

ESTTA Tracking number: **ESTTA686601**

Filing date: **07/29/2015**

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	Hunter Fan Company
Granted to Date of previous extension	07/29/2015
Address	7130 Goodlett Farms Parkway Suite 400 Memphis, TN 38016 UNITED STATES

Attorney information	Adam S. Baldrige Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C. 165 Madison Ave, Suite 2000 Memphis, TN 38103 UNITED STATES abaldrige@bakerdonelson.com, nvescovo@bakerdonelson.com, trademarks@bakerdonelson.com Phone:901-577-2102
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**Applicant Information**

Application No	86393873	Publication date	03/31/2015
Opposition Filing Date	07/29/2015	Opposition Period Ends	07/29/2015
Applicant	Feit Electric Company 4901 Gregg Road Pico Rivera, CA 90660 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 011. First Use: 2007/12/31 First Use In Commerce: 2008/01/09 Opposed goods and services in the class: Electric lighting fixtures; Electric lighting fixtures, namely, sconces; LED (light emitting diode) lighting fixtures; LED (light emitting diodes) lighting fixtures for use in display, commercial, industrial, residential, and architectural accent lighting applications; LED lighting fixtures for indoor and outdoor lighting applications; LED luminaires; Lighting fixtures; Stands for electric lighting fixtures
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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. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		

Word Mark	ORIGINAL
Goods/Services	lighting fixtures and lighting accessories for ceiling fans

Attachments	Hunter Fan - Feit Electric - TM Opposition.pdf(779511 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	/Adam S. Baldrige/
Name	Adam S. Baldrige
Date	07/29/2015

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

**In the Matter of U.S. Trademark Application Serial No.: 86/393,873**  
**Mark: THE ORIGINAL VINTAGE STYLE BULB**  
**Application Filing Date: September 12, 2014**

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<b>HUNTER FAN COMPANY</b>	)	
	)	
<b>Opposer,</b>	)	
	)	<b>Opposition No.</b> _____
	)	
<b>v.</b>	)	<b>Serial No. 86/393,873</b>
	)	
<b>FEIT ELECTRIC COMPANY,</b>	)	
	)	
<b>Applicant.</b>	)	

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**NOTICE OF OPPOSITION**

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Hunter Fan Company, a Delaware corporation having its principal place of business located at 7130 Goodlett Farms Parkway, Suite 400, Memphis, TN 38016 (“Opposer”), asserts that it would be damaged by the registration of THE ORIGINAL VINTAGE STYLE BULB mark which is the subject of U.S. Trademark Application Serial No. 86/393,873 (the “Application” or “873 Application”) for certain of the goods identified therein and hereby opposes registration of THE ORIGINAL VINTAGE STYLE BULB mark pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

As grounds for this Opposition, Opposer alleges as follows:

**Opposer’s Mark**

1. Opposer is the owner of a federal trademark registration for “ORIGINAL,” U.S. Registration No. 1,609,669 for “electric circulating and ventilating fans, namely ceiling fans” in

International Class 011 (the “‘669 Registration”). The United States Patent and Trademark Office granted the ‘669 Registration on August 14, 1990. The ‘669 Registration is valid, is subsisting, remains in full force and effect, and is thus evidence of Opposer’s exclusive right to own and use the mark at issue in connection with the goods specified in the registration. A true and correct copy of the ‘669 Registration is attached hereto as Exhibit A.

2. The ORIGINAL trademark has been used in interstate commerce in connection with the goods listed in the ‘669 Registration since at least as early as August 31, 1981.

3. Opposer is also the owner of common law trademark rights in the ORIGINAL trademark for lighting fixtures and lighting accessories for ceiling fans. Opposer’s use of the ORIGINAL trademark in interstate commerce in connection with such lighting accessories and lighting fixtures predates Applicant’s use of its THE ORIGINAL VINTAGE STYLE BULB mark. As an example and not by way of limitation, a true and correct copy of an excerpt from Opposer’s 1996 catalog displaying Opposer’s use of the ORIGINAL trademark in conjunction with such lighting fixtures is attached hereto as Exhibit B.

4. Opposer’s ceiling fans and lighting fixtures and lighting accessories sold under the ORIGINAL trademark are sold throughout the United States.

5. The trade and purchasing public has come to know and recognize Opposer’s ORIGINAL trademark as a designation identifying Opposer as the source of lighting products and ceiling fans. Accordingly, Opposer’s ORIGINAL trademark has developed and represents valuable goodwill which rightfully belongs exclusively to Opposer.

