

**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	Bigfoot 4x4, Inc.
Granted to Date of previous extension	11/12/2014
Address	6311 N. Lindbergh Boulevard Hazelwood, MO 63042 UNITED STATES

Correspondence information	Bigfoot 4x4, Inc. 6311 N. Lindbergh Boulevard Hazelwood, MO 63042 UNITED STATES <a href="mailto:davidaweinstein@qwestoffice.net">davidaweinstein@qwestoffice.net</a> Phone:303-863-8818
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**Applicant Information**

Application Serial No.	86200019	Publication date	07/15/2014
Opposition Filing Date	09/16/2014	Opposition Period Ends	11/12/2014
Applicant:	TAYLOR-DUNN MANUFACTURING CO. 2114 West Ball Road Anaheim, CA 92804 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 012. First Use: 20140131 First Use In Commerce: 20140131 All goods and services in the class are opposed, namely: Electrically powered utility vehicle for transport use on worksites
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**Grounds for Opposition**

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

U.S. Registration No.	3641155	Application Date	12/22/2003
Registration Date	06/16/2009		
Word Mark	BIGFOOT 4X4		
Design Mark	<p style="text-align: center;"><b>BIGFOOT 4X4</b></p>		
Description of Mark			
Goods/Services	Class 012 First Use: 20050128 First Use In Commerce: 20050128 monster trucks with tires equal to or greater than 48 inches		

U.S. Registration No.	1445622	Application Date	10/31/1983
Registration Date	06/30/1987		
Word Mark	BIGFOOT		
Goods/Services	Class 041 First Use: 19760700 First Use In Commerce: 19760700 ENTERTAINMENT SERVICES - NAMELY, CONDUCTING FOUR WHEEL DRIVE VEHICLE EXHIBITIONS		

U.S. Registration No.	1387617	Application Date	05/06/1983
Registration Date	03/25/1986		
Word Mark	BIG FOOT		
Goods/Services	Class 028 First Use: 19810413 First Use In Commerce: 19810413 Toy Vehicles		

U.S. Registration No.	1228960	Application Date	06/03/1981
Registration Date	03/01/1983		
Word Mark	BIG FOOT		
Goods/Services	Class 028 First Use: 19810413 First Use In Commerce: 19810413 Toy Vehicles Having 4-Wheel Drive		

U.S. Registration No.	3125288	Application Date	12/19/2001
Registration Date	08/08/2006		
Word Mark	BIGFOOT		
Design Mark	<p style="text-align: center;"><b>BIGFOOT</b></p>		

Description of Mark	
Goods/Services	Class 009 First Use: 19870000 First Use In Commerce: 19870000 Videotapes featuring monster trucks; interactive video game programs featuring monster trucks; multimedia software recorded on CD Rom in the field of monsters truck races and demonstrations; and digital video discs featuring monster trucks

U.S. Registration No.	2990865	Application Date	02/13/2002
Registration Date	09/06/2005		
Word Mark	BIGFOOT		
Design Mark			
Description of Mark			
Goods/Services	Class 035 First Use: 19790900 First Use In Commerce: 19790900 Retail store services, mail order and electronic catalog services, and on-line retail store services, all featuring clothing, toys, videotapes, photos, posters, novelties, and video games, all featuring a monster truck theme		

U.S. Registration No.	1973606	Application Date	01/25/1994
Registration Date	05/14/1996		
Word Mark	BIGFOOT		
Goods/Services	Class 025 First Use: 19790000 First Use In Commerce: 19790000 T-shirts, jerseys, jackets and caps		

U.S. Registration No.	1446868	Application Date	03/07/1983
Registration Date	07/07/1987		
Word Mark	BIGFOOT		
Goods/Services	Class 042 First Use: 19800300 First Use In Commerce: 19800300 MAIL ORDER SERVICES IN THE FIELD OF NOVELTY ITEMS		

U.S. Registration No.	1433868	Application Date	09/02/1986
Registration Date	03/24/1987		
Word Mark	ROSETEC		
Design Mark			
Description of Mark			
Goods/Services	Class 016 First Use: 19860215 First Use In Commerce: 19860215 STAPLES AND STAPLERS		

Attachments	78344220#TMSN.png 76350720#TMSN.png 76370655#TMSN.png 73617593#TMSN.png Notice of Opposition 9-16-14.pdf
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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 of record by First Class Mail on this date.

