namely: Non-metal novelty license plates; flagpoles and plastic flags and accessories for flags and flagpoles sold together as a unit, namely, rods, rod supports and couplers, connectors, pins, brackets, clamps, fasteners, nuts and bolts, and pole supports

### Grounds for Opposition

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

U.S. Registration	3990931	Application Date	12/07/2009
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No.			
Registration Date	07/05/2011	Foreign Priority Date	NONE
Word Mark	BLACK TIP		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2010/05/26 First Use In Commerce: 2010/05/26 Personal flotation devices, namely, life vests Class 012. First use: First Use: 2010/02/01 First Use In Commerce: 2010/02/01 Fitted seat covers for marine vehicles, namely, fitted seat covers for personal watercraft Class 025. First use: First Use: 2010/11/09 First Use In Commerce: 2010/11/09 Clothing, namely, T-shirts, hats, shirts, shorts, sweatshirts and jackets Class 027. First use: First Use: 2010/02/04 First Use In Commerce: 2010/02/04 Anti-slip floor mats for marine vehicles, namely, anti-slip floor mats for personal watercraft		

Attachments	77981996#TMSN.jpeg ( 1 page )( bytes ) Opposition-Watercraft v Marine Ser no 85452655_v1.pdf ( 4 pages )(15876 bytes ) Opposition-Watercraft v West ser no 85452637_v1.pdf ( 4 pages )(16007 bytes ) Opposition-Watercraft v West Ser No 85452654_v1.pdf ( 4 pages )(15802 bytes ) Opposition-Watercraft v West Serial No 85452643_v1.pdf ( 4 pages )(15860 bytes ) Opposition-Watercraft v West serial no 85452648_v1.pdf ( 4 pages )(16147 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	/Zachary D. Messa/
Name	Zachary D. Messa, Attorney of Record
Date	06/06/2012

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

In re Serial No.: 85452655  
Mark: BLACKTIP  
Published in the Official Gazette on February 7, 2012

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WATERCRAFT SUPERSTORE, INC.	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No.
	)	
WEST MARINE, INC.	)	
	)	
Applicant.	)	

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**NOTICE OF OPPOSITION**

Watercraft Superstore, Inc. a Florida corporation, located in Clearwater, Florida (“Opposer”) hereby opposes, under the provisions of Section 13 of the Trademark Act of July 5, 1946 (15 U.S.C. §1063), the grant of the application of West Marine, Inc.’s (“Applicant”), with an address of 500 Westridge Drive, Watsonville, California 95076, to register the mark BLACKTIP, Serial No. 85452655 for “portable coolers, mugs; insulated containers for food or beverage for domestic use” in International Class 021. The application published in the Official Gazette of the United States Patent and Trademark Office on February 7, 2012, and Opposer has timely sought extension of time to file the instant Opposition. The grounds for the Opposition are as follows:

1. Opposer is an establishment that owns and operates an extensive online store at [www.watercraftsuperstore.net](http://www.watercraftsuperstore.net) (the “Website”) dedicated exclusively to personal watercraft (PWC) and accessories thereof, including but not limited to engine parts, pump parts, watercraft

trailer parts, life vest, wet suits, watercraft safety supplies, seat covers, anchors, and clothing. Included in Opposer's product line are the BLACK TIP products consisting of PWC accessories.

2. Opposer is the owner of the United States Trademark Registration for BLACK TIP, Registration No. 3990931, in the following classes: IC 009 for personal flotation devices, namely, life vests; IC 012 for fitted seat covers for marine vehicles, namely, fitted seat covers for personal watercraft; IC 025 for clothing, namely, T-shirts, hats, shirts, shorts, sweatshirts and jackets; and IC 027 for anti-slip floor mats for marine vehicles, namely, anti-slip floor mats for personal watercraft.

3. Applicant has applied to register the term "BLACKTIP" in Serial No. Serial No. 85452655 for "portable coolers, mugs; insulated containers for food or beverage for domestic use" in International Class 021.

