

ESTTA Tracking number: **ESTTA567095**

Filing date: **10/25/2013**

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	The Lamar Company, L.L.C.
Granted to Date of previous extension	10/26/2013
Address	5321 Corporate Boulevard Baton Rouge, LA 70808 UNITED STATES

Attorney information	Pamela A. Baxter Kean Miller LLP 400 Convention Street, Ste. 700 Baton Rouge, LA 70802 UNITED STATES pamela.baxter@keanmiller.com Phone:225-387-0999
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Applicant Information

Application No	79119494	Publication date	08/27/2013
Opposition Filing Date	10/25/2013	Opposition Period Ends	10/26/2013
International Registration No.	1133190	International Registration Date	07/09/2012
Applicant	HASSELBLAD SÅ rl 22, rue Goethe L-1637 Luxembourg LUXEMBOURG		

Goods/Services Affected by Opposition

Class 035. Opposed goods and services in the class: Advertising in the field of photography and cameras; direct mail advertising in the field of photography and cameras; commercial information and advice for consumers in the field of photography and cameras; organization of exhibitions for commercial or advertising purposes in the field of photography and cameras; publication of advertising texts in the field of photography and cameras; on-line advertising on a computer network in the field of photography and cameras;
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1874157	Application Date	01/18/1994
Registration Date	01/17/1995	Foreign Priority Date	NONE
Word Mark	LAMAR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1934/01/01 First Use In Commerce: 1934/01/01 providing advertising and outdoor advertising services for others		

U.S. Registration No.	2591231	Application Date	05/01/2001
Registration Date	07/09/2002	Foreign Priority Date	NONE
Word Mark	LAMAR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1995/07/03 First Use In Commerce: 1995/07/03 Leasing services, namely the leasing of space on billboard structures for equipment used for the transmission and reception of radio and microwave signals; including but not limited to video surveillance, data collection and electronic messaging		

U.S. Registration No.	2389367	Application Date	03/01/1999
Registration Date	09/26/2000	Foreign Priority Date	NONE
Word Mark	LAMAR GRAPHICS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1999/01/01 First Use In Commerce: 1999/01/01 graphic designing and printing services for others		

Attachments	Opposition.pdf(3509547 bytes) exhibitA.pdf(176338 bytes) exhibitB.pdf(58643 bytes) exhibitC.pdf(178902 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	/pamelaabaxter/
Name	Pamela A. Baxter

Date	10/25/2013
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD

The Lamar Company, L.L.C.)
)
VS.)
)
HASSELBLAD Sàrl Société)
à responsabilité limitée)

Opposition No.: _____

APPLICATION SERIAL NO. 79/119,494
PUBLISHED IN OFFICIAL GAZETTE ON
September August 27, 2013

NOTICE OF OPPOSITION

The Lamar Company, L.L.C. (“Opposer”) believes that it will be damaged by registration of the mark show in Application Serial No. 79/119494, a word mark of LUNAR, and hereby opposes registration of Application Serial No. 79/119494 for the following services in International Class 035 “Advertising in the field of photography and cameras; direct mail advertising in the field of photography and cameras; organization of exhibitions for commercial or advertising purposes in the field of photography and cameras; publication of advertising texts in the field of photography and cameras; on-line advertising on a computer network in the field of photography and cameras.”

1.

Opposer, a Louisiana limited liability company, having a business address of 5321 Corporate Boulevard, Baton Rouge, LA 70808, has common law trademark rights in, and is the owner of a federal trademark registration for, the mark LAMAR with design. This mark is registered with the United States Patent and Trademark Office as U.S. Registration No. 1874157 for “providing advertising and outdoor advertising

services for others,” in class 35, with a date of first use of January 1, 1934. Attached as **Exhibit A** is a copy of the registration and assignment information for the LAMAR mark.

2.

Opposer has common law rights in, and is the owner of a federal trademark registration for, the mark LAMAR with design, in class 36, for “leasing services, namely the leasing of space on billboard structures for equipment used for the transmission and reception of radio and microwave signals; including but not limited to video surveillance, data collection and electronic messaging.” This mark is registered in the United States Patent and Trademark Office as U.S. Reg. No. 2591231, with a first date of use of July 3, 1995. Attached as **Exhibit B** is a copy of the registration.

3.

Opposer also has common law rights in, and is the owner of a federal trademark registration for, the mark LAMAR GRAPHICS with design, in class 42, for the services of “graphic designing and printing services for others.” This mark is registered with the United States Patent and Trademark Office as U.S. Reg. No. 2389367, with a first date of use of January 1, 1999. Attached as **Exhibit C** is a copy of the registration and assignment information.

4.

