

ESTTA Tracking number: **ESTTA661795**

Filing date: **03/18/2015**

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	Stanley Logistics, LLC
Granted to Date of previous extension	03/18/2015
Address	1000 Stanley Drive New Britain, CT 06053 UNITED STATES

Attorney information	James R. Davis, II Arent Fox LLP 1717 K Street, NW Washington, DC 20006-5344 UNITED STATES Davis.Jim@arentfox.com, mitchell.justine@arentfox.com, TMdock-et@arentfox.com Phone:(202) 857-6000
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**Applicant Information**

Application No	86321980	Publication date	11/18/2014
Opposition Filing Date	03/18/2015	Opposition Period Ends	03/18/2015
Applicant	JS Products, Inc. 5440 S. Procyon Ave. Las Vegas, NV 89118 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 008. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Hand Tools, namely Axes, Clamps, Knives, Saws, Saw Blades, Cutters, Punches, Chisels, Pliers, Screwdrivers, Nut Drivers, Hammers, and Drill Bits
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**Grounds for Opposition**

Deceptiveness	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.	501030	Application Date	02/02/1948
Registration Date	07/13/1948	Foreign Priority	NONE

		Date	
Word Mark	PROTO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 008. First use: First Use: 1948/01/23 First Use In Commerce: 1948/01/23 [ WRENCHES-NAMELY, ] PLIERS, END WRENCHES AND SOCKETS		

U.S. Registration No.	530257	Application Date	12/14/1948
Registration Date	09/05/1950	Foreign Priority Date	NONE
Word Mark	PROTO		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class U023 (International Class 006, 007, 008, 009, 011, 012, 016, 021, 028). First use: First Use: 1948/01/23 First Use In Commerce: 1948/01/23</p> <p>TOOLS-NAMELY, ADAPTERS, AWLS, UTILITY BARS, BATTERY TERMINAL PULLERS, BEARING PULLERS, BENDING BARS,[ BENDING IRONS, BODY-FENDER TOOLS,] BOX WRENCHES, BRAKE SPRING PLIER, BRAKE TOOLS,[ CALKERS,] CAPECHISELS, CHISELS, COLD CHISELS, [CONCRETE GADS,] CONNECTING ROD SOCKETS, CROWFOOT WRENCHES, DIAMOND POINT CHISELS,[ DOLLY BLOCKS, ]DRAG LINK TOOLS, L HANDLES, FLARE NUT WRENCHES, FLEX HANDLES, GEAR PULLERS, HACKSAWS, HINGE HANDLES, [LEAD-PICKING TOOLS, MUFFLER REMOVERS], OFFSET BOX WRENCHES, OPEN END WRENCHES, [OVERHEAD VALVE ADJUSTERS, PACKING HOOKS,] PIN HANDLES, PINION PULLER BARS, PIPE EXTRACTORS, PIPE WRENCHES,[ PISTON RING COMPRESSORS, ]PITMAN ARM PULLERS, PNEUMATIC WRENCH SOCKETS, PRICK PUNCHES, PRY BARS, PULLERS, PUNCHES, RATCHETS, RIM WRENCHES,[ RING COMPRESSORS,] RIPPING CHISELS, RIVET CUTTERS, ROLLING HEAD BARS, SCRAPERS, SCREW EXTRACTORS, SCREWDRIVER SOCKETS,SCREWDRIVERS,[ SHOCK ARM TOOLS,] SOCKETHANDLES, SOCKET RACKS, SOCKET WRENCHES,[SOLDER PADDLES,] COMBINATION WRENCHES,STAR DRILLS, STUD PULLERS, TORQUE WRENCHES, TUBING EXPANDERS, UNIVERSAL JOINTS,UNIVERSAL SOCKETS,[ VALVE GUIDE CLEANERS,] WHEEL PULLERS, WOOD CHISELS, WRENCH PLIERS, WRENCHES,[ AND YARN-ING IRONS]</p>		

U.S. Registration No.	555093	Application Date	05/21/1951
Registration Date	02/19/1952	Foreign Priority	NONE

		Date	
Word Mark	PROTO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1949/03/14 First Use In Commerce: 1949/03/14 TOOLS-NAMELY, BRAKE GAUGES, FEELER GAUGES, IGNITION GAUGES, AND THICKNESS GAUGES		