4. Applicant's goods are related to the goods sold and provided in connection with Opposer's "BLACK TIP" Mark to the extent that they are offered alongside and applicable to personal watercraft products and are likely to be and may be offered through the same, substantially the same, or related channels of trade, to the same, substantially the same, or related classes of purchasers, namely PWC owners and enthusiasts. Opposer's goods, however, are not related or distributed in the same channels of trade as surfboards and stand-up paddle boards.

5. Applicant's use of the mark BLACKTIP in connection with its proposed goods is likely to cause in the minds of the public confusion, mistake or deception as to the source of origin of Applicant's services that would lead the relevant purchasing public to believe that Applicant's goods are those of the Opposer's and/or are provided by, sponsored by, approved by, licensed by, affiliated with the Opposer or are in some other way legitimately connected to

Opposer and/or its services, goods, and/or licensed products. As a result, Opposer will be damaged by the registration of Applicant's mark.

**WHEREFORE**, Opposer respectfully requests that this opposition be sustained and Applicant's application to register the mark BLACKTIP mark, Serial No. 85452655, be denied in all respects, and other further relief be granted as may be deemed to be just and proper.

The \$300.00 filing fee for this Notice of Opposition is being submitted herewith.

Please address all correspondence regarding this opposition to:

Zachary D. Messa  
**JOHNSON, POPE, BOKOR,  
RUPPEL & BURNS LLP**  
911 Chestnut Street  
Clearwater, Florida 33756  
(727) 461-1818 (Telephone)  
(727) 462-0365 (Facsimile)  
Email: [zacharym@jpfirm.com](mailto:zacharym@jpfirm.com)  
Counsel for Opposer

Respectfully submitted,

Dated: June 6, 2012

/Zachary D. Messa/  
Zachary D. Messa  
Florida Bar No. 513601  
**JOHNSON, POPE, BOKOR,  
RUPPEL & BURNS LLP**  
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Email: [zacharym@jpfirm.com](mailto:zacharym@jpfirm.com)  
Counsel for Plaintiffs

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being electronically filed with the Trademark Trial and Appeal Board on this 6<sup>th</sup> day of June, 2012.

/Zachary D. Messa/

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

In re Serial No.: 85452637  
Mark: BLACKTIP  
Published in the Official Gazette on February 7, 2012

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WATERCRAFT SUPERSTORE, INC.	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No.
	)	
WEST MARINE, INC.	)	
	)	
Applicant.	)	

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1. Opposer is an establishment that owns and operates an extensive online store at [www.watercraftsuperstore.net](http://www.watercraftsuperstore.net) (the “Website”) dedicated exclusively to personal watercraft (PWC) and accessories thereof, including but not limited to engine parts, pump parts, watercraft trailer parts, life vest, wet suits, watercraft safety supplies, seat covers, anchors, and clothing. Included in Opposer’s product line are the BLACK TIP products consisting of PWC accessories.

2. Opposer is the owner of the United States Trademark Registration for BLACK TIP, Registration No. 3990931, in the following classes: IC 009 for personal flotation devices, namely, life vests; IC 012 for fitted seat covers for marine vehicles, namely, fitted seat covers for personal watercraft; IC 025 for clothing, namely, T-shirts, hats, shirts, shorts, sweatshirts and jackets; and IC 027 for anti-slip floor mats for marine vehicles, namely, anti-slip floor mats for personal watercraft.

3. Applicant has applied to register the term “BLACKTIP” in Serial No. 85452637 for “decals; stickers” in International Class 016.

4. Opposer has used affixed Opposer’s BLACK TIP mark to stickers that are packaged with the goods contained in Opposer’s Registration. Opposer has been using BLACK TIP on stickers before Applicant filed its application and is the senior user.

5. Applicant’s goods are related to the goods sold and provided in connection with Opposer’s “BLACK TIP” Mark to the extent that they are offered alongside and applicable to personal watercraft products and are likely to be and may be offered through the same, substantially the same, or related channels of trade, to the same, substantially the same, or related classes of purchasers, namely PWC owners and enthusiasts. Opposer’s goods, however, are not related or distributed in the same channels of trade as surfboards and stand-up paddle boards.

