

ESTTA Tracking number: **ESTTA774243**

Filing date: **10/03/2016**

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	Kanati Studio, LLC		
Entity	limited liability company	Citizenship	Pennsylvania
Address	46 Frystown Road Myerstown, PA 17067 UNITED STATES		

Attorney information	Peter J. Kraybill Gibbel Kraybill & Hess LLP 2933 Lititz Pike PO Box 5349 Lancaster, PA 17606-5349 UNITED STATES pkraybill@gkh.com, smiller@gkh.com Phone:717-291-1700		
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**Applicant Information**

Application No	86779778	Publication date	09/06/2016
Opposition Filing Date	10/03/2016	Opposition Period Ends	10/06/2016
Applicant	True Timber Outdoors Holding Company, LLC 150 Accurate Way Inman, SC 29349 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 018. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Duffle bags; back packs
Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: t-shirts, shirts, hooded sweatshirts, jackets, pants, shoes, boots, gloves, knit face masks for hunting, hats

**Grounds for Opposition**

Other	Under Section 2(d) of the Trademark Act (15 U.S.C. Section 1052(d)), Applicant's mark so resembles Opposer's trademark as to be likely, when applied to the goods set forth in Applicant's application, to cause confusion, mistake, or deception; and under Section 18 of the Trademark Act (15 U.S.C. Section 1068), Applicant's application must be restricted or modified to exclude taxidermy services because its existing application has such a broadly worded identification of its goods that there is a likelihood of confusion.
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Attachments	Notice_Opposition_KANATI_SN86779778.pdf(445043 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	/Peter J. Kraybill/
Name	Peter J. Kraybill
Date	10/03/2016

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

**Subject Mark:**

KANATI

**Serial No.:**

86779778

Kanati Studio, LLC

**Opposer**

v.

True Timber Outdoors Holding  
Company, LLC

**Applicant**

**Opposition No.:**

**ESTTA Tracking No.:**

**NOTICE OF OPPOSITION**

Opposer, Kanati Studio, LLC, (“Opposer”), a Pennsylvania limited liability company with a business address of 46 Frystown Road, Myerstown, PA 17067, hereby opposes registration of the mark KANATI that is the subject of application Serial No. 86779778 published in the Official Gazette on September 6, 2016, and requests that registration to Applicant be refused.

As grounds in support of its opposition, Opposer asserts as follows:

1. Opposer is a limited liability company organized and existing under the laws of the Commonwealth of Pennsylvania, and has been using the mark KANATI in commerce since December 28, 2015, adopted and continuously used the term KANATI as a trademark in connection with taxidermy services.

2. Opposer is the applicant of Serial No. 87164693 for the mark KANATI for taxidermy services. The date of first use for the mark KANATI was December 28, 2015 and the

date of first use in commerce for which Opposer can provide readily available documentary evidence was December 28, 2015. A copy of a screen print from the Trademark Electronic Search System (TESS) of the Opposer's application record for KANATI Serial No. 87164693 is attached hereto as Exhibit A. At all respective times aforementioned, Opposer has been actively engaged in the provision of taxidermy services in the United States under Opposer's trademark KANATI.

3. Applicant has filed an application to register the mark KANATI for duffle bags and back packs in Class 18 and t-shirts, shirts, hooded sweatshirts, jackets, pants, shoes, boots, gloves, knit face masks for hunting, and hats in Class 25. The application was filed on October 6, 2015 on an intent to use basis and assigned Serial No. 86779778.

4. The mark herein opposed comprises the word KANATI. It is identical to Opposer's KANATI mark. Applicant's mark is identical in sound and appearance and similar in meaning to Opposer's trademark comprised of the word KANATI. Although Applicant's mark is for goods and Opposer's mark is for services, Applicant's goods (duffle bags; back packs; t-shirts, shirts, hooded sweatshirts, jackets, pants, shoes, boots, gloves, knit face masks for hunting, hats) are nevertheless confusingly similar to the services that Opposer renders under its mark (taxidermy services). In the normal course of trade of Opposer's services and Applicant's goods, those respective goods and services would be obtained by the same recipients in the same channels of trade and would be marketed and promoted in the same channels. Accordingly, consumers would inevitably be led to mistakenly believe that the Applicant's goods are provided by, sponsored by, or are affiliated with Opposer.

5. The registration of Applicant's mark for the goods recited in the application would be inconsistent with Opposer's rights in its trade name and its KANATI mark, and will cause damage to Opposer.

6. Under Section 2(d) of the Trademark Act (15 U.S.C. § 1052(d)), Applicant's mark so resembles Opposer's trademark as to be likely, when applied to the goods set forth in Applicant's application, to cause confusion, mistake, or deception.

7. Under Section 18 of the Trademark Act (15 U.S.C. §1068), Applicant's application must be restricted or modified to exclude taxidermy services because its existing application has such a broadly worded identification of its goods that there is a likelihood of confusion.

Wherefore, Opposer prays that the opposition be sustained and that the mark which is the subject of Serial No. 86779778 be denied registration.

Respectfully submitted,

GIBBEL KRAYBILL & HESS LLP

Date: October 3, 2016

By:   
Peter J. Kraybill  
Attorneys for Opposer

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PO Box 5349  
Lancaster, PA 17606-5349  
(717) 291-1700  
PA Sup. Ct. Atty. ID. #88596

**Trademarks > Trademark Electronic Search System (TESS)**

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# KANATI

**Word Mark**  
**Goods and Services**  
**Standard Characters Claimed**  
**Mark Drawing Code**  
**Serial Number**  
**Filing Date**  
**Current Basis**  
**Original Filing Basis**  
**Owner**  
**Attorney of Record**  
**Type of Mark**  
**Registrar**  
**Live/Dead Indicator**

KANATI  
 IC 940, US 100 103 106, G & S; Taxidemy, FIRST USE, 20161228, FIRST USE IN COMMERCE, 20161228  
 (4) STANDARD CHARACTER MARK  
 571846293  
 September 8, 2013  
 1A  
 1A  
 (APPLICANT) Kanati Studio, LLC LIMITED LIABILITY COMPANY PENNSYLVANIA 46 Frystown Road, Frystown, PENNSYLVANIA 17087  
 Peter J. Krzyzbi  
 SERVICE MARK  
 PRINCIPAL  
 LIVE

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**EXHIBIT A**

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

**Subject Mark:** KANATI

**Serial No.:** 86779778

Kanati Studio, LLC  
**Opposer**

v.

True Timber Outdoors Holding  
Company, LLC  
**Applicant**

**Opposition No.:**

**ESTTA Tracking No.:**

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of the within and foregoing **Notice of Opposition** upon all parties to this matter by depositing a true copy of same in the U.S. Mail, proper postage prepaid, properly addressed to the following:

Richard L. Kirkpatrick, Esquire  
Pillsbury Winthrop Shaw Pittman LLP  
P.O. Box 2824  
San Francisco, CA 94126-2824  
415-983-1802 (Phone)  
sftrademarks@pillsburylaw.com

GIBBEL KRAYBILL & HESS LLP

Date: October 3, 2016

By:   
Peter J. Kraybill  
Attorneys for Opposer

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