U.S. Registration No.	889361	Application Date	05/23/1968
Registration Date	04/14/1970	Foreign Priority Date	NONE
Word Mark	PROTO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1963/03/02 First Use In Commerce: 1963/03/02 [ DWELL TACHOMETERS, COIL AND CONDENSERTESTERS, ALTERNATOR, GENERATOR AND REGULATOR TESTERS, DWELL METERS, GENERATOR CURRENT INDICATORS, STARTER CURRENT INDICATORS, POWER TIMING LIGHTS, ] COMPRESSION TESTERS [ , AND VACUUM GAUGES ]		

U.S. Registration No.	954749	Application Date	06/01/1971
Registration Date	03/13/1973	Foreign Priority Date	NONE
Word Mark	PROTO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 006. First use: First Use: 1950/00/00 First Use In Commerce: 1950/00/00 CONTAINERS FOR TOOLS-NAMELY, PORTABLE TOOL BOXES, CHESTS AND CABINETS		

U.S. Registration No.	1739488	Application Date	03/16/1992
Registration Date	12/15/1992	Foreign Priority Date	NONE
Word Mark	PROTO		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 008. First use: First Use: 1948/01/23 First Use In Commerce: 1948/01/23 manually operated hand tools; namely, sockets, ratchets, universal joints, wrenches, torque wrenches, c-clamps, punches, pry bars, chisels, pliers, cutters, wire strippers, snips, utility knives, screwdrivers, nut drivers, hex bits and hexkeys, hammers, pullers, saws, inspection mirrors, files and parts thereof Class 009. First use: First Use: 1951/05/21 First Use In Commerce: 1951/05/21 feeler and thickness gauges and measuring instruments; namely, tape rules
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U.S. Registration No.	4384740	Application Date	11/18/2011
Registration Date	08/13/2013	Foreign Priority Date	NONE

Word Mark	PROTO
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Design Mark	
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Description of Mark	The mark consists of the word "PROTO" in a rectangle design indented on the two short sides to the right and left of the word "PROTO".
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Goods/Services	Class 007. First use: First Use: 2013/05/15 First Use In Commerce: 2013/05/15 Power impact wrenches and power torque drivers
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U.S. Registration No.	4403918	Application Date	11/18/2011
Registration Date	09/17/2013	Foreign Priority Date	NONE

Word Mark	PROTO
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Design Mark			
Description of Mark	The mark consists of the word "PROTO" in a rectangle design indented on the two short sides to the right and left of the word "PROTO".		
Goods/Services	<p>Class 007. First use: First Use: 2013/07/01 First Use In Commerce: 2013/07/01 Pneumatic wrench sockets</p> <p>Class 008. First use: First Use: 2013/07/01 First Use In Commerce: 2013/07/01 Hand tools, namely, awls, utility bars, battery terminal pullers, bearing pullers, bending bars, box wrenches, brake spring pliers, universal brake adjusting tools, cape chisels, chisels, cold chisels, connecting rod sockets, crowfoot wrenches, diamond point chisels, L handles, flare nut wrenches, flex handles, gear pullers, hacksaws, hinge handles, offset box wrenches, open end wrenches, pin handles, pinion puller bars, pipe extractors, pipe wrenches, pitman arm pullers, prick punches, pry bars, pullers, punches, ratchets, rim wrenches, ripping chisels, rivet cutters, rolling head bars, scrapers, screw extractors, screwdrivers, screwdriver sockets, socket handles, socket racks, socket adapter heads, drag link socket head adapters, wrenches, combination wrenches, star drills, stud pullers, torque wrenches, tubing expanders, universal joints, universal sockets, wheel pullers, wood chisels, wrench pliers, wrenches, pliers, end wrenches and sockets</p>		
U.S. Registration No.	4502145	Application Date	11/18/2011
Registration Date	03/25/2014	Foreign Priority Date	NONE
Word Mark	PROTO		

Design Mark	
Description of Mark	The mark consists of the word "PROTO" in a rectangle design indented on the two short sides to the right and left of the word "PROTO".
Goods/Services	<p>Class 006. First use: First Use: 2013/03/01 First Use In Commerce: 2013/03/01 Metal containers for tools sold empty, namely, portable tool boxes and chests</p> <p>Class 008. First use: First Use: 2012/06/15 First Use In Commerce: 2012/06/15 Containers for tools, namely, portable tool boxes and chests sold filled with hand tools</p> <p>Class 020. First use: First Use: 2013/07/01 First Use In Commerce: 2013/07/01 Non-metal containers for tools sold empty, namely, portable tool boxes and chests; containers for tools, namely, cabinets</p>