### **Applicant's Mark**

6. To the best of Opposer's knowledge, the name and address of the current owner of the '873 Application is Feit Electric Company ("Applicant"), a California corporation with an address of record at 4901 Gregg Road, Pico Rivera, California 90660.

7. Applicant filed a use-based application for registration of THE ORIGINAL VINTAGE STYLE BULB mark, Serial No. 86/393,873 for "electric bulbs; electric light bulbs; electric lighting fixtures; electric lighting fixtures, namely, sconces; electric night lights; fluorescent electric light bulbs; halogen light bulbs; landscape lighting installations; LED (light emitting diode) lighting fixtures; LED (light emitting diodes) lighting fixtures for use in display, commercial, industrial, residential, and architectural accent lighting applications; LED landscape lights; LED light bulbs; LED lighting fixtures for indoor and outdoor lighting applications; LED lights for lighting purposes incorporated into key chains, small toys or other similar personal items; LED luminaires; light bulbs; light reflectors; lightbulbs; lighting fixtures; miniature light bulbs; stands for electric lighting fixtures; LED flashlights, flashlights," in International Class 011 on September 12, 2014.

8. According to the '873 Application, Applicant has made no use of THE ORIGINAL VINTAGE STYLE BULB mark with respect to the Class 11 goods listed in the Application prior to Opposer's use of the ORIGINAL mark in 1981. Based on its research, Opposer has also not been able to locate current usage of several of the goods listed in Applicant's application.<sup>1</sup>

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<sup>1</sup> Therefore, if discovery in this Opposition confirms Opposer's current belief, Opposer reserves the right to challenge certain goods listed in Applicant's application as not in current use by Opposer. *Medinol Ltd. v. Neuro Vasx, Inc.*, 67 U.S.P.Q. 2d 1205, 1209 (T.T.A.B. 2003).

**Likelihood of Confusion, Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d)**

9. Applicant's mark is substantially similar to Opposer's ORIGINAL trademark in appearance and commercial impression, in that it contains the same word "ORIGINAL" and only adds the word "THE" before "ORIGINAL" with "VINTAGE STYLE BULB" followed by "ORIGINAL." Also, both marks are directed to lighting and lighting fixtures.

10. Opposer's use of its ORIGINAL trademark pre-dates Applicant's alleged first use of and application for THE ORIGINAL VINTAGE STYLE BULB mark and establishes the priority of Opposer's ORIGINAL trademark.

11. Opposer asserts that it will be damaged by the use and registration of Applicant's THE ORIGINAL VINTAGE STYLE BULB mark because the Applicant's mark so resembles Opposer's ORIGINAL mark previously used in the United States and not abandoned as to be likely, when used on or in connection with certain goods listed in Applicant's application, to cause confusion, to cause mistake, or to deceive.

12. Applicant's THE ORIGINAL VINTAGE STYLE BULB mark is confusingly similar to Opposer's ORIGINAL trademark, and Applicant seeks to register the mark for use in connection with certain closely related lighting products and goods.

13. Accordingly, if Applicant's THE ORIGINAL VINTAGE STYLE BULB mark is registered, such registration will cast a cloud upon Opposer's right to use and expand its use of its ORIGINAL mark, and Applicant's mark would thus be a source of damage and injury to Opposer

14. Additionally, if Applicant is granted the registration herein opposed, it would thereby obtain a *prima facie* exclusive right to the use of Applicant's mark. Such registration would be a source of damage and injury to Opposer.

15. Opposer asserts that Applicant's registration and use of THE ORIGINAL VINTAGE STYLE BULB mark is without Opposer's permission or authority and is likely to cause confusion, to cause mistake, or to deceive the purchasing public as to the source or origin of certain lighting products within the meaning of Section 2(d) of the Lanham Act, 15 U.S.C. 1052(d).

WHEREFORE, Opposer prays that, pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), U.S. Trademark Application Serial No. 86/393,873 be denied.

Dated: July 29, 2015.