Signature	/david a. weinstein/
Name	Bigfoot 4x4, Inc.
Date	09/16/2014



2. Opposer owns the following United States Patent and Trademark Office registrations covering the goods and services noted below (hereafter “Opposer’s Goods and Services”), namely,

Registration No.	Mark	Covering
3,641,155 registered June 16, 2009	BIGFOOT 4X4	monster trucks with tires equal to or greater than 48 inches
1,445,622 June 30, 1987	BIGFOOT	entertainment services, namely, conducting four wheel drive vehicle exhibitions
1,387,617 registered March 25, 1986	BIGFOOT	toy vehicles
1,228,960 registered March 1, 1983	BIGFOOT	toy vehicles have a 4-wheel drive
3,125,28 registered August 8, 2006	BIGFOOT	videotapes featuring monster trucks; interactive video game programs featuring monster trucks; multimedia software recorded on CD rom in the field of monster truck races and demonstrations; and digital video discs featuring monster trucks
2,990,865 registered September 6, 2005	BIGFOOT	retail store services, mail order and electronic catalog services, and on-line retail store services, all featuring clothing, toys, videotapes, photos, posters, novelties, and video games, all featuring a monster truck theme
1,973,606 registered May 14, 1996	BIGFOOT	t-shirts, jerseys, jackets and caps
1,446,868 registered July 7, 1987	BIGFOOT	Mail order services in the field of novelty items
1,433,779 registered March 24, 1987	BIGFOOT	Photographs, posters, calendars, iron-on transfers, and catalogs

A true copy of each registration certificate is attached hereto as Opposer’s Exhibit 1.

3. Opposer currently uses Opposer’s Mark in connection with Opposer’s Goods and Services offered in commerce.

4. Opposer's Goods and Services bearing Opposer's Mark have been extensively and continuously offered to the public through various channels of trade throughout the United States.

5. By reason of advertising and wide distribution of Opposer's Goods and Services bearing Opposer's Mark, the public has come to recognize Opposer's Mark as signifying Opposer and Opposer's Goods and Services.

6. Opposer has built up extensive good will in connection with the sale and offering of Opposer's Goods and Services under Opposer's Mark.

7. Opposer's Mark is well-known throughout the United States.

8. The registration dates for Opposer's Marks are earlier than and prior to the first use date of Applicant's Mark as set forth in the Application as well as the filing date applicable to the Application.

9. Upon information and belief, Applicant did not first use Applicant's Mark in connection with Applicant's Goods, or goods the same as or closely related to Applicant's Goods, prior to the aforementioned registration dates.

10. Applicant's Mark is identical to BIGFOOT, which is one of Opposer's Mark.

11. Members of the relevant public and trade are likely to be misled, confused, or deceived by Applicant's Mark, erroneously believing that Applicant's Goods are made, sponsored, approved by, or in some way connected, related to, or associated with Opposer, and or are that Opposer licenses or otherwise authorizes Applicant's use of Opposer's Mark, all to Opposer's irreparable damage.

12. Applicant's Mark is confusingly similar to Opposer's Mark and registration of

and continued use of Applicant's Mark on and in connection Applicant's Goods is likely to cause confusion, deception, and mistake.

13. Applicant's use of Applicant's Mark interferes with Opposer's use of Opposer's Mark and Applicant's continued use and Applicant's registration of Applicant's Trademark will seriously damage and injure Opposer.

14. Opposer will be damaged by registration of Applicant's Mark.

WHEREFORE, Opposer prays that: this opposition be sustained, that Applicant's Mark be denied and refused registration, that the Trademark Trial and Appeal Board award Opposer its attorney and expert witness fees and costs in connection with this opposition, and that the Trademark Trial and Appeal Board enter such other relief to Opposer as it deems just and proper.

Dated: September 16, 2014

Respectfully,



David A. Weinstein  
Opposer's Attorney  
695 South Colorado Boulevard, Suite 360  
Denver, Colorado  
303-863-8818  
303-863-8820 telefax  
davidaweinstein@qwestoffice.net

#### CERTIFICATE OF SERVICE

This is to certify that on September 16, 2014, a copy of this Notice of Opposition was deposited in the United States mail first-class postage prepaid addressed to Applicant's attorney of record

Howard J. Klein  
Klein, O'Neill & Singh, LLP  
18200 Von Karman Avenue, Suite 725  
Irvine, California 92612



