

ESTTA Tracking number: **ESTTA564177**

Filing date: **10/09/2013**

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	Tony Hawk, Inc.
Granted to Date of previous extension	10/12/2013
Address	1611-A South Melrose Dr., #362 Vista, CA 92081 UNITED STATES

Attorney information	JOHN R SOMMER 17426 DAIMLER STREET IRVINE, CA 92614 UNITED STATES sommer@stussy.com Phone:(949) 752-5344
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Applicant Information

Application No	79129592	Publication date	08/13/2013
Opposition Filing Date	10/09/2013	Opposition Period Ends	10/12/2013
International Registration No.	1158910	International Registration Date	03/25/2013
Applicant	Sowind SA 1, Place Girardet CH-2301 La Chaux-de-Fonds SWITZERLAND		

Goods/Services Affected by Opposition

Class 014. All goods and services in the class are opposed, namely: Timepieces and chronometric instruments, namely, watches, wristwatches, chronometers, clocks, table clocks, movements for timepieces; jewelry; not all of the aforesaid goods being shaped like a hawk

Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Consists of or comprises a name, portrait, or signature of a living individual without written consent, or the name, portrait, or signature of a deceased president without the written consent of the surviving spouse	Trademark Act section 2(c)
Priority and likelihood of confusion	Trademark Act section 2(d)

Dilution	Trademark Act section 43(c)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3509271	Application Date	01/10/2007
Registration Date	09/30/2008	Foreign Priority Date	NONE
Word Mark	TONY HAWK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 2008/06/27 First Use In Commerce: 2008/06/27 Watches		

U.S. Registration No.	3759627	Application Date	07/07/2003
Registration Date	03/16/2010	Foreign Priority Date	NONE
Word Mark	HAWK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1998/12/31 First Use In Commerce: 1999/12/31 Shoes for skateboarders		

U.S. Registration No.	4311424	Application Date	09/01/2011
Registration Date	04/02/2013	Foreign Priority Date	NONE
Word Mark	HAWK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1998/12/31 First Use In Commerce: 1999/12/31 Boots; Flip flops; Sandals; Shoes; Snow boots		

U.S. Registration No.	3647939	Application Date	07/07/2003
Registration Date	06/30/2009	Foreign Priority Date	NONE
Word Mark	HAWK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2006/11/30 First Use In Commerce: 2006/11/30 Skateboard accessories, namely, skateboard decks		

U.S. Registration No.	3612766	Application Date	07/07/2003
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Registration Date	04/28/2009	Foreign Priority Date	NONE
Word Mark	HAWK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2008/03/31 First Use In Commerce: 2008/03/31 helmets for skateboarding, in-line skating and bicycling		

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	HAWK		
Goods/Services	Watches		

Attachments	Sowind.opposition.pdf(84805 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 R. Sommer/
Name	JOHN R SOMMER
Date	10/09/2013

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

In the matter of Application Serial No. 79/129592
Published for Opposition in the OFFICIAL GAZETTE of August 13, 2013

TONY HAWK, INC.,	:	
Opposer,	:	Opposition No.:
	:	
v.	:	
	:	
SOWIND, S.A.,	:	
Applicant.	:	

NOTICE OF OPPOSITION

Tony Hawk, Inc. (“Opposer”), a California corporation, believes it will be damaged by registration of the mark HAWK as applied for in Serial No. 79/129592 in International Class 14, filed by Sowind, S.A., (“Applicant”), and hereby opposes the same.

As grounds for this Opposition, it is alleged:

1. On or about March 23, 2013, Applicant filed an application under Section 66D with the United States Patent and Trademark Office to register the mark HAWK (hereinafter “Applicant’s HAWK Mark”) in International Class 14 for “Timepieces and chronometric instruments, namely, watches, wristwatches, chronometers, clocks, table clocks, movements for timepieces; jewelry; not all of the aforesaid goods being shaped like a hawk.” The application was assigned serial number 79/129592. Applicant claims a priority date of October 9, 2012.

2. Since long prior to Applicant’s filing date and claimed priority date, Opposer has made substantial and continuous use HAWK and TONY HAWK (sometimes with TONY in small letters) on watches and other goods and services in commerce in the United States.

3. Opposer is the owner of U.S. Trademark Registration No. 3,509,271, registered September 30, 2008 for TONY HAWK for “watches.” Such registration is incontestable within the meaning of Section 15.

4. Opposer is the owner of U.S. Trademark Registration Nos. 3,759,627, registered March 16, 2010, and 4,311,424, registered April 2, 2013, for HAWK on footwear.

5. Opposer is the owner of U.S. Trademark Registration No. 3,647,939, registered June 30, 2009, for HAWK for “skateboards accessories, namely skateboard decks.”

6. Opposer is the owner of U.S. Trademark Registration No. 3,612,766, registered April 28, 2009, for HAWK for “helmets for skateboarding, in-line skating and bicycling.

7. There is no issue as to priority. Opposer’s use of HAWK by itself and TONY HAWK on watches long predates any possible priority date for Applicant’s Application.

8. HAWK and TONY HAWK are associated in the minds of consumers with Tony Hawk, Inc., the assignee of the trademarks of Mr. Anthony Hawk, the world’s most famous skateboarder. Mr. Hawk has not given his consent to the use of his name by Applicant and so Applicant has violated Section 2(c).

9. By virtue of Opposer’s use, promotion, and sales of HAWK and TONY HAWK, Opposer’s HAWK and TONY HAWK Mark has come to represent exceedingly valuable goodwill owned by Opposer.

10. The goods on which Opposer uses its HAWK and TONY HAWK Marks and the goods for which Applicant seeks to register Applicant’s HAWK Mark are identical. The goods for which Applicant seeks to register Applicant’s HAWK Mark are related to other goods sold by Opposer and consumer would expect to come from a single source.

11. Applicant’s HAWK Mark is confusingly and substantially similar to Opposer’s HAWK and TONY HAWK Marks.

12. Use by Applicant of Applicant’s HAWK Mark will be likely to cause confusion, mistake, or deception with Opposer and Opposer’s HAWK and TONY HAWK Marks, and result in the belief that Applicant or Applicant’s goods are in some way connected with, sponsored by,

or approved by Opposer, resulting in damage and injury to Opposer. Persons familiar with Opposer's HAWK and TONY HAWK Marks are likely to buy Applicant's goods believing such products made or associated with Opposer. Any such confusion in trade inevitably would result in loss of sales to Opposer. Furthermore, any defect, objection, or fault found with Applicant's products marketed under Applicant's Mark would necessarily reflect upon and seriously injure the reputation that Opposer has established for its products merchandised under Opposer's HAWK and TONY HAWK Marks.

13. Applicant's Mark, if registered, will be deceptive, in violation of Section 2(a).

14. Applicant's Mark, if registered, will disparage or falsely suggest a connection between Applicant and Opposer and their respective goods, in violation of Section 2(a).

15. Applicant's Mark, if registered, will so resemble Opposer's Marks registered on the Principal Register of the U.S. Patent & Trademark Office, and Opposer's Marks in used in the United States and not abandoned, as to be likely, when used on or in connection with the goods of the Applicant, as to cause confusion, mistake or to deceive, in violation of Section 2(d).

16. Applicant's Mark, if registered, will dilute the distinctiveness of Opposer's Mark in violation of Section 43(c).

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17. Any use Applicant has made or may make of Applicant's Mark, is and will be without Opposer's consent or permission.

WHEREFORE, registration by Applicant of the aforesaid Applicant's Mark for the aforesaid goods will be damaging to Opposer, and Opposer therefore requests that the Opposition be sustained.

/s/ John R. Sommer

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