

ESTTA Tracking number: **ESTTA664600**

Filing date: **04/02/2015**

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	Throwdown Industries, Inc.		
Entity	Corporation	Citizenship	California
Address	18 Goodyear Suite 125 Irvine, CA 92618 UNITED STATES		

Attorney information	Jaime R. Quezon 805 W Azeele Street Tampa, FL 33606 UNITED STATES rjquezon@jawlaw.net Phone:813 387 3333		
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Applicant Information

Application No	86408942	Publication date	03/03/2015
Opposition Filing Date	04/02/2015	Opposition Period Ends	04/02/2015
Applicant	TITIN ATHLETICS, LLC 112 WINDSOR GATE LAKE SUCCESS, NY 11020 UNITED STATES		

Goods/Services Affected by Opposition

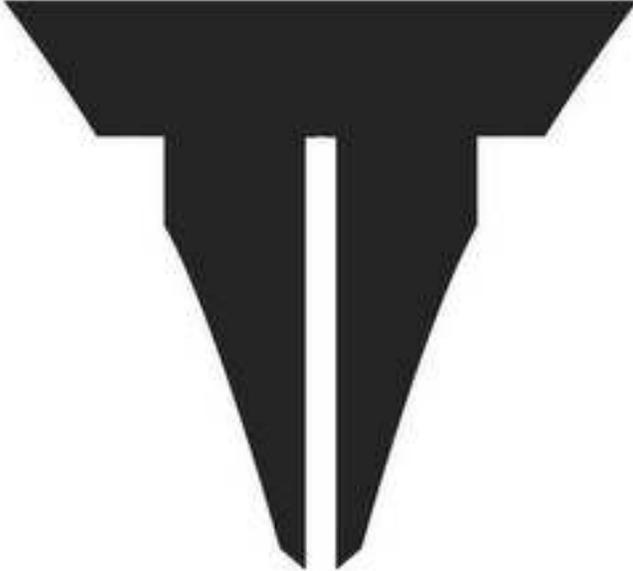
Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Athletic apparel, namely, athletic uniforms, gloves, jackets, leggings, pants, shirts, shorts, sleeveless tops, socks, sports bras, sports vests, sweatpants, sweatshirts, swimwear, tights, track suits, T-shirts, underwear, warm up suits, wristbands; headgear, namely, caps, hats, headbands, and visors; athletic footwear; flip flops; footwear; athletic sleeves; sweatbands

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.	3462987	Application Date	11/01/2006
Registration Date	07/08/2008	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark			
Description of Mark	The mark consists of the mark is a stylized rivet, suggesting the letter "T" and the letter "I".		
Goods/Services	<p>Class 018. First use: First Use: 2003/03/01 First Use In Commerce: 2003/03/01 All purpose sport bags; All-purpose athletic bags; All-purpose carrying bags; Athletic bags; Backpacks; Bags and holdalls for sports clothing; Duffel bags; Duffle bags; Gym bags; Sports bags</p> <p>Class 025. First use: First Use: 2003/03/01 First Use In Commerce: 2003/03/01 Athletic footwear; Athletic shoes; Athletic uniforms; Beanies; Belts; Belts made of leather; Board shorts; Bottoms; Boxer briefs; Boxer shorts; Boxing shoes; Briefs; Briefs; Caps; Children's headwear; Clothing for wear in judo practices; Clothing for wear in wrestling games; Coats; Fabric belts; Footwear; Gloves; Gym shorts; Gym suits; Hats; Head sweatbands; Head wear; Headbands; Headwear; Hoods; Jeans; Jerseys; Judo suits; Karate suits; Kendo outfits; Knitted caps; Martial arts uniforms; Pants; Pullovers; Sandals; Shirts; Shoes; Short-sleeved or long-sleeved t-shirts; Shorts; Skull caps; Slippers; Sneakers; Socks; Sweat pants; Sweat shirts; Sweat shorts; Sweat suits; Sweatbands; Sweat-socks; T-shirts; Tank tops; Thongs; Tops; Undergarments; Underwear; Uniforms; Visors; Walking shorts</p>		
U.S. Registration No.	3505817	Application Date	11/02/2006
Registration Date	09/23/2008	Foreign Priority Date	NONE
Word Mark	THROWDOWN TI		