6. Applicant’s use of the mark BLACKTIP in connection with its proposed goods is likely to cause in the minds of the public confusion, mistake or deception as to the source of origin of Applicant’s services that would lead the relevant purchasing public to believe that Applicant’s goods are those of the Opposer's and/or are provided by, sponsored by, approved by, licensed by, affiliated with the Opposer or are in some other way legitimately connected to

Opposer and/or its services, goods, and/or licensed products. As a result, Opposer will be damaged by the registration of Applicant's mark.

**WHEREFORE**, Opposer respectfully requests that this opposition be sustained and Applicant's application to register the mark BLACKTIP mark, Serial No. 85452637, be denied in all respects, and other further relief be granted as may be deemed to be just and proper.

The \$300.00 filing fee for this Notice of Opposition is being submitted herewith.

Please address all correspondence regarding this opposition to:

Zachary D. Messa  
**JOHNSON, POPE, BOKOR,  
RUPPEL & BURNS LLP**  
911 Chestnut Street  
Clearwater, Florida 33756  
(727) 461-1818 (Telephone)  
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Email: [zacharym@jpfirm.com](mailto:zacharym@jpfirm.com)  
Counsel for Opposer

Respectfully submitted,

Dated: June 6, 2012

/Zachary D. Messa/  
Zachary D. Messa  
Florida Bar No. 513601  
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Email: [zacharym@jpfirm.com](mailto:zacharym@jpfirm.com)  
Counsel for Plaintiffs

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I hereby certify that this correspondence is being electronically filed with the Trademark Trial and Appeal Board on this 6<sup>th</sup> day of June, 2012.

/Zachary D. Messa/

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

In re Serial No.: 85452654  
Mark: BLACKTIP  
Published in the Official Gazette on February 7, 2012

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WATERCRAFT SUPERSTORE, INC.	)	
	)	
Opposer,	)	
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v.	)	Opposition No.
	)	
WEST MARINE, INC.	)	
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Applicant.	)	

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Watercraft Superstore, Inc. a Florida corporation, located in Clearwater, Florida (“Opposer”) hereby opposes, under the provisions of Section 13 of the Trademark Act of July 5, 1946 (15 U.S.C. §1063), the grant of the application of West Marine, Inc.’s (“Applicant”), with an address of 500 Westridge Drive, Watsonville, California 95076, to register the mark BLACKTIP, Serial No. 85452654 for “fishing rod wraps and fishing reel wraps” in International Class 028. The application published in the Official Gazette of the United States Patent and Trademark Office on February 7, 2012, and Opposer has timely sought extension of time to file the instant Opposition. The grounds for the Opposition are as follows:

1. Opposer is an establishment that owns and operates an extensive online store at [www.watercraftsuperstore.net](http://www.watercraftsuperstore.net) (the “Website”) dedicated exclusively to personal watercraft (PWC) and accessories thereof, including but not limited to engine parts, pump parts, watercraft trailer parts, life vest, wet suits, watercraft safety supplies, seat covers, anchors, and clothing. Included in Opposer’s product line are the BLACK TIP products consisting of PWC accessories.

2. Opposer is the owner of the United States Trademark Registration for BLACK TIP, Registration No. 3990931, in the following classes: IC 009 for personal flotation devices, namely, life vests; IC 012 for fitted seat covers for marine vehicles, namely, fitted seat covers for personal watercraft; IC 025 for clothing, namely, T-shirts, hats, shirts, shorts, sweatshirts and jackets; and IC 027 for anti-slip floor mats for marine vehicles, namely, anti-slip floor mats for personal watercraft.

3. Applicant has applied to register the term “BLACKTIP” in Serial No. Serial No. 85452654 for “fishing rod wraps and fishing reel wraps” in International Class 028.

