

ESTTA Tracking number: **ESTTA701949**

Filing date: **10/13/2015**

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	Traxxas LP
Granted to Date of previous extension	11/07/2015
Address	6250 Traxxas Way McKinney, TX 75070 UNITED STATES

Attorney information	Gregory W. Carr CARR Law Firm PLLC 6170 Research Road, Suite 111 Frisco, TX 75033 UNITED STATES gcarr@carrip.com, trademarks@carrip.com
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Applicant Information

Application No	86599866	Publication date	09/08/2015
Opposition Filing Date	10/13/2015	Opposition Period Ends	11/07/2015
Applicant	EDGE BRANDS LIMITED Tower A, 11th Floor, Room 1116-17 TST East, Kowloon, HONG KONG		

Goods/Services Affected by Opposition

Class 028. First Use: 2015/01/03 First Use In Commerce: 2015/01/03
All goods and services in the class are opposed, namely: Toy scooters

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.	3077517	Application Date	02/16/2004
Registration Date	04/04/2006	Foreign Priority Date	NONE
Word Mark	REVO		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 028. First use: First Use: 2004/07/00 First Use In Commerce: 2004/07/00 Radio-controlled scale model vehicles and parts therefor

Attachments	78368740#TMSN.png(bytes) REVO 10-13-15 Grounds for Opposition.pdf(23708 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	/Gregory W. Carr/
Name	Gregory W. Carr
Date	10/13/2015

As grounds for this Opposition, Opposer alleges:

1. Traxxas LP, (“Opposer”) has since at least July of 2004, used and continues to use the mark “REVO” (the “Opposer’s REVO mark”) to identify, advertise, and promote its radio-controlled scale model vehicles and parts therefor (the “Goods”).

2. Opposer registered its mark REVO on April 4, 2006 (Reg. No. 3077517) for the same Goods after making an application for registration on December 15, 2004. Opposer’s right to use Opposer’s REVO mark has become incontestable.

3. It has come to the attention of Opposer that the entity Edge Brands Limited (“Applicant”) has applied for registration of the mark “REVO” (the “Applicant’s REVO mark”), in the United States Patent and Trademark Office, as shown in U.S. Application Ser. No. 86/599,866 (the “Application”), having a filing date of April 16, 2015 and indicating an earliest use date of January 3, 2015. The Application for Applicant’s REVO mark seeks registration in Class 28 for toy scooters (the “Applicant’s Goods”).

4. Applicant seeks to register Applicant’s REVO mark for Applicant’s Goods in International Class 028 as evidenced by the publication of the Application in the Official Gazette on September 8, 2015.

5. Applicant’s REVO mark is identical to and confusingly similar to Opposer’s REVO mark.

6. By virtue of Opposer’s prior and senior rights arising from use of Opposer’s REVO mark, the Applicant is barred from obtaining a registration of Opposer’s REVO mark, because the use and attempt to register by Applicant of Applicant’s REVO mark for the Applicant’s Goods, without authorization by Opposer, creates a likelihood of confusion, under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d), that there exists a common source,

affiliation, and sponsorship with the services provided by Opposer in connection with Opposer's REVO mark.

7. If Applicant is permitted to obtain the registration sought, and thereby obtain the *prima facie* exclusive right to use Applicant's REVO mark in commerce for the Applicant's Goods, Opposer believes it will be harmed in that a cloud will be placed on Opposer's title in and to Opposer's REVO mark and Opposer's right to enjoy the free and exclusive use thereof, and Opposer will be unfairly restricted in its rights to Opposer's REVO mark. Additionally, if Applicant is permitted to obtain the registration, Opposer believes it will be harmed by the appearance of and, indeed, actual dilution or diminution of its right to oppose other applications to federally register marks confusingly similar to Opposer's REVO mark and to seek relief from infringement of Opposer's REVO mark. Further, the use of Applicant's REVO mark, unauthorized by Opposer, misappropriates the goodwill of Opposer and unfairly gives the services of Applicant a ready acceptance in the marketplace that is undeserved.