

ESTTA Tracking number: **ESTTA517294**

Filing date: **01/22/2013**

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	Intermedia Outdoors, Inc.		
Entity	Corporation	Citizenship	New York
Address	512 Seventh Avenue New York, NY 10018 UNITED STATES		

Attorney information	John C. Blattner Dickinson Wright, PLLC 350 S. Main Street Suite 300 Ann Arbor, MI 48104 UNITED STATES jblattner@dickinsonwright.com Phone:734-623-1698		
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**Applicant Information**

Application No	85677454	Publication date	01/01/2013
Opposition Filing Date	01/22/2013	Opposition Period Ends	01/31/2013
Applicant	Outlaw Guns and Ammo, LLC 2112 Savanna Court North League City, TX 77573 UNITED STATES		

**Goods/Services Affected by Opposition**

<p>Class 013. First Use: 2008/11/01 First Use In Commerce: 2008/11/02 All goods and services in the class are opposed, namely: Automatic guns; Firearm attachments, namely, mounts for attaching gun sights to a firearm; Gun and rifle cases; Gun barrels; Gun belts; Gun carriages; Gun cartridges; Gun cases; Gun chokes; Gun cleaning brushes; Gun locks; Gun mounts; Gun parts; Gun scabbards; Gun stocks; Guns; Hand gun accessories, namely, belt clips for securing a gun without the use of a holster; Heavy guns; Hunting gun cartridges; Load bearing vests adapted primarily for holding guns, grenades and ammunition; Machine gun cartridges; Machine gun chargers; Machine guns; Machine guns and parts thereof; Mobile gun mounts; Noise suppressors for guns; Non-telescopic gun sights for firearms; Recoilless guns; Shooting accessories, namely, gun rests; Submachine guns; Trigger guards for guns and rifles; Wiping rods for guns</p>
<p>Class 025. First Use: 2009/06/01 First Use In Commerce: 2009/06/02 All goods and services in the class are opposed, namely: Clothing for athletic use, namely, padded elbow compression sleeves being part of an athletic garment; Headbands for clothing; Hoods; Jackets; Jerseys; Wearable garments and clothing, namely, shirts</p>

**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 No.	2522261	Application Date	11/20/2000
Registration Date	12/25/2001	Foreign Priority Date	NONE
Word Mark	GUNS & AMMO		
Design Mark	<p style="text-align: center;">GUNS &amp; AMMO</p>		
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1958/00/00 First Use In Commerce: 1958/00/00 magazines in the field of guns, ammunition, hunting and related topics		

Attachments	76169807#TMSN.gif ( 1 page )( bytes ) Notice of Opposition.PDF ( 3 pages )(34942 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	/John C. Blattner/
Name	John C. Blattner
Date	01/22/2013

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

*In re U.S. Trademark Application Ser. No. 85677454 for  
OUTLAW GUNS & AMMO plus Design; filed July 18, 2012*

INTERMEDIA OUTDOORS, INC.  
a Delaware Corporation,

Opposer,

v.

TTAB No:

OUTLAW GUNS & AMMO, LLC  
a Texas Limited Liability Company

Applicant.

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**NOTICE OF OPPOSITION**

Opposer INTERMEDIA OUTDOORS, INC., believes that it will be damaged by registration of the mark shown in Application Serial No. 85677454 in International Classes 13 and 25, and opposes the same. As grounds for the opposition, Opposer alleges as follows:

1. Upon information and belief, Applicant is a Texas Limited Liability Company located in League City, Texas.
2. On or about July 18, 2012, Applicant filed Application Serial No. 85677454 (“the ‘454 Application’”) for the mark OUTLAW GUNS & AMMO plus Design in International Class 13 for “Automatic guns; Firearm attachments, namely, mounts for attaching gun sights to a firearm; Gun and rifle cases; Gun barrels; Gun belts; Gun carriages; Gun cartridges; Gun cases; Gun chokes; Gun cleaning brushes; Gun locks; Gun mounts; Gun parts; Gun scabbards; Gun stocks; Guns; Hand gun accessories, namely, belt clips for securing a gun without the use of a holster; Heavy guns; Hunting gun cartridges; Load bearing vests adapted primarily for holding guns, grenades and ammunition; Machine gun cartridges; Machine gun chargers; Machine guns;

Machine guns and parts thereof; Mobile gun mounts; Noise suppressors for guns; Non-telescopic gun sights for firearms; Recoilless guns; Shooting accessories, namely, gun rests; Submachine guns; Trigger guards for guns and rifles; Wiping rods for guns”; and in International Class 25 for “Clothing for athletic use, namely, padded elbow compression sleeves being part of an athletic garment; Headbands for clothing; Hoods; Jackets; Jerseys; Wearable garments and clothing, namely, shirts.”

3. Opposer is the owner of U.S. Reg. No. 2,522,261, for the mark GUNS & AMMO (standard characters), for magazines in the field of guns, ammunition, hunting and related topics, in Class 16; having a priority date of at least as early as December 31, 1958.

4. Opposer has not authorized Applicant to use or apply to register the mark shown in the ‘454 Application.

5. Registration of Applicant’s mark is likely to cause the public to be confused, misled, or deceived, and to believe that Opposer is the source of Applicant’s goods, or that Applicant’s goods are affiliated, associated, approved, sponsored, licensed, or authorized by Opposer, when in fact they are not.

6. Registration of Applicant’s mark will cause harm to Opposer by damaging Opposer’s good will in its GUNS & AMMO mark.

WHEREFORE, Opposer believes that it will be damaged by registration of the mark shown in Application Serial No. 85677454 in International Classes 13 and 25, and opposes registration thereof on the grounds set forth above. Opposer further prays that Application Serial No. 85677454 be rejected, and that registration of Applicants’ mark be refused.

The \$300 fee for one class required under 2.6(a)(17) is enclosed herewith.

DICKINSON WRIGHT, PLLC

January 22, 2013

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