**OPPOSER'S EXHIBIT 1**

**Int. Cl.: 12**

**Prior U.S. Cls.: 19, 21, 23, 31, 35, and 44**

**United States Patent and Trademark Office**

**Reg. No. 3,641,155**

**Registered June 16, 2009**

**TRADEMARK  
PRINCIPAL REGISTER**

**BIGFOOT 4X4**

**BIGFOOT 4X4, INC. (MISSOURI CORPORATION)  
6311 N. LINDBERGH BLVD.  
HAZELWOOD, MO 630422876**

**OWNER OF U.S. REG. NOS. 1,387,617, 1,973,606,  
AND OTHERS.**

**FOR: MONSTER TRUCKS WITH TIRES EQUAL  
TO OR GREATER THAN 48 INCHES, IN CLASS 12  
(U.S. CLS. 19, 21, 23, 31, 35 AND 44).**

**NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "4X4", APART FROM THE MARK  
AS SHOWN.**

**FIRST USE 1-28-2005; IN COMMERCE 1-28-2005.**

**SN 78-344,220, FILED 12-22-2003.**

**THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.**

**BARBARA GAYNOR, EXAMINING ATTORNEY**

**Int. Cl.: 41**

**Prior U.S. Cl.: 107**

**United States Patent and Trademark Office** **Reg. No. 1,445,622**  
**Registered June 30, 1987**

**SERVICE MARK  
PRINCIPAL REGISTER**

**BIGFOOT**

**BIGFOOT 4X4 INCORPORATED (MISSOURI  
CORPORATION)  
6311 N. LINDBERGH  
ST. LOUIS, MO 63042**

**FIRST USE 7-0-1976; IN COMMERCE  
7-0-1976.  
OWNER OF U.S. REG. NOS. 1,228,960,  
1,251,879, AND 1,387,617.**

**FOR: ENTERTAINMENT SERVICES -  
NAMELY, CONDUCTING FOUR WHEEL  
DRIVE VEHICLE EXHIBITIONS, IN CLASS 41  
(U.S. CL. 107).**

**SER. NO. 450,276, FILED 10-31-1983.**

**DOMINICK J. SALEMI, EXAMINING ATTOR-  
NEY**

Int. Cl.: 28

Prior U.S. Cl.: 22

**United States Patent and Trademark Office** **Reg. No. 1,387,617**  
**Registered Mar. 25, 1986**

**TRADEMARK  
PRINCIPAL REGISTER**

**BIG FOOT**

ARCO INDUSTRIES LTD. (HONG KONG COR-  
PORATION)  
800 SHAMES DR.  
WESTBURY, NY 11590

FIRST USE 4-13-1981; IN COMMERCE  
4-13-1981.

OWNER OF U.S. REG. NO. 1,228,960.

SER. NO. 424,692, FILED 5-6-1983.

FOR: TOY VEHICLES, IN CLASS 28 (U.S. CL.  
22).

AMOS T. MATTHEWS, JR., EXAMINING AT-  
TORNEY

**Int. Cl.: 28**

**Prior U.S. Cl.: 22**

**United States Patent and Trademark Office**

**Reg. No. 1,228,960**  
**Registered Mar. 1, 1983**

**TRADEMARK**  
**Principal Register**

**BIGFOOT**



Arco Industries Ltd. (Hong Kong corporation)  
505 Star House  
Kowloon, Hong Kong

For: TOY VEHICLES HAVING 4-WHEEL  
DRIVE, in CLASS 28 (U.S. Cl. 22).

First use Apr. 13, 1981; in commerce Apr. 13,  
1981.

No claim is made to the exclusive right to use the  
representation of two wheels, apart from the mark as  
shown.

Ser. No. 313,073, filed Jun. 3, 1981.

WILBUR C. DAVIS, Examining Attorney

**Int. Cl.: 9**

**Prior U.S. Cls.: 21, 23, 26, 36 and 38**

**United States Patent and Trademark Office**

**Reg. No. 3,125,288**

**Registered Aug. 8, 2006**

**TRADEMARK  
PRINCIPAL REGISTER**

**BIGFOOT**

**BIGFOOT 4X4, INCORPORATED (MISSOURI  
CORPORATION)**

**6311 N. LINDBERGH**

**HAZELWOOD, MO 63042**

**FOR: VIDEOTAPES FEATURING MONSTER  
TRUCKS; INTERACTIVE VIDEO GAME PRO-  
GRAMS FEATURING MONSTER TRUCKS; MULTI-  
MEDIA SOFTWARE RECORDED ON CD ROM IN  
THE FIELD OF MONSTERS TRUCK RACES AND  
DEMONSTRATIONS; AND DIGITAL VIDEO DISCS**