Design Mark			
Description of Mark	The mark consists of the word "THROWDOWN" in block letters above a stylized rivet suggesting the letter "T" and the letter "I".		
Goods/Services	<p>Class 018. First use: First Use: 2007/09/01 First Use In Commerce: 2007/09/01 All purpose sport bags; All-purpose athletic bags; All-purpose carrying bags; Athletic bags; Backpacks; Bags and holdalls for sports clothing; Duffel bags; Duffle bags; Gym bags; Sports bags; Sports packs</p> <p>Class 025. First use: First Use: 2003/03/01 First Use In Commerce: 2003/03/01 Athletic footwear; Athletic shoes; Athletic uniforms; Beanies; Belts; Board shorts; Bottoms; Boxer briefs; Boxer shorts; Boxing shoes; Briefs; Caps; Clothing for wear in judo practices; Clothing for wear in wrestling games; Coats; Denims; Fabric belts; Footwear; Gloves; Gym shorts; Gym suits; Hats; Head wear; Head-wear; Hoods; Jackets; Jeans; Jerseys; Jogging suits; Judo suits; Karate suits; [Kendo outfits; Motorcycle gloves; Motorcyclist boots;] Pants; Pullovers; Sandals; Shirts; Shoes; Shorts; Skull caps; Sportshirts; Sports jerseys and breeches forsports; Sports overuniforms; Sweat bands; Sweat pants; Sweat shirts; Sweat shorts; Sweat suits; Sweatbands; Socks;T-shirts; Tank tops; Tops; Training shoes; Training suits; Under garments; Underclothes; Undergarments; Underpants; Underwear; Uniforms; Visors; Walking shorts</p>		
U.S. Registration No.	3928195	Application Date	06/14/2010
Registration Date	03/08/2011	Foreign Priority Date	NONE
Word Mark	T ELITE		

Design Mark	
Description of Mark	<p>The mark consists of The design of an anvil in the shape of a stylized letter "T", with the word "ELITE" appearing directly within the design and being approximately the same length as the top bar of the "T".</p>
Goods/Services	<p>Class 025. First use: 2007/10/25 First Use In Commerce: 2007/10/25 Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Athletic footwear; Athletic shoes; Athletic uniforms; Beanies; Belts; Board shorts; Bottoms; Boxer briefs; Boxer shorts; Boxing shoes; Boxing shorts; Briefs; Caps; Caps with visors; Clothing for wear in judo practices; Clothing for wear in wrestling games; Coats; Coats of denim; Denim jackets; Denims; Fabric belts; Footwear; Footwear for men and women; Gloves; Gym shorts; Gym suits; Hats; Head sweatbands; Head wear; Headwear; Hooded pullovers; Hooded sweat shirts; Hoods; Hoods; Jackets; Jeans; Jerseys; Jogging suits; Judo suits; Karate suits; Kendo outfits; Motorcycle gloves; Motorcyclist boots; Pants; Pullovers; Sandals; Shirts; Shoes; Skull caps; Skullies; Sleeveless jerseys; Sport shirts; Sports jerseys; Sports jerseys and breeches for sports; Sports overuniforms; Sports pants; Surf wear; Sweat bands; Sweat pants; Sweat shorts; Sweat suits; Sweatbands; Swim wear for gentlemen and ladies; T-shirts; Tank tops; Tank-tops; Tops; Training shoes; Training suits; Under garments; Underclothes; Undergarments; Underpants; Uniforms; Visors; Walking shorts</p>

Attachments	<p>77034591#TMSN.png(bytes) 77035343#TMSN.png(bytes) 85062496#TMSN.png(bytes) TD TM Infringement Titin Inc Logo Notice of Opposition.pdf(249292 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	/Jaime R. Quezon/
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Name	Jaime R. Quezon
Date	04/02/2015

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

THROWDOWN INDUSTRIES, INC.,

Opposer,

Opposition No. _____

v.

In the matter of:

TITIN ATHLETICS, LLC

Application Serial No. 86408942
Published March 3, 2015

Applicant.

