

ESTTA Tracking number: **ESTTA629468**

Filing date: **09/26/2014**

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	Seats Incorporated		
Entity	Corporation	Citizenship	Wisconsin
Address	1515 Industrial Street Reedsburg, WI 53959 UNITED STATES		

Correspondence information	Sonja Stauffacher Trademark Administrator Nordic Group of Companies, Ltd. 715 Lynn Avenue, Suite 100 Baraboo, WI 53913 UNITED STATES sstauffacher@nordicgroup.com Phone:608-356-0136
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### Applicant Information

Application No	86244757	Publication date	09/02/2014
Opposition Filing Date	09/26/2014	Opposition Period Ends	10/02/2014
Applicant	TRAILBOSS EQUIPMENT, LLC PO Box 667 Shiner, TX 77984 UNITED STATES		

### Goods/Services Affected by Opposition

Class 012. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Structural parts for trucks, namely, truck beds, including metal truck beds for full size light trucks
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### 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.	1824325	Application Date	11/20/1991
Registration Date	03/01/1994	Foreign Priority Date	NONE
Word Mark	TRAILBOSS		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 012. First use: First Use: 1975/07/00 First Use In Commerce: 1975/07/00 mechanical suspension seats for trucks
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Attachments	Brief Statement of Opposition0001.pdf(958942 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	/Sonja A. Stauffacher/
Name	Sonja Stauffacher
Date	09/26/2014

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

In the matter of trademark application Serial Number: 86/244,757

For the Mark: TRAILBOSS

Published on the Official Gazette on September 2, 2014

(Flambeau, Inc.) )

Opposer )

v. )

(Trailboss Equipment, LLC) )

Applicant )

NOTICE OF OPPOSITION

Opposer, Flambeau, Inc. is a Wisconsin corporation located and doing business at 801 Lynn Avenue, Baraboo, Wisconsin 53913 believes it will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same.

The grounds for opposition are as follows:

1. A registration and use by Applicant of the mark, TRAILBOSS, as set forth in U.S. Appln. 86/244,757 for "Truck beds, including metal truck beds for full size light trucks" will enable Applicant to utilize and trade on the good will established by Opposer in its TRAIL BOSS registered mark, #1,824,325, applied to "mechanical suspension seats for trucks" which has been in widespread use prior to Applicant's trademark filing, and which is well-known to wholesalers and consumers in the truck market.
2. Opposer has used its TRAIL BOSS mark in every state within the United States and has expended considerable time, money and effort to advertise its TRAIL BOSS mark and associated goods.
3. Upon information and belief, Applicant Trailboss Equipment, LLC is a limited liability company located at 959 State Highway 95 N., Shiner, TX 77984.

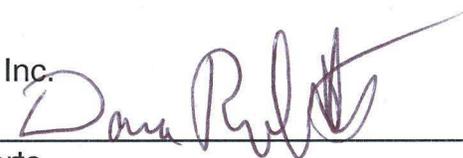
4. Since at least as early as July, 1975 Opposer has offered for sale “mechanical suspension seats for trucks” bearing the TRAIL BOSS trademark in interstate commerce within the U.S.
5. Applicant’s TRAILBOSS mark is likely to cause confusion, mistake, or deception, and will mislead the trade and the purchasing public in general into believing that Applicant is related to Opposer, or that Applicant’s products are sponsored, approved or endorsed by Opposer, resulting in irreparable damage to Opposer and to purchasers.
6. Further, Opposer will be damaged by the registration sought by Applicant because such registration will support and assist Applicant in the confusing and misleading use of the TRAILBOSS mark registered, and will give color of exclusive statutory rights to Applicant in violation and derogation of the prior and superior rights of Opposer.

WHEREFORE, Petitioner requests that Application No. 86/244,757 for use in connection with “Truck beds, including metal truck beds for full size light trucks” in International Class 12, be denied registration.

Please direct all correspondence in this matter to the undersigned,

Dated: September 23, 2014

Flambeau, Inc.

By: 

Dana Roberts  
General Counsel  
Nordic Group of Companies, Ltd.  
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