**FEATURING MONSTER TRUCKS, IN CLASS 9 (U.S.  
CLS. 21, 23, 26, 36 AND 38).**

**FIRST USE 0-0-1987; IN COMMERCE 0-0-1987.**

**OWNER OF U.S. REG. NOS. 1,228,960, 1,446,868  
AND OTHERS.**

**SER. NO. 76-350,720, FILED 12-19-2001.**

**MONIQUE MILLER, EXAMINING ATTORNEY**

**Int. Cl.: 35**

**Prior U.S. Cls.: 100, 101 and 102**

**United States Patent and Trademark Office**

**Reg. No. 2,990,865**

**Registered Sep. 6, 2005**

**SERVICE MARK  
PRINCIPAL REGISTER**

**BIGFOOT**

**BIGFOOT 4X4, INCORPORATED (MISSOURI  
CORPORATION)  
6311 N. LINDBERGH  
HAZELWOOD, MO 63042**

**FOR: RETAIL STORE SERVICES, MAIL ORDER  
AND ELECTRONIC CATALOG SERVICES, AND  
ON-LINE RETAIL STORE SERVICES, ALL FEATUR-  
ING CLOTHING, TOYS, VIDEOTAPES, PHOTOS,  
POSTERS, NOVELTIES, AND VIDEO GAMES, ALL  
FEATURING A MONSTER TRUCK THEME, IN  
CLASS 35 (U.S. CLS. 100, 101 AND 102).**

**FIRST USE 9-0-1979; IN COMMERCE 9-0-1979.**

**OWNER OF U.S. REG. NOS. 1,387,617, 1,446,868  
AND OTHERS.**

**SER. NO. 76-370,655, FILED 2-13-2002.**

**DAHLIA GEORGE, EXAMINING ATTORNEY**

**Int. Cl.: 25**

**Prior U.S. Cl.: 39**

**United States Patent and Trademark Office**

**Reg. No. 1,973,606**

**Registered May 14, 1996**

**TRADEMARK  
PRINCIPAL REGISTER**

**BIGFOOT**

**BIGFOOT 4X4, INCORPORATED (MISSOURI  
CORPORATION)  
6311 N. LINDBERGH  
HAZELWOOD, MO 63042**

**OWNER OF U.S. REG. NOS. 1,387,617, 1,448,582  
AND OTHERS.**

**SER. NO. 74-482,912, FILED 1-25-1994.**

**FOR: T-SHIRTS, JERSEYS, JACKETS AND  
CAPS, IN CLASS 25 (U.S. CL. 39).  
FIRST USE 0-0-1979; IN COMMERCE  
0-0-1979.**

**JACQUELINE A. LAVINE, EXAMINING AT-  
TORNEY**

**Int. Cl.: 42**

**Prior U.S. Cl.: 101**

**United States Patent and Trademark Office**

**Reg. No. 1,446,868**  
Registered July 7, 1987

**SERVICE MARK  
PRINCIPAL REGISTER**

**BIGFOOT**

**BIGFOOT 4X4, INCORPORATED (MISSOURI  
CORPORATION)  
6311 N. LINDBERGH  
ST. LOUIS, MO 63042**

**FIRST USE 3-0-1980; IN COMMERCE  
3-0-1980.  
OWNER OF U.S. REG. NOS. 1,228,960,  
1,251,879, AND 1,387,617.**

**SER. NO. 416,164, FILED 3-7-1983.**

**FOR: MAIL ORDER SERVICES IN THE  
FIELD OF NOVELTY ITEMS, IN CLASS 42  
(U.S. CL. 101).**

**DOMINICK J. SALEMI, EXAMINING ATTOR-  
NEY**

Int. Cl.: 16

Prior U.S. Cls.: 37 and 38

**United States Patent and Trademark Office** **Reg. No. 1,433,779**  
**Registered Mar. 24, 1987**

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**TRADEMARK  
PRINCIPAL REGISTER**

**BIGFOOT**

**BIGFOOT 4X4, INCORPORATED (MISSOURI  
CORPORATION)  
617 PLANTMORE  
ST. LOUIS, MO 63135**

**FIRST USE 7-0-1976; IN COMMERCE  
7-0-1976.**

**SER. NO. 416,166, FILED 3-7-1983.**

**FOR: PHOTOGRAPHS, POSTERS, CALEN-  
DARS, IRON-ON TRANSFERS, AND CATA-  
LOGS, IN CLASS 16 (U.S. CLS. 37 AND 38).**

**STEVEN L. CATALANO, EXAMINING ATTOR-  
NEY**