4. Applicant’s goods are related to the goods sold and provided in connection with Opposer’s “BLACK TIP” Mark to the extent that they are offered alongside and applicable to personal watercraft products and are likely to be and may be offered through the same, substantially the same, or related channels of trade, to the same, substantially the same, or related classes of purchasers, namely PWC owners and enthusiasts. Opposer’s goods, however, are not related or distributed in the same channels of trade as surfboards and stand-up paddle boards.

5. Applicant’s use of the mark BLACKTIP in connection with its proposed goods is likely to cause in the minds of the public confusion, mistake or deception as to the source of origin of Applicant’s services that would lead the relevant purchasing public to believe that Applicant’s goods are those of the Opposer's and/or are provided by, sponsored by, approved by, licensed by, affiliated with the Opposer or are in some other way legitimately connected to Opposer and/or its services, goods, and/or licensed products. As a result, Opposer will be damaged by the registration of Applicant’s mark.

**WHEREFORE**, Opposer respectfully requests that this opposition be sustained and Applicant's application to register the mark BLACKTIP mark, Serial No. 85452654, be denied in all respects, and other further relief be granted as may be deemed to be just and proper.

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Zachary D. Messa  
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RUPPEL & BURNS LLP**  
911 Chestnut Street  
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(727) 461-1818 (Telephone)  
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Email: [zacharym@jpfirm.com](mailto:zacharym@jpfirm.com)  
Counsel for Opposer

Respectfully submitted,

Dated: June 6, 2012

/Zachary D. Messa/  
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Counsel for Plaintiffs

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

In re Serial No.: 85452643  
Mark: BLACKTIP  
Published in the Official Gazette on February 7, 2012

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WATERCRAFT SUPERSTORE, INC.	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No.
	)	
WEST MARINE, INC.	)	
	)	
Applicant.	)	

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Watercraft Superstore, Inc. a Florida corporation, located in Clearwater, Florida (“Opposer”) hereby opposes, under the provisions of Section 13 of the Trademark Act of July 5, 1946 (15 U.S.C. §1063), the grant of the application of West Marine, Inc.’s (“Applicant”), with an address of 500 Westridge Drive, Watsonville, California 95076, to register the mark BLACKTIP, Serial No. 85452643, for “sunscreen creams, sunscreen lotions, sunscreen sprays, lip balm” in International Class 003. The application published in the Official Gazette of the United States Patent and Trademark Office on February 7, 2012, and Opposer has timely sought extension of time to file the instant Opposition. The grounds for the Opposition are as follows:

1. Opposer is an establishment that owns and operates an extensive online store at [www.watercraftsuperstore.net](http://www.watercraftsuperstore.net) (the “Website”) dedicated exclusively to personal watercraft (PWC) and accessories thereof, including but not limited to engine parts, pump parts, watercraft trailer parts, life vest, wet suits, watercraft safety supplies, seat covers, anchors, and clothing. Included in Opposer’s product line are the BLACK TIP products consisting of PWC accessories.

2. Opposer is the owner of the United States Trademark Registration for BLACK TIP, Registration No. 3990931, in the following classes: IC 009 for personal flotation devices, namely, life vests; IC 012 for fitted seat covers for marine vehicles, namely, fitted seat covers for personal watercraft; IC 025 for clothing, namely, T-shirts, hats, shirts, shorts, sweatshirts and jackets; and IC 027 for anti-slip floor mats for marine vehicles, namely, anti-slip floor mats for personal watercraft.

3. Applicant has applied to register the term “BLACKTIP” in 85452643, for “sunscreen creams, sunscreen lotions, sunscreen sprays, lip balm” in International Class 003.

4. Applicant’s goods are related to the goods sold and provided in connection with Opposer’s “BLACK TIP” Mark to the extent that they are offered alongside and applicable to personal watercraft products and are likely to be and may be offered through the same, substantially the same, or related channels of trade, to the same, substantially the same, or related classes of purchasers, namely PWC owners and enthusiasts. Opposer’s goods, however, are not related or distributed in the same channels of trade as surfboards and stand-up paddle boards.