U.S. Registration No.	4384784	Application Date	12/08/2011
Registration Date	08/13/2013	Foreign Priority Date	NONE
Word Mark	PROTO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 007. First use: First Use: 2013/05/15 First Use In Commerce: 2013/05/15 Power impact wrenches and power torque drivers		

U.S. Registration	4426057	Application Date	12/08/2011
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No.			
Registration Date	10/29/2013	Foreign Priority Date	NONE
Word Mark	PROTO ID		
Design Mark			
Description of Mark	The mark consists of the word "PROTO" in a rectangle design indented on the two short sides to the right and left of the word "PROTO" and the small letters "id", with radiating arcs in place of the dot above the "i", inside an outline including an insert portion matching the indent of the "PROTO" rectangle.		
Goods/Services	Class 006. First use: First Use: 2013/03/01 First Use In Commerce: 2013/03/01 Metal containers for tools sold empty, namely, portable tool boxes and chests		
U.S. Registration No.	4396897	Application Date	12/08/2011
Registration Date	09/03/2013	Foreign Priority Date	NONE
Word Mark	PROTO ID		

Design Mark	
Description of Mark	The mark consists of the word "PROTO" in a rectangle design indented on the two short sides to the right and left of the word "PROTO" and the small letters "id", with radiating arcs in place of the dot atop the "i", inside an outline including an insert portion matching the indent of the "PROTO" rectangle.
Goods/Services	Class 007. First use: First Use: 2013/04/01 First Use In Commerce: 2013/04/01 power impact wrenches and power torque drivers

U.S. Registration No.	4426058	Application Date	12/08/2011
Registration Date	10/29/2013	Foreign Priority Date	NONE
Word Mark	PROTO ID		
Design Mark			
Description of Mark	The mark consists of the word "PROTO" in a rectangle design indented on the two short sides to the right and left of the word "PROTO" and the small letters "id", with radiating arcs in place of the dot atop the "i", inside an outline includ-		

	ing an insert portion matching the indent of the "PROTO" rectangle.
Goods/Services	<p>Class 007. First use: First Use: 2013/04/01 First Use In Commerce: 2013/04/01 Pneumatic wrench sockets</p> <p>Class 008. First use: First Use: 2012/07/01 First Use In Commerce: 2012/07/01 Hand tools, namely, adapters to affix radio frequency identification chips to tools, awls, utility bars, battery terminal pullers, bearing pullers, bending bars, box wrenches, brake spring pliers, cape chisels, chisels, cold chisels, connecting rod sockets, crowfoot wrenches, diamond point chisels, L handles, flare nut wrenches, flex handles, gear pullers, hacksaws, hinge handles, offset box wrenches, open end wrenches, pin handles, pinion puller bars, pipe extractors, pipe wrenches, pitman arm pullers, prick punches, pry bars, pullers, punches, ratchets, rim wrenches, ripping chisels, rivet cutters, rolling head bars, scrapers, screw extractors, screwdriver sockets, screwdrivers, socket handles, socket racks, socket wrenches, combination wrenches, star drills, stud pullers, torque wrenches, tubing expanders, universal joints, universal sockets, wheel pullers, wood chisels, wrench pliers, wrenches, pliers, end wrenches and sockets</p>

Attachments	<p>71540008#TMSN.png( bytes )  71570512#TMSN.png( bytes )  71614160#TMSN.png( bytes )  85476054#TMSN.png( bytes )  85476056#TMSN.png( bytes )  85476082#TMSN.png( bytes )  85490779#TMSN.png( bytes )  85490796#TMSN.png( bytes )  85490833#TMSN.png( bytes )  85490840#TMSN.png( bytes )  Notice of Opposition - Protocol.pdf(436059 bytes )</p>
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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	/Jim Davis/
Name	James R. Davis, II
Date	03/18/2015

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

In re Application Serial No. 86321980 for the mark PROTOCOL filed on June 26, 2014, and published on November 18, 2014.

