

ESTTA Tracking number: **ESTTA636301**

Filing date: **10/31/2014**

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	Franklin Sports, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	17 Campanelli Parkway Stoughton, MA 02072 UNITED STATES		

Attorney information	Joseph B Bowman 180 W Liberty Lane Payson, AZ 85541 UNITED STATES patmarkaz@earthlink.net Phone:816-507-9544		
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**Applicant Information**

Application No	86271341	Publication date	10/07/2014
Opposition Filing Date	10/31/2014	Opposition Period Ends	11/06/2014
Applicant	Fit Four, LLC 1065 South 500 West Bountiful, UT 84010 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 028. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Work-out gloves
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**Grounds for Opposition**

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
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.	3485966	Application Date	07/09/2007
Registration Date	08/12/2008	Foreign Priority Date	NONE
Word Mark	NEO-GRIP		

Design Mark	<h1>NEO-GRIP</h1>
Description of Mark	NONE
Goods/Services	Class 028. First use: First Use: 2007/11/14 First Use In Commerce: 2007/11/14 Foot balls; Soccer balls; Volleyballs; Basketballs

U.S. Application No.	86440264	Application Date	
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services			

Attachments	77224556#TMSN.png( bytes ) Oppn.pdf(92101 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	/JBBowman/
Name	Joseph B Bowman
Date	10/31/2014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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FRANKLIN SPORTS, INC., )  
 )  
 Opposer, )  
 )  
 v. ) Opposition No.  
 )  
 FIT FOUR, LLC, )  
 )  
 Applicant. )

**NOTICE OF OPPOSITION**

In the matter of the intent to use application of Fit Four, LLC of Bountiful, Utah, in International Class 28 on the Principal Register, filed May 5, 2014, under application Serial No. 86-271341, seeking a trademark registration for the mark NEO GRIP for work-out gloves, which application was published for opposition on October 7, 2014; your Opposer Franklin Sports, Inc. having a principal place of business at 17 Campanelli Parkway, Stoughton, MA 02072, believes that it is or will be damaged by registration of the mark which is the subject of said application Ser. No. 86-271341 and hereby opposes the registration of this mark by Fit Four, LLC.

The grounds for opposition are as follows:

1. Opposer Franklin Sports, Inc. is owner of the mark NEO-GRIP, including Registration No. 3,485,966 issued August 12, 2008 which has become incontestable with the filing and acceptance of Sec 8 & 15 affidavits of use for "footballs, soccer balls, volleyballs, and basketballs".

2. Opposer markets a broad range of sports equipment. Since at least as early as November 14, 2007, and long prior to Applicant's filing date, Opposer has been, and is currently, using the mark NEO-GRIP for sports equipment including footballs, soccer balls, volleyballs, and basketballs.

3. Opposer's NEO-GRIP registration is the lone active registration in Class 28 for this mark and is to be accorded a broad scope of protection as a unique and distinctive mark when applied to Class 28 goods. Indeed, the only other active registration in any of the classes for goods and services is for the mark NEOGRIP in Class 10 for medical fasteners.

4. Opposer's product line includes a broad range of sports and work gloves used in sports such as football, soccer, and baseball. Opposer has a good faith intent to use the mark NEO-GRIP on baseball gloves and has filed intent to use application Serial No. 86-440264 on October 30, 2014.

5. Opposer enjoys substantial and exclusive goodwill and a good reputation in connection with the mark NEO-GRIP. This goodwill and good reputation will be jeopardized by the use and registration of the mark sought to be registered by Applicant.

6. The trade and the public are likely to be confused, deceived or mistaken and are likely to believe that Applicant's goods under the mark NEO GRIP originate with Franklin Sports, Inc., or are in some way connected with or sponsored, authorized or warranted by Franklin Sports, Inc. because of the use of a mark confusingly

