

ESTTA Tracking number: **ESTTA764536**

Filing date: **08/15/2016**

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	W.C. Bradley/Zebco Holdings, Inc.
Granted to Date of previous extension	08/14/2016
Address	6101 East Apache Tulsa, OK 74115 UNITED STATES

Attorney information	Todd A. Nelson Fellers Snider Blankenship Bailey & Tippens, P.C. 321 S. Boston Suite 800 Tulsa, OK 74103 UNITED STATES trademarks@fellerssnider.com Phone:918-599-0621
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Applicant Information

Application No	86385980	Publication date	02/16/2016
Opposition Filing Date	08/15/2016	Opposition Period Ends	08/14/2016
Applicant	GRANDEUR, INC. 215-B NORTH COAST HIGHWAY OCEANSIDE, CA 92054 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 2013/07/12 First Use In Commerce: 2013/07/12 All goods and services in the class are opposed, namely: Clothing and clothing accessories, namely, tops, shirts, t-shirts, sweatshirts and headwear
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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 No.	86765415	Application Date	09/23/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	QUANTUM		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2008/06/30 First Use In Commerce: 2008/06/30 Button down shirts; Hats; Shirts; T-shirts; Visors

Attachments	86765415#TMSN.png(bytes) Notice_of_Opposition.pdf(12638 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	/todd a. nelson/
Name	Todd A. Nelson
Date	08/15/2016

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

In re: 86/385,980
Filed: September 4, 2014
Mark: Q QUANTUM (and design)
Published: February 16, 2016

W.C. BRADLEY/ZEBCO HOLDINGS, INC., §
§
Opposer, §
§
v. §
§ Opposition No. _____
GRANDEUR, INC., §
§
Applicant. §
§

NOTICE OF OPPOSITION

W.C. Bradley / Zebco Holdings, Inc., a Georgia corporation having its principal place of business at 6101 E. Apache, Tulsa, Oklahoma 74115 (“Opposer” or “WCB”), by and through its undersigned counsel, believes it will be damaged by the registration of the mark shown in Application Serial Number 86/385,980, filed September 4, 2014 by Grandeur, Inc., 215-B North Coast Highway, Oceanside, California 92054 (“Applicant”).

As grounds for opposition it is alleged that:

1. Applicant seeks to register “Q QUANTUM” in International Class (“IC”) 025 for clothing and clothing accessories, namely, tops, shirts, t-shirts, sweatshirts and headwear.
2. The cited Application Serial No. 86/385,980 was filed as a use-based application with the first date of use of July 12, 2013.
3. The mark QUANTUM has been continuously used by Opposer since at least 1984 in connection with its fishing-related goods.

4. Opposer obtained U.S. Registration No. 1,327,198 for QUANTUM in IC 028 on March 26, 1985.

5. Opposer has also used the mark QUANTUM in connection with certain of its articles of clothing since at least 2008.

6. On September 23, 2015, Opposer filed U.S. Application Serial No. 86/765,415 to register QUANTUM for goods in IC 025 described as button down shirts, hats, shirts, t-shirts, and visors.

7. In an Office Action dated January 13, 2016, and subsequently in a Notice of Suspension dated July 26, 2016, the trademark examining attorney asserted Applicant's Application Serial No. 86/385,980 as a potential basis for rejection of Opposer's application on the stated grounds that Applicant's application precedes Opposer's filing date and that, pursuant to the Trademark Act § 2(d), there would be a likelihood of confusion between the marks.

8. Opposer has expended considerable effort and expense in promoting its QUANTUM mark and has established valuable goodwill in the mark.

9. Upon information and belief, consumers will be confused as to the source or origin of Applicant's goods or misled into mistakenly believing that there is a connection, affiliation or sponsorship of Applicant's goods by Opposer.

10. Upon information and belief, Opposer will be damaged by the registration of the Q QUANTUM mark on the Principal Register.

CONCLUSION

WHEREFORE, Opposer, W.C. Bradley/Zebco Holdings, Inc., prays that the application for registration of Applicant's mark be rejected, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

Date: August 15, 2016

Respectfully Submitted,

/todd a. nelson/

Todd A. Nelson

Scott R. Zingerman, Reg. No. 35422

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Attorneys for Opposer,

W.C. Bradley/Zebco Holdings, Inc.

CERTIFICATE OF TRANSMITTAL - ESTTA

Date of Deposit August 15, 2016

I hereby certify that this correspondence is being transmitted to the UNITED STATES PATENT AND TRADEMARK OFFICE via the ESTTA system on August 15, 2016.

/todd a. nelson/

Todd A. Nelson

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Notice of Opposition has been served on APPLICANT, by mailing said copy on August 15, 2016, via First Class Mail, postage prepaid to:

Brian P. Kinder, Esq.
The Kinder Law Group, APC
19200 Von Karman Ave, FL 4
Irvine, California 92612-8553

/todd a. nelson/

Todd A. Nelson

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