5. Applicant’s use of the mark BLACKTIP in connection with its proposed goods is likely to cause in the minds of the public confusion, mistake or deception as to the source of origin of Applicant’s services that would lead the relevant purchasing public to believe that Applicant’s services are those of the Opposer's and/or are provided by, sponsored by, approved by, licensed by, affiliated with the Opposer or are in some other way legitimately connected to Opposer and/or its services, goods, and/or licensed products. As a result, Opposer will be damaged by the registration of Applicant’s mark.

**WHEREFORE**, Opposer respectfully requests that this opposition be sustained and Applicant's application to register the mark BLACKTIP mark, Serial No. 85452643, be denied in all respects, and other further relief be granted as may be deemed to be just and proper.

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Counsel for Opposer

Respectfully submitted,

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Counsel for Plaintiffs

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/Zachary D. Messa/

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

In re Serial No.: 85452648  
Mark: BLACKTIP  
Published in the Official Gazette on February 7, 2012

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WATERCRAFT SUPERSTORE, INC.	)	
	)	
Opposer,	)	
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v.	)	Opposition No.
	)	
WEST MARINE, INC.	)	
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Applicant.	)	

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1. Opposer is an establishment that owns and operates an extensive online store at [www.watercraftsuperstore.net](http://www.watercraftsuperstore.net) (the “Website”) dedicated exclusively to personal watercraft (PWC) and accessories thereof, including but not limited to engine parts, pump parts, watercraft

trailer parts, life vest, wet suits, watercraft safety supplies, seat covers, anchors, and clothing. Included in Opposer's product line are the BLACK TIP products consisting of PWC accessories.

2. Opposer is the owner of the United States Trademark Registration for BLACK TIP, Registration No. 3990931, in the following classes: IC 009 for personal flotation devices, namely, life vests; IC 012 for fitted seat covers for marine vehicles, namely, fitted seat covers for personal watercraft; IC 025 for clothing, namely, T-shirts, hats, shirts, shorts, sweatshirts and jackets; and IC 027 for anti-slip floor mats for marine vehicles, namely, anti-slip floor mats for personal watercraft.

3. Applicant has applied to register the term "BLACKTIP" in Serial No. 85452648 for "Non-metal novelty license plates; flagpoles and plastic flags and accessories for flags and flagpoles sold together as a unit, namely, rods, rod supports and couplers, connectors, pins, brackets, clamps, fasteners, nuts and bolts, and pole supports" in International Class 020.

4. Applicant's goods are related to the goods sold and provided in connection with Opposer's "BLACK TIP" Mark to the extent that they are offered alongside and applicable to personal watercraft products and are likely to be and may be offered through the same, substantially the same, or related channels of trade, to the same, substantially the same, or related classes of purchasers, namely PWC owners and enthusiasts. Opposer's goods, however, are not related or distributed in the same channels of trade as surfboards and stand-up paddle boards.

5. Applicant's use of the mark BLACKTIP in connection with its proposed goods is likely to cause in the minds of the public confusion, mistake or deception as to the source of origin of Applicant's goods that would lead the relevant purchasing public to believe that Applicant's services are those of the Opposer's and/or are provided by, sponsored by, approved by, licensed by, affiliated with the Opposer or are in some other way legitimately connected to

Opposer and/or its services, goods, and/or licensed products. As a result, Opposer will be damaged by the registration of Applicant's mark.

**WHEREFORE**, Opposer respectfully requests that this opposition be sustained and Applicant's application to register the mark BLACKTIP mark, Serial No. 85452648, be denied in all respects, and other further relief be granted as may be deemed to be just and proper.

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Counsel for Opposer

Respectfully submitted,

Dated: June 6, 2012

/Zachary D. Messa/  
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Florida Bar No. 513601  
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RUPPEL & BURNS LLP**  
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Counsel for Plaintiffs

**CERTIFICATE OF TRANSMISSION**

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/Zachary D. Messa/