Opposer’s LAMAR marks have been in use in connection with advertising services throughout the United States for many years. Opposer has promoted and presently promotes its services using the LAMAR marks.

5.

Opposer's use of the LAMAR marks has been continuous and on-going in nature and predates Applicant's filing of its application and registration of Applicant's international registration. Applicant's application was filed as an application under §66(a) of the Trademark Act, 15 U.S.C. §1141f(a) and Applicant has an international trademark registration no. 1133190, which was registered on September 7, 2012.

6.

Opposer's marks are inherently distinctive. Further, Opposer's marks are famous based on the duration, extent, and geographic reach of use, advertising and publicity of the marks, the amount, volume and geographical extent of services offered under the marks, and the actual recognition of the marks.

7.

Opposer's marks became famous prior to Applicant's first use of its proposed mark.

8.

On July 9, 2012, HASSELBLAD Sàrl Société à responsabilité limitée ("Applicant") filed for registration of its proposed LUNAR trademark, in application serial no. 79/119494 in International Class 035. Applicant's listing of services in International Class 035 are "Advertising in the field of photography and cameras; direct mail advertising in the field of photography and cameras; commercial information and advice for consumers in the field of photography and cameras; wholesale and retail store services of photographic cameras, business advice and guidance relating to the purchase of photographic cameras, including photographic cameras for moving images and for all

other kinds of image, video cameras, electronic cameras, movie cameras and photographic cameras, lighting, information on the sale of photographic cameras, business advice and guidance relating to the purchase of photographic cameras, including photographic cameras for moving images and for all other kinds of image, video cameras, electronic cameras, movie cameras and photographic cameras, lighting; organization of exhibitions for commercial or advertising purposes in the field of photography and cameras; publication of advertising texts in the field of photography and cameras; on-line advertising on a computer network in the field of photography and cameras; writing of publicity texts in the field of photography and cameras; presentation of goods on communication media, for retail purposes, namely, cameras, digital cameras and cameras lenses.”

9.

Opposer’s rights in and to its LAMAR marks are senior to the date of filing of Applicant’s application and the registration date of Applicant’s international registration.

10.

Considering Opposer’s predominance in the U.S. advertising market, it is highly likely that a consumer would believe that Applicant’s mark, used in connection with advertising services, would create a likelihood of confusion.

11.

Due to the Applicant’s services and Opposer’s services being offered to the same target market and channels of distribution, there is a likelihood that even the most sophisticated consumer would be confused as to the source of the advertising services.

12.

Granting registration of Applicant's proposed mark would result in a likelihood of confusion between its services and Opposer's services. Applicant's mark is confusingly similar to Opposer's marks in that a predominant portion of the mark, three out of the 5 letters in "LAMAR" and "LUNAR," are the same, and the words "LAMAR" and "LUNAR" sound similar. Additionally, Applicant's and Opposer's services of advertising are identical and can be provided to similar customers, in the same target market, and in the same manner.

13.

Applicant's mark creates an overall commercial impression which has a strong similarity to Opposer's marks. The same predominant portion of the mark is strong evidence of the similarity of commercial impressions. The similarity of commercial impressions is evidence that confusion will exist as to at least one of source, sponsorship, affiliation or connection.

14.

Additionally, Applicant's mark will dilute Opposer's marks by blurring, namely causing an association arising from the similarity between the marks and Opposer's famous marks that impairs the distinctiveness of the famous marks.

15.

WHEREFORE, in view of the grounds for opposition noted above, and in view of the potential damage to Opposer's business and commercial reputation, Opposer urges that Application Serial No. 79/119494 be rejected, that no registration be issued thereon to Applicant for the services in International Class 035 for "Advertising in the field of

photography and cameras; direct mail advertising in the field of photography and cameras; organization of exhibitions for commercial or advertising purposes in the field of photography and cameras; publication of advertising texts in the field of photography and cameras; on-line advertising on a computer network in the field of photography and cameras,” and that this opposition be sustained in favor of Opposer.

Respectfully submitted:



Russel O. Primeaux (La. Bar No. 21989)

James R. Chastain, Jr. (La. Bar No. 19518)

William L. Caughman, III (La. Bar No. 22298)

Tara M. Madison (La. Bar No. 29354)

Pamela A. Baxter (La. Bar No. 31035)

Devin R. Ricci (La. Bar No. 34724)

KEAN MILLER LLP

P.O. Box 3513

Baton Rouge, Louisiana 70821

Telephone: (225) 387-0999

Facsimile: (225) 388-9133

Attorneys for The Lamar Company, L.L.C.

