

ESTTA Tracking number: **ESTTA745850**

Filing date: **05/11/2016**

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	Tenson B.V.
Granted to Date of previous extension	05/11/2016
Address	Vredenburgweg 7 Hoogezand, 9601KL NETHERLANDS
Correspondence information	Mary Catherine Merz Merz & Associates, P.C. 1010 Lake Street Suite 400 Oak Park, IL 60301 UNITED STATES docket@merz-law.com, jwidmer@merz-law.com, lharkins@merz-law.com Phone:7083838801

**Applicant Information**

Application No	86725540	Publication date	01/12/2016
Opposition Filing Date	05/11/2016	Opposition Period Ends	05/11/2016
Applicant	Tamba Hali 13227 Outlook Dr. Overland Park, KS 66209 UNITED STATES		

**Goods/Services Affected by Opposition**

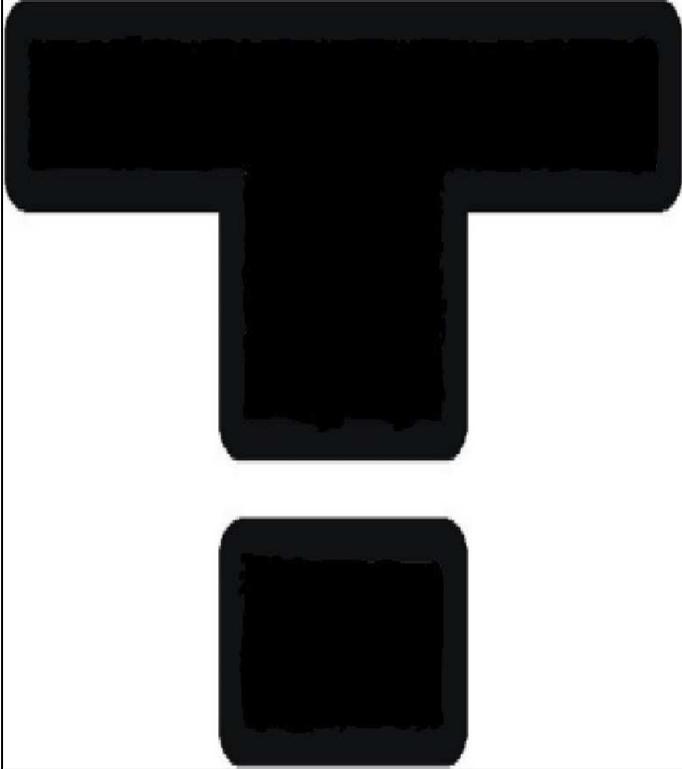
Class 025. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are opposed, namely: Hats; Shirts; Shoes; Sweaters

**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		

Design Mark	
Goods/Services	Clothing, namely, shirts, pants, coats, jackets, shorts, skirts, hats, bags, gloves, jerseys and footwear

Attachments	T stylized.JPG T stylized1.JPG 05.11.16 T Stylized 24529.pdf(85551 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	/Lisa A. Harkins/
Name	Lisa A. Harkins
Date	05/11/2016

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

In the Matter of U.S. Application Serial No. 86/725,540  
For: T Stylized  
Filed: August 14, 2015  
Date of Publication: January 12, 2016

TENSON B.V.	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. _____
	)	
TAMBA HALI	)	
Applicant.	)	
	)	

NOTICE OF OPPOSITION

Opposer, Tenson B.V. ("Opposer"), a besloten vennootschap incorporated in the Netherlands, with its principal place of business at Vredenburgweg 7, 9601 KL Hoogezand, the Netherlands, believes it will be damaged by registration of the T Stylized mark, U.S. Serial No. 86/725,540, and hereby opposes the same, in accordance with Section 13 of The Trademark (Lanham) Act of 1946, 15 U.S.C. §1063.

As grounds for the opposition, Tenson B.V. alleges as follows:

1. Upon information and belief, Tamba Hali is an individual and a citizen of the United States with an address of 13227 Outlook Drive, Overland Park, Kansas, 66209 ("Applicant").

2. As evidenced by the publication of Serial No. 86/725,540 in the Official Gazette of January 12, 2016, Applicant seeks to register T Stylized (the "Opposed Mark") in connection with "Hats; Shirts; Shoes; Sweaters" in Class 25.

3. Upon information and belief, Applicant filed Serial No. 86/725,540 on August 14, 2015 based on an intent to use the mark in commerce in connection with the claimed goods.

4. Since at least 39 years prior to the filing date for Serial No. 86/725,540, Opposer, either alone or through its predecessor in interest, adopted and has continuously used a T Stylized mark in connection with its business activities, including the T Stylized mark that was the subject of U.S. Registration No. 112851. Since at least as early as 2014, Opposer has been using its updated T Stylized mark (please see Exhibit A, attached) in the U.S. for clothing, including shirts, pants, coats, jackets, shorts, skirts, hats, bags, gloves, jerseys and footwear.

5. Opposer has invested substantial amounts of time, effort and money in protecting and policing its T Stylized mark in the United States, Europe and Canada. As such, Opposer has extensive, non-registered statutory and common law rights in and to its T Stylized mark, which Opposer uses in connection with its business activities.

6. Since at least as early as 2014, and prior to the filing date of the Opposed Mark, Opposer has continuously used its updated T Stylized mark in connection with the sale of goods, namely, skirts, pants, jackets, coats, dresses, blouses, sweaters and shorts. Such use has not been abandoned, and the public has come to associate Opposer's goods with the updated T Stylized mark.

7. Applicant has no license, consent or permission from Opposer to use or register the Opposed Mark.

8. The Opposed Mark so resembles Opposer's earlier-registered T Stylized mark and its updated non-registered T Stylized mark that it is likely to cause confusion, or to cause mistake or to deceive within the meaning of Section 2(d) of The Trademark (Lanham) Act of 1946, 15 U.S.C. § 1052(d); and more particularly, the Opposed Mark and use thereof are likely to cause confusion in, or to cause mistake by, or to deceive the trade and purchasing public into believing that the goods in Serial No. 86/725,540 originate with Opposer or otherwise are authorized, licensed or sponsored by Opposer.

9. By reason of all the foregoing, Opposer will be damaged by the registration of the Opposed Mark for the goods covered by

Serial No. 86/725,540, because registration of the mark would be in violation of Opposer's trademark rights.

WHEREFORE, Opposer prays that this Notice of Opposition be sustained in favor of Opposer and that Serial No. 86/725,540 be denied registration. Trek submits herewith its payment of the \$300 filing fee, as required by 37 C.F.R. §2.6(a)(17).

Respectfully submitted,

TREK BICYCLE CORPORATION



Date: May 11, 2016

By: \_\_\_\_\_

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Lisa A. Harkins  
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docket@merz-law.com,

Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Opposition was served on Applicant by U.S. Mail this May 11, 2016, addressed to:

Rebecca Wempe  
Stevens & Brand, L.L.P.  
900 Massachusetts Street  
Suite 500  
P.O. Box 189  
Lawrence, Kansas 66044-0189

By:



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Lisa A. Harkins

EXHIBIT A

Opposer's updated T Stylized Mark