Respectfully submitted,

/Adam S. Baldrige/

Adam S. Baldrige (TN Bar No. 23488)

Nicholas L. Vescovo (TN Bar No. 30387)

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*Attorneys for Opposer Hunter Fan Company.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 29th day of July, 2015, a copy of the foregoing Notice of Opposition was served upon the following via U.S. mail, postage prepaid:

Feit Electric Company  
Attn: Legal Department  
4901 Gregg Rd  
Pico Rivera, California 90660-2108

*Applicant*

/Adam S. Baldrige/

Adam S. Baldrige

# **EXHIBIT A**

**Int. Cl.: 11**

**Prior U.S. Cl.: 34**

**United States Patent and Trademark Office** **Reg. No. 1,609,669**  
**Registered Aug. 14, 1990**

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**TRADEMARK  
PRINCIPAL REGISTER**

**ORIGINAL**

HUNTER-MELNOR, INC. (DELAWARE COR-  
PORATION), DBA HUNTER FAN COMPANY  
2500 FRISCO STREET  
MEMPHIS, TN 38114

FOR: ELECTRIC CIRCULATING AND VEN-  
TILATING FANS, NAMELY CEILING FANS,  
IN CLASS 11 (U.S. CL. 34).

FIRST USE 8-31-1981; IN COMMERCE  
8-31-1981.  
OWNER OF U.S. REG. NO. 1,388,229 AND  
OTHERS.  
SEC. 2(F).

SER. NO. 73-780,365, FILED 2-13-1989.  
DAVID H. STINE, EXAMINING ATTORNEY

# **EXHIBIT B**



BUILDING THE BEST

FOR OVER 100 YEARS



BUILDING THE BEST

FOR OVER 100 YEARS

**Other Home Comfort Products from Hunter**



Programmable  
Thermostats



High Performance  
Air Purifiers



Residential  
Lighting

HCB-753  
©1996 Hunter Fan Company

Hunter Fan Company  
2500 Frisco Avenue  
Memphis, TN 38114



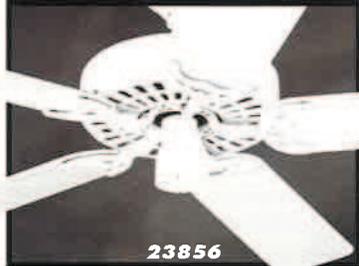
**1<sup>ST</sup> in Quality, Technology and Design**

# Original® Ceiling Fans

## A true American legend

- Most powerful motor available
- Made in U.S.A. since 1903
- Indestructible cast iron motor
- Hardwood veneer blades
- 15° blade pitch moves 9500 Cubic Feet of Air per Minute
- Lifetime Warranty

## Classic Original®



52" White Motor • 4/5 White Blades

### Features

- Hardwood Veneer Blades.
- 15° Blade Pitch for Maximum Air Movement.
- Unique Motor Design Accommodates 4 or 5 Blades (52" fans Only).
- Heavy Cast Blade Holders.
- Lifetime Warranty.

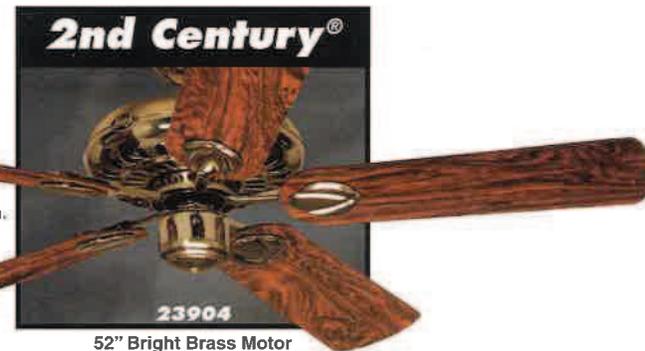
### Also Available In:



## 2nd Century®

### Features

- Furniture Grade High Lustre Blades.
- Unique 2-Piece Blade Medallion.
- Swivel Mount Canopy for Angled Ceilings.
- Unique Rotor Design Accommodates 4 or 5 Blades.
- Lifetime Warranty.



52" Bright Brass Motor  
5 Reversible Rosewood/Oak High Lustre Switchblades

### Also Available In:



## THE HUNTER ORIGINAL®

For the Customer Demanding the Very Best . . . The Original.  
Made for a Lifetime - Tested for a Lifetime - Backed for a Lifetime!



- Made in USA.
- Lifetime Warranty.
- 15° Blade Pitch for Maximum Air Movement.
- Indestructible Cast Iron Housing.
- Maintenance Free Oil Bath Design.

- Unique Motor Design Accommodates 4 or 5 Blades.
- 3 Speeds, Electrically Reversible.
- Swivel Mount Canopy for Angled Ceiling Mount (2nd Century Models).
- Hardwood Veneer Blades.

Note: CFM for the Original and 2nd Century Original were calculated using 5 blades.