Stanley Logistics, LLC	:	
	:	
Opposer,	:	Opposition No. _____
	:	
v.	:	
	:	
JS Products Inc.	:	
	:	
Applicant.	:	

**NOTICE OF OPPOSITION**

Stanley Logistics, LLC, a limited liability company organized under the laws of Delaware, believes that it will be damaged by the registration of the mark PROTOCOL (the “Disputed Mark”), the subject of application Serial No. 86321980 (the “Application”) filed by JS Products Inc. (“JSP” or “Applicant”), a Nevada corporation with an address of 5440 S. Procyon Avenue, Las Vegas Nevada 89118. Stanley Logistics, LLC hereby opposes the Disputed Mark under the provisions of Section 13 of the Trademark Act of 1946, 15 U.S.C. §1063.

As grounds for the opposition, Stanley Logistics, LLC alleges as follows:

1. Stanley Logistics, LLC is a wholly-owned subsidiary of Stanley Black & Decker, Inc. (collectively “Stanley”). Stanley is renowned in the U.S. and around the world as a leading manufacturer and marketer of tools, tool kits, security products, and a wide variety of other products.

2. For more than 65 years Stanley and its predecessors-in-interest have used the trademark PROTO, and marks that incorporate PROTO, in connection with hand and power

tools, tool storage products, and a wide variety of related goods and services. Stanley owns several federal trademark registrations for its PROTO marks, including the following:

Reg. No.	Reg. Date	Mark	Goods
0501030	July 13, 1948	PROTO	Pliers, end wrenches and sockets, in Class 8
0530257	Sept. 5, 1950	PROTO	Tools-namely, adapters, awls, utility bars, battery terminal pullers, bearing pullers, bending bars, box wrenches, brake spring plier, brake tools, cape chisels, chisels, cold chisels, connecting rod sockets, crowfoot wrenches, diamond point chisels, drag link tools, L handles, flare nut wrenches, flex handles, gear pullers, hacksaws, hinge handles, offset box wrenches, open end wrenches, pin handles, pinion puller bars, pipe extractors, pipe wrenches, pitman arm pullers, pneumatic wrench sockets, prick punches, pry bars, pullers, punches, ratchets, rim wrenches, ripping chisels, rivet cutters, rolling head bars, scrapers, screw extractors, screwdriver sockets, screwdrivers, socket handles, socket racks, socket wrenches, combination wrenches, star drills, stud pullers, torque wrenches, tubing expanders, universal joints, universal sockets, wheel pullers, wood chisels, wrench pliers, wrenches
0555093	Feb. 19, 1952	PROTO	Tools-namely-brake gauges, feeler gauges, ignition gauges, and thickness gauges, in Class 9
0889361	Apr. 14, 1970	PROTO	Compression testers, in Class 9
0954749	Mar. 13, 1973	PROTO	Containers for tools-namely, portable tool boxes, chests and cabinets, in Class 6
1739488	Dec. 15, 1992	PROTO	manually operated hand tools; namely, sockets, ratchets, universal joints, wrenches, torque wrenches, c-clamps, punches, pry bars, chisels, pliers, cutters, wire strippers, snips, utility knives, screwdrivers, nut drivers, hex bits and hex keys, hammers, pullers, saws, inspection mirrors, files and parts thereof, in Class 8; and feeler and thickness gauges and measuring instruments; namely, tape rules, in Class 9
4384740	Aug.13, 2013		Power impact wrenches and power torque drivers, in Class 7
4403918	Sept.17, 2013		Pneumatic wrench sockets, in Class 7; Hand tools, namely, awls, utility bars, battery terminal pullers, bearing pullers, bending bars, box wrenches, brake spring pliers, universal brake adjusting tools, cape chisels, chisels, cold chisels, connecting rod sockets, crowfoot wrenches, diamond point chisels, L handles,