Trademark:



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NOTICE OF OPPOSITION

In the matter of trademark application for registration of the Applicant's logo in International Class 25, filed September 9, 2014, by Titin, Inc., assigned Serial Number 86408942, and published for opposition in the Official Gazette of March 3, 2015, THROWDOWN INDUSTRIES, INC., ("Opposer") believes that it would be damaged by such registration, and hereby opposes the registration of Applicant's mark pursuant to 15 USC Section 1063 and 37 CFR Section 2.104.

As grounds of opposition, it is alleged that:

1. Opposer, Throwdown Industries, Inc., is a California corporation with a principal place of business at 18 Goodyear, Suite 125, Irvine, CA 92618.
2. Titin, Inc. filed the Application assigned Serial Number 86408942 and then by Assignment of Interest dated October 29, 2014, assigned the entire interest and goodwill to Titin Athletics, LLC, a New York limited liability company (the "Applicant").

3. Opposer, since at least September of 2007 has been and is now using its trademarked logos in connection with athletic apparel and other goods and services in IC 25, see Exhibit A attached hereto and made a part hereof.

4. Opposer received United States Patent and Trademark Registration Number 3,462,987 on July 8, 2008 for one of its logos in IC 25.

5. Opposer received United States Patent and Trademark Registration Number 3,505,817 on September 23, 2008 for another of its logos in IC 25.

6. Opposer received United States Patent and Trademark Registration Number 3,928,195 on March 8, 2011 for another of its logos in IC 25. (collectively United States Patent and Trademark Registration Numbers 3,462,987, 3,505,817, and 3,928,195 are referred to as “Opposer’s Trademarks”).

7. Applicant filed to register its proposed logo, Serial Number 86408942, on September 9, 2014, claiming the logo is currently in use as is evidenced by publication of the proposed logo in the Official Gazette dated March 3, 2015 (“Applicant’s Logo”).

8. Opposer’s use of Opposer’s Trademarks has been valid and continuous since at least September of 2007 and has not been abandoned. Opposer’s Trademarks are symbolic of goodwill and customer recognition. As a result of the substantial amounts of time and effort in advertising and promoting and other use of Opposer’s Trademarks, Opposer has developed exceedingly valuable goodwill in respect to Opposer’s Trademarks.

9. Applicant’s Logo is being used in the exact same, similar, and or related goods as the goods used with Opposer’s Trademarks, see Exhibit A.

10. The goods and services of Opposer and Applicant are offered or are to be offered in similar channels of commerce and to similar customers.

11. Applicant's use and application to register Applicant's Logo is without the consent or permission of Opposer.

12. Applicant's Logo so closely resembles Opposer's Trademarks that it is likely a potential customer would be confused, mistaken, or deceived as to the source of the goods and services of the Applicant and the Opposer, see Exhibit A.

13. Applicant's Logo has visual similarity with Opposer's Trademarks and Applicant's Logo has been and will continue to be confusingly similar to Opposer's Trademarks since they are used in the same class of goods.

14. The goods of Applicant's Logo are so related to the goods of Opposer's Trademarks and the circumstances surrounding their marketing could give rise to the mistaken belief that the goods emanate from the same source.

15. Opposer would suffer an adverse commercial impact due to use of Applicant's Logo.

16. The trade channels of the goods with the Opposer's Trademarks are substantially similar to the trade channels of the goods for the Applicant's Logo.

17. Opposer's first use of Opposer's Trademarks precedes the Applicant's first use of Applicant's Logo in commerce.

18. Opposer's first use of Opposer's Trademarks precedes the filing of Applicant's application to register Applicant's Logo with the United States Patent and Trademark Office.

19. As a result of confusing similarity between Opposer's Trademarks and Applicant's Logo and because the goods of the Applicant and the Opposer are very similar or exact, and are in similar channels of commerce, and are directed to similar customers, registration of the Applicant's Logo in Applicant's goods and services is likely to deceive

purchasers as to the source, sponsorship, and or ownership of such goods and/or services, and will cause confusion and mistake.

20. Consumers familiar with Opposer's Trademarks have been mistaken and are likely to continue to be confused and mistakenly believe the Applicant's goods and services are sponsored, owned, authorized, associated with, or otherwise approved by Opposer because the Applicant's Logo closely visually resembles Opposer's Trademarks. This confusion between Opposer's Trademarks and Applicant's Logo is likely to result in loss of revenues to Opposer.

