

ESTTA Tracking number: **ESTTA544114**

Filing date: **06/20/2013**

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	QSR Outdoor Products, Inc.
Granted to Date of previous extension	06/22/2013
Address	600 W. Campbell Street Alpena, MI 49707 UNITED STATES

Attorney information	Eugene J. Rath III FLYNN, THIEL, BOUTELL & TANIS, P.C. 2026 Rambling Rd Kalamazoo, MI 49008 UNITED STATES doctet@flynnthiel.com Phone:269-381-1156
----------------------	---

Applicant Information

Application No	85782593	Publication date	04/23/2013
Opposition Filing Date	06/20/2013	Opposition Period Ends	06/22/2013
Applicant	Witco Products, Inc. 7286 Bayberry Ct N Olmsted Twp, OH 44138 UNITED STATES		

Goods/Services Affected by Opposition

Class 006. First Use: 2009/05/01 First Use In Commerce: 2009/06/20
All goods and services in the class are opposed, namely: Anchors

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	85832230	Application Date	01/25/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	WOLF FANG		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 006. First use: First Use: 2010/07/04 First Use In Commerce: 2010/07/04 Earth anchors, earth anchor drivers, replacement parts for earth anchor drivers, and cables for connection to earth anchors
----------------	---

Attachments	5409.M0006USNoticeofOpposition62013.pdf(164322 bytes)
-------------	--

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	/Eugene J. Rath III/
Name	Eugene J. Rath III
Date	06/20/2013

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

In Re Serial No. 85/782 593	§	
	§	
Mark: WOLF FANG	§	OPPOSITION NO. _____
Filed: November 19, 2012	§	
Published: April 23, 2013	§	
	§	
QSR OUTDOOR PRODUCTS, INC.	§	
	§	
Opposer,	§	
v.	§	
	§	
WITCO PRODUCTS, INC.	§	
	§	
Applicant.	§	

NOTICE OF OPPOSITION

QSR Outdoor Product, Inc., (hereinafter "Opposer"), a corporation organized and existing under the laws of the State of Michigan, having its principal place of business at 600 West Campbell Street, Alpena, Michigan 49707, believes that it will be damaged by registration of the mark WOLF FANG shown in Application Serial No. 85/782,593 and hereby opposes the same under the provisions of 15 U.S.C. §1063. As grounds for opposition, Opposer asserts that:

1. Opposer is the owner, via a trademark assignment from Mr. Clint Locklear ("Locklear"), of the rights and goodwill in the mark WOLF FANG in association with earth anchors and related products.

2. Opposer is a manufacturer and seller of trapping and fur handling products including, but not limited to, wild animal traps, as well as stakes, anchors, and other accessories therefor. Locklear developed the trademark WOLF FANG and continuously used the mark WOLF FANG in commerce in the United States in connection with earth anchors and related products from its first use in July 2010 until the sale and assignment of the trademark and all associated goodwill to Opposer on September 10, 2012.

3. Since September 10, 2012, Opposer has continuously used the WOLF FANG trademark in commerce in the United States in association with earth anchors and related products.

4. On January 25, 2013, Opposer filed a trademark application on WOLF FANG in association with "earth anchors, earth anchor drivers, replacement parts for earth anchor drivers, and cables for connection to earth anchors," all in International Class 006. That application was assigned Serial No. 85/832,230 ("the '230 application").

5. On May 8, 2013, the USPTO issued an office action concerning Opposer's '230 application, citing Applicant's pending application Serial No. 85/782,593 ("the '593 application").

6. The '593 application is for the mark WOLF FANG in association with "anchors" in International Class 006.

7. The '593 application was published for opposition on April 23, 2013. Opposer obtained a thirty-day extension of time through June 22, 2013, to file a Notice of Opposition.

8. Applicant has alleged a first use date, in the '593 application, of June 20, 2009.

9. Upon information and belief, Applicant did not use the WOLF FANG mark, and cannot prove use of the WOLF FANG mark, in United States commerce dating back to June 20, 2009.

10. Upon information and belief, Applicant intentionally deceived the USPTO by providing an incorrect first use date in the '593 application.

11. Opposer has superior rights in the WOLF FANG mark with respect to the Applicant. Any use of the WOLF FANG mark by Applicant was either under license from Locklear and/or occurred after establishment of the trademark rights in WOLF FANG by Locklear.

12. Applicant's mark as shown in the '593 application is identical to Opposer's mark.

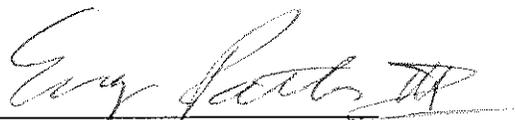
13. Applicant's goods as recited in the '593 application are virtually identical to, and will be sold to the same prospective purchasers of, Opposer's goods. Accordingly, Applicant's mark, as applied to its goods, so resembles Opposer's mark so as to be likely to cause confusion, mistake or deception.

14. If Applicant is granted the registration herein opposed, Applicant would thereby obtain at least a prima facie exclusive right to the use of its mark. Such registration would be a source of damage and injury to Opposer.

WHEREFORE, Opposer prays that the registration of the mark which is the subject of Applicant's '593 application be refused registration.

This Notice of Opposition is being filed electronically, along with the filing fee required by 37 C.F.R. § 2.6(a)(17). The Trademark Trial and Appeal Board is hereby authorized to charge any additional fees which may be required by this paper, or to credit any overpayment, to Deposit Account No. 06-1382.

Respectfully Submitted,



Eugene J. Rath III
FLYNN, THIEL, BOUTELL & TANIS, P.C.
2026 Rambling Rd.
Kalamazoo, MI 49008
(269)381-1156

Attorney for Opposer

Date: June 20, 2013

In Re Serial No. 85/782 593

NOTICE OF OPPOSITION - Page 4

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing NOTICE OF OPPOSITION was served via First Class Mail, postage pre-paid, upon Applicant at the address below on June 20, 2013.

Brent Sharp
Witco Products, Inc.
7286 Bayberry Ct N
Olmsted Twp, OH 44138-3501

A handwritten signature in cursive script, appearing to read "Brent Sharp", is written over a horizontal line.