			flare nut wrenches, flex handles, gear pullers, hacksaws, hinge handles, offset box wrenches, open end wrenches, pin handles, pinion puller bars, pipe extractors, pipe wrenches, pitman arm pullers, prick punches, pry bars, pullers, punches, ratchets, rim wrenches, ripping chisels, rivet cutters, rolling head bars, scrapers, screw extractors, screwdrivers, screwdriver sockets, socket handles, socket racks, socket adapter heads, drag link socket head adapters, wrenches, combination wrenches, star drills, stud pullers, torque wrenches, tubing expanders, universal joints, universal sockets, wheel pullers, wood chisels, wrench pliers, wrenches, pliers, end wrenches and sockets, in Class 8
4502145	Mar.25, 2014	<b>PROTO</b>	Metal containers for tools sold empty, namely, portable tool boxes and chests, in Class 6; Containers for tools, namely, portable tool boxes and chests sold filled with hand tools, in Class 8; Non-metal containers for tools sold empty, namely, portable tool boxes and chests; containers for tools, namely, cabinets, in Class 20
4384784	Aug.13, 2013	PROTO	Power impact wrenches and power torque drivers, in Class 7
4426057	Oct.29, 2013	<b>PROTO</b> (id)	Metal containers for tools sold empty, namely, portable tool boxes and chests, in Class 6
4396897	Sept. 3, 2013	<b>PROTO</b> (id)	Power impact wrenches and power torque drivers, in Class 7
4426058	Oct. 29, 2013	<b>PROTO</b> (id)	Pneumatic wrench sockets, in Class 7; Hand tools, namely, adapters to affix radio frequency identification chips to tools, awls, utility bars, battery terminal pullers, bearing pullers, bending bars, box wrenches, brake spring pliers, cape chisels, chisels, cold chisels, connecting rod sockets, crowfoot wrenches, diamond point chisels, L handles, flare nut wrenches, flex handles, gear pullers, hacksaws, hinge handles, offset box wrenches, open end wrenches, pin handles, pinion puller bars, pipe extractors, pipe wrenches, pitman arm pullers, prick punches, pry bars, pullers, punches, ratchets, rim wrenches, ripping chisels, rivet cutters, rolling head bars, scrapers, screw extractors, screwdriver sockets, screwdrivers, socket handles, socket racks, socket wrenches, combination wrenches, star drills, stud pullers, torque wrenches, tubing expanders, universal joints, universal sockets, wheel pullers, wood chisels, wrench pliers, wrenches, pliers, end wrenches and sockets, in Class 8.

3. Many of these registrations are incontestable and provide *conclusive* evidence of Stanley's registration of the PROTO marks, Stanley's ownership of the marks, and of Stanley's exclusive right to use the marks in commerce on or in connection with the goods specified in the registrations.

4. Stanley's rights in the PROTO marks are senior to any trademark rights Applicant may claim in the mark PROTOCOL.

5. For decades Stanley has expended substantial resources and money marketing, advertising, and promoting the PROTO marks throughout the United States in connection with a wide range of hand and power tools, tool storage products, and related goods and services.

6. By reason of its extensive marketing, advertising, and promotion, Stanley's PROTO marks have become uniquely associated with Stanley.

7. Stanley's PROTO marks have become well-known and famous as distinctive indicators of the origin of Stanley's goods and services, and the PROTO marks are valuable symbols of Stanley's goodwill.

8. The PROTO marks are fanciful, arbitrary, inherently distinctive, and therefore strong and entitled to a broad scope of protection.

9. Applicant has done business with Stanley and was aware of Stanley's PROTO marks when Applicant adopted its PROTOCOL mark but, notwithstanding Stanley's prior rights, Applicant is seeking to register the mark PROTOCOL for the following hand tools:

Hand Tools, namely Axes, Clamps, Knives, Saws, Saw Blades, Cutters, Punches, Chisels, Pliers, Screwdrivers, Nut Drivers, Hammers, and Drill Bits, in Class 8

10. The mark PROTOCOL is substantially and confusingly similar to Stanley's PROTO marks.

11. The goods identified in the PROTOCOL Application are highly related or identical to the goods Stanley provides under its PROTO marks, and the goods protected under Stanley's federal trademark registrations for the PROTO marks.

12. Stanley is not related to Applicant and has not authorized Applicant to use or register the Disputed Mark.

13. Stanley believes that it will be damaged by the registration of the Disputed Mark.

**COUNT I – LIKELIHOOD OF CONFUSION – § 2(d)**

14. Stanley hereby incorporates by reference the allegations contained in paragraphs 1 through 13 above.

15. The mark PROTOCOL so resembles Stanley's PROTO marks that Applicant's use and registration thereof is likely to cause confusion, mistake, and deception as to the source or origin of Applicant's goods and will injure and damage Stanley and the goodwill and reputation symbolized by Stanley's PROTO marks.

16. Applicant's goods are highly-related or identical to the goods and services of Stanley such that the public is likely to be confused, to be deceived, and to assume erroneously that Applicant's goods are those of Stanley or that Applicant is in some way connected with, sponsored by, or affiliated with Stanley, all to Stanley's irreparable damage.