Int. Cl.: 35

Prior U.S. Cl.: 101

United States Patent and Trademark Office **Reg. No. 1,874,157**
Registered Jan. 17, 1995

**SERVICE MARK
PRINCIPAL REGISTER**

LAMAR

LAMAR CORPORATION, THE (LOUISIANA
CORPORATION)
5551 CORPORATE BOULEVARD
BATON ROUGE, LA 70808

FIRST USE 1-1-1934; IN COMMERCE
1-1-1934.

FOR: PROVIDING ADVERTISING AND
OUTDOOR ADVERTISING SERVICES FOR
OTHERS, IN CLASS 35 (U.S. CL. 101).

SER. NO. 74-480,351, FILED 1-18-1994.

CHERYL BUTLER, EXAMINING ATTORNEY

[Assignments on the Web](#) > [Trademark Query](#)**Trademark Assignment Abstract of Title****Total Assignments: 1****Serial #:** [74480351](#)**Filing Dt:** 01/18/1994**Reg #:** [1874157](#)**Reg. Dt:** 01/17/1995**Registrant:** Lamar Corporation, The**Mark:** LAMAR**Assignment: 1****Reel/Frame:** [2186/0286](#)**Received:** 12/05/2000**Recorded:** 12/05/2000**Pages:** 13**Conveyance:** MERGER**Assignor:** [LAMAR CORPORATION, THE](#)**Exec Dt:** 12/22/1999**Entity Type:** CORPORATION**Citizenship:** LOUISIANA**Entity Type:** LIMITED LIABILITY
COMPANY**Citizenship:** LOUISIANA**Assignee:** [LAMAR COMPANY, L.L.C., THE](#)

5551 CORPORATE BOULEVARD

BATON ROUGE, LOUISIANA 70808

Correspondent: KEAN, MILLER, HAWTHORNE, D'ARMOND, ET AL

RUSSEL O. PRIMEAUX

POST OFFICE BOX 3513

BATON ROUGE, LA 70821

Domestic rep: THE LAMAR COMPANY, L.L.C.

JAMES R. MCILWAIN

5551 CORPORATE BOULEVARD

BATON ROUGE, LA 70808

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Word Mark	LAMAR
Goods and Services	IC 036. US 100 101 102. G & S: Leasing services, namely the leasing of space on billboard structures for equipment used for the transmission and reception of radio and microwave signals; including but not limited to video surveillance, data collection and electronic messaging. FIRST USE: 19950703. FIRST USE IN COMMERCE: 19950703
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.11.26 - Oblongs as carriers for words, letters or designs
Serial Number	76250391
Filing Date	May 1, 2001
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	April 16, 2002
Registration Number	2591231
Registration Date	July 9, 2002
Owner	(REGISTRANT) Lamar Company, L.L.C., The LIMITED LIABILITY COMPANY LOUISIANA 5551 Corporate Boulevard, Suite 2A Baton Rouge LOUISIANA 70802
Attorney of Record	Russel O. Primeaux
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

Reg. No. 2,389,367

United States Patent and Trademark Office

Registered Sep. 26, 2000

**SERVICE MARK
PRINCIPAL REGISTER**



LAMAR CORPORATION, THE (LOUISIANA CORPORATION)
5551 CORPORATE BOULEVARD, SUITE 2A
BATON ROUGE, LA 70802

FOR: GRAPHIC DESIGNING AND PRINTING SERVICES FOR OTHERS, IN CLASS 42 (U.S. CLS. 100 AND 101).
FIRST USE 1-1-1999; IN COMMERCE 1-1-1999.

OWNER OF U.S. REG. NO. 1,874,157.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GRAPHICS", APART FROM THE MARK AS SHOWN.

SER. NO. 75-649,957, FILED 3-1-1999.

JOHN HWANG, EXAMINING ATTORNEY


[Assignments on the Web](#) > [Trademark Query](#)

Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: [75649957](#)
Filing Dt: 03/01/1999

Reg #: [2389367](#)
Reg. Dt: 09/26/2000

Registrant: Lamar Corporation, The

Mark: LAMAR GRAPHICS

Assignment: 1

Reel/Frame: [2186/0286](#)
Received: 12/05/2000

Recorded: 12/05/2000

Pages: 13

Conveyance: MERGER

Assignor: [LAMAR CORPORATION, THE](#)
Exec Dt: 12/22/1999

Entity Type: CORPORATION

Citizenship: LOUISIANA

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: LOUISIANA

Assignee: [LAMAR COMPANY, L.L.C., THE](#)
 5551 CORPORATE BOULEVARD
 BATON ROUGE, LOUISIANA 70808

Correspondent: KEAN, MILLER, HAWTHORNE, D'ARMOND, ET AL
 RUSSEL O. PRIMEAUX
 POST OFFICE BOX 3513
 BATON ROUGE, LA 70821

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 BATON ROUGE, LA 70808

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