21. Opposer is likely to be damaged by registration of Applicant's Logo in that the prima facie effect of registration of Applicant's Logo would tend to impair Opposer's right to use Opposer's Trademarks.

22. Applicant owns Registration Number 4,092,311 dated January 24, 2012 for the exact same logo as Applicant's Logo in application assigned Serial Number 86408942, however, this Registration is for a different type of goods and this Registration has co-existed with Opposer's Trademarks for less than five (5) years.

23. If there is any doubt as to whether there is a likelihood of confusion, that doubt must be resolved in favor of the Opposer as the prior registrant.

24. For the foregoing reasons, the registration submitted by Applicant is contrary to the provisions of the Lanham Act, and Opposer would be damaged thereby.

WHEREFORE, Opposer prays that the application for the logo assigned Serial Number 86408942 be refused and that this Opposition be sustained in favor of Opposer.

The fee required by Sect. 2.6(a)(17) is enclosed herewith.

Opposer hereby appoints Jaime R. Quezon, Esq., a member of the Florida Bar Association at Jaime R. Quezon, P.A. at 805 W Azeele Street, Tampa, FL 33606, to act as attorney in the matter of the opposition identified above, to prosecute said opposition, to transact all business in the Patent and Trademark Office, to sign its name to all paper which are hereinafter to be filed in connection therewith, and to receive all communications relating to the same.

Dated this 2nd day of April 2015.

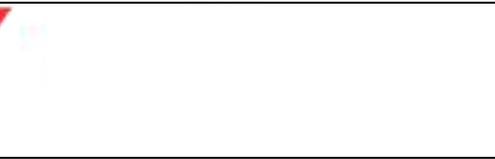
Respectfully submitted,

/s/ Jaime R. Quezon
JAIME R. QUEZON, ESQUIRE
Florida Bar No.: 0017061
Jaime R. Quezon, P.A.
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Tampa, FL 33606
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rjquezon@jawlaw.net
Attorney for Opposer

Exhibit A

Titin Athletics, LLC

Throwdown Industries, Inc.

SIMILAR GOODS
(Exact Same Goods In Bold)

Titin Athletics, LLC	Throwdown Industries, Inc.
<p>Athletic apparel, namely, athletic uniforms, gloves, jackets, leggings, pants, shirts, shorts, sleeveless tops, socks, sports bras, sports vests, sweatpants, sweatshirts, swimwear, tights, track suits, T-shirts, underwear, warm up suits, wristbands; headgear, namely, caps, hats, headbands, and visors; athletic footwear; flip flops; footwear; athletic sleeves; sweatbands*</p>	<p>Athletic footwear; Athletic shoes; Athletic uniforms; Beanies; Belts; Board shorts; Bottoms; Boxer briefs; Boxer shorts; Boxing shoes; Briefs; Caps; Clothing for wear in judo practices; Clothing for wear in wrestling games; Coats; Denims; Fabric belts; Footwear; Gloves; Gym shorts; Gym suits; Hats; Head wear; Headwear; Hoods; Jackets; Jeans; Jerseys; Jogging suits; Judo suits; Karate suits; Kendo outfits; Motorcycle gloves; Motorcyclist boots; Pants; Pullovers; Sandals; Shirts; Shoes; Shorts; Skull caps; Sport shirts; Sports jerseys and breeches for sports; Sports overuniforms; Sweat bands; Sweat pants; Sweat shirts; Sweat shorts; Sweat suits; Sweatbands; Sweatsocks; T-shirts; Tank tops; Tops; Training shoes; Training suits; Under garments; Underclothes; Undergarments; Underpants; Underwear; Uniforms; Visors; Walking shorts.</p>

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

THROWDOWN INDUSTRIES, INC.,

Opposer,

Opposition No. _____

v.

In the matter of:

Application Serial No. 86408942

Published March 3, 2015

Trademark:

TITIN ATHLETICS, LLC
Applicant.



_____ /

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent by U.S. Mail Sofia Jeong, Esq., Troutman Sanders LLP, 600 Peachtree St Ne Ste 5200, Atlanta, GA 30308-2216, and via email to trademarks@troutmansanders.com, counsel for Applicant, this 2nd day of April, 2015.

By: /Jaime R. Quezon/
Jaime R. Quezon, Esq.