17. Likelihood of confusion is enhanced in this case by the fame of Stanley's PROTO marks and by the fact that consumers associate Stanley's PROTO marks with goods and services sold, approved, or endorsed by Stanley.

18. Likelihood of confusion is enhanced in this case by the fact that the parties' goods are marketed and sold through the same trade channels to the same purchasers and classes of purchasers.

**COUNT II – DECEPTION/FALSE SUGGESTION OF CONNECTION – § 43(a)**

19. Stanley hereby incorporates by reference the allegations contained in paragraphs 1 through 18 above.

20. Applicant's mark PROTOCOL so closely resembles Stanley's PROTO marks that it is likely to cause deception in violation of Section 2(a) of the Trademark Act in that the mark misdescribes the origin of the goods, purchasers are likely to believe that the misdescription actually describes the origin of the goods, and this is likely to materially alter purchasers' decisions to acquire Stanley's goods and services.

21. Applicant's mark PROTOCOL so closely resembles Stanley's PROTO marks that it falsely suggests a connection with Stanley in violation of Section 2(a) of the Trademark Act because Applicant's mark points uniquely to Stanley, and purchasers will assume that goods offered under Applicant's mark are connected with Stanley.

22. When Applicant's mark is used on the goods covered under its application, Applicant's mark will cause purchasers to mistakenly assume that Stanley is endorsing, attempting to promote, or encouraging the sale of Applicant's goods by permitting Applicant's mark to be used in connection with such goods.

23. Applicant's mark PROTOCOL is deceptive in that it falsely suggests a connection with, or approval by, Stanley.

24. Use and registration of the mark PROTOCOL by Applicant will deprive Stanley of the ability to protect its reputation, persona, and goodwill.

25. Likelihood of damage to Stanley's goodwill is enhanced by the fact that many of the same customers and prospective customers will encounter both the PROTO and PROTOCOL marks and those that encounter defects in the quality of Applicant's goods will attribute those

defects to Stanley, thereby injuring Stanley's reputation and goodwill.

**COUNT III – DILUTION – § 43(c)**

26. Stanley hereby incorporates by reference the allegations contained in paragraphs 1 through 25 above.

27. Stanley's PROTO marks have been widely used and extensively publicized in the United States and have become well-known and famous within the meaning of the Lanham Act § 43(c) as a distinctive symbol of Stanley's goodwill.

28. Stanley's PROTO marks were well-known and famous before Applicant filed its application for or made any use of the mark PROTOCOL.

29. Applicant's conduct is likely to cause an association arising from the similarity between the marks PROTO and PROTOCOL that impairs the distinctiveness of Stanley's mark PROTO.

30. The use or registration of Applicant's mark PROTOCOL will tarnish the goodwill of Stanley's PROTO marks and lessen the capacity of Stanley's PROTO marks to identify and distinguish Stanley's goods and services.

31. Likelihood of confusion, dilution, and deception is further enhanced here by the fact that the parties' goods and services will be advertised and provided through the same trade channels and to the same classes of prospective purchasers.

32. Likelihood of confusion, dilution and deception is further enhanced here by the fact that the goods covered under Applicant's PROTOCOL application are closely related or identical to those provided by Stanley under its PROTO marks.

33. By reason of the foregoing, Stanley asserts that it will be damaged by the registration of Applicant's mark PROTOCOL and hereby opposes the Application under 15

U.S.C. § 1052.

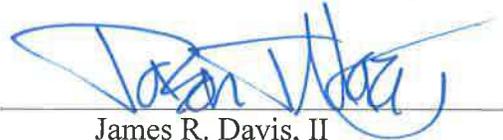
WHEREFORE, Stanley prays that this opposition be sustained and that registration be denied.

Respectfully submitted,

STANLEY LOGISTICS, LLC

Dated: March 18, 2015

By:



James R. Davis, II  
Jason J. Mazur  
ARENT FOX LLP  
1717 K Street, NW  
Washington, D.C. 20006  
(202) 857-6000

*Attorneys for Opposer*

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing Notice of Opposition regarding Application Ser. No. 86321980 for the mark PROTOCOL has been served this 18<sup>th</sup> day of March, 2015, by first class mail upon Applicant's Attorney of Record:

David A. Stall  
Law Offices of David A. Stall  
2152 Dupont Drive, Suite 140  
Irvine, CA 92612



Jason J. Mazur