

ESTTA Tracking number: **ESTTA774418**

Filing date: **10/04/2016**

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	C Preme Limited, LLC		
Entity	limited liability company	Citizenship	CALIFORNIA
Address	1250 E 223rd St, Suite 116 Carson, CA 90745 UNITED STATES		

Attorney information	William J. Seiter Seiter Legal Studio 2500 Broadway, Bldg F, Suite F-125 Santa Monica, CA 90404 UNITED STATES williamjseiter@seiterlegalstudio.com		
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Applicant Information

Application No	86956249	Publication date	09/06/2016
Opposition Filing Date	10/04/2016	Opposition Period Ends	10/06/2016
Applicant	Chandyworks Llc 4820 Gingerich Rd Middletown, OH 45042 UNITED STATES		

Goods/Services Affected by Opposition

Class 012. First Use: 2016/02/26 First Use In Commerce: 2016/03/05 All goods and services in the class are opposed, namely: Nerf bars for vehicles; Racing and performance after-market automobile interiorparts, namely, safety nets specially adapted for and affixed to off-road recreational and racing vehicles; Trailer hitches; Vehicle bumpers; Vehicle roll bars
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4373790	Application Date	06/20/2011
Registration Date	07/23/2013	Foreign Priority Date	NONE
Word Mark	KRASH!		

Design Mark			
Description of Mark	The mark consists of the term "KRASH!" in stylized letters.		
Goods/Services	Class 009. First use: First Use: 2012/00/00 First Use In Commerce: 2012/00/00 Bags specially adapted for protective helmets, baseball batting helmets, bicycle helmets, catchers' helmets, decorative and fanciful items for covering of, and for use in connection with protective helmets, excluding stickers, football helmets, helmet safety lights, hockey helmets, optical devices, namely, eye pieces for helmet mounted displays, protective face-shields for protective helmets, protective helmets, protective helmets for sports, riding helmets, safety helmets, safety products, namely, reflective helmet skirts, sports helmets		
U.S. Application No.	86427599	Application Date	10/18/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	KRASH!		
Design Mark			
Description of Mark	The mark consists of the term "KRASH!" in stylized letters.		
Goods/Services	Class 012. First use: First Use: 0 First Use In Commerce: 0		

	Bicycles; bicycle handlebar grips; bicycle grip tape; bicycle seats; structural parts of bicycles; parts for bicycles, namely, frames, handlebars, handlebar stems, bicycle handlebar grips, derailleurs, gears, saddles, saddle covers, saddlebags, seat posts, pedals, cranks, wheels, spokes, pumps, forks, cargo and luggage carriers; bicycle mud-guards, chains, chain-guards, wheel hubs, brakes, handle bar control levers, shift levers, toe straps and clips, luggage racks adapted for bicycles, bicycle bells, bicycle stop stands, rearview mirrors, tire patches, bicycle canteen racks, bicycle holders for vehicles, bags adapted for bicycles, bicycle handle-bar grip covers, trailers, baskets adapted for bicycles, bicycle protective wheels, wheel covers, bicycle shock absorbers, bicycle rims
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Attachments	85979455#TMSN.png(bytes) 86427599#TMSN.png(bytes) Notice of Opposition US TM App 86956249.pdf(25820 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	/wjs/
Name	William J. Seiter
Date	10/04/2016

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

In the Matter of Application Serial No. 86956249
Mark: KRASH OFFROAD
Published: September 6, 2016

C Preme Limited, LLC,)
a California Limited Liability Company)
)
Opposer,)
)
v.) Opposition No. _____
)
Chandyworks LLC,)
an Ohio Limited Liability Company)
)
Applicant.)

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NOTICE OF OPPOSITION

Opposer C Preme Limited, LLC, a limited liability company organized under the laws of California, located and doing business at 1250 E 223rd St, Suite 116, Carson, California 90745, believes that it would be damaged by the issuance of a registration for the trademark “Krash Offroad” as applied for by Applicant Chandyworks LLC, a limited liability company organized under the laws of California, and therefore opposes the application as to all of the applied for goods in International Class 12. As grounds for its opposition, Opposer, by its attorneys Seiter Legal Studio, alleges as follows:

1. Opposer is the owner of U.S. Trademark Registration No. 4373790, filed June 20, 2011 and registered July 23, 2013, with a date of first use and of first use in U.S. commerce in 2012, for the mark “KRASH! [stylized]” (hereinafter, “Opposer’s Mark”), in International Class 9 for “Bags specially adapted for protective helmets, baseball batting helmets, bicycle helmets, catchers' helmets, decorative and fanciful items for covering of, and for use in connection with protective helmets, excluding stickers, football helmets,

helmet safety lights, hockey helmets, optical devices, namely, eye pieces for helmet mounted displays, protective face-shields for protective helmets, protective helmets, protective helmets for sports, riding helmets, safety helmets, safety products, namely, reflective helmet skirts, sports helmets.” Opposer’s Mark is in use in commerce on or in connection with the aforementioned goods. Registration No. 4373790 is valid and subsisting.

2. Opposer is the owner of U.S. Trademark Application Serial No. 86427599, filed October 18, 2014, for Opposer’s Mark in International Class 12 for “Bicycles; bicycle handlebar grips; bicycle grip tape; bicycle seats; structural parts of bicycles; parts for bicycles, namely, frames, handlebars, handlebar stems, bicycle handlebar grips, derailleurs, gears, saddles, saddle covers, saddle bags, seat posts, pedals, cranks, wheels, spokes, pumps, forks, cargo and luggage carriers; bicycle mud-guards, chains, chain-guards, wheel hubs, brakes, handle bar control levers, shift levers, toe straps and clips, luggage racks adapted for bicycles, bicycle bells, bicycle stop stands, rearview mirrors, tire patches, bicycle canteen racks, bicycle holders for vehicles, bags adapted for bicycles, bicycle handle-bar grip covers, trailers, baskets adapted for bicycles, bicycle protective wheels, wheel covers, bicycle shock absorbers, bicycle rims.”

3. Opposer’s Mark has been promoted extensively and is well known to the consuming public. Opposer has invested substantial time, effort and money in promoting Opposer’s Mark. As a result, Opposer’s Mark have become distinctive of Opposer’s goods, and has come to represent substantial goodwill for Opposer, widely recognized by the consuming public of the United States as a designation of source of the goods of Opposer.

4. On March 29, 2016, Applicant filed Application Serial No. 86956249 for the mark “Krash Offroad” based solely on use in United States commerce under Section 1(a) of the Trademark Act, 15 U.S.C. §1051(a), in International Class 12 for “Nerf bars for vehicles; Racing and performance after-market automobile interior parts, namely, safety nets specially adapted for and affixed to off-road recreational and racing vehicles; Trailer hitches; Vehicle bumpers; Vehicle roll bars.” claiming a date of first use of February 26, 2015, and claiming a date of first use in United States commerce of March 5, 2016.

5. Upon information and belief, Applicant made no use of the mark in Application Serial No. 86956249 during or before 2012, the date of first use in U.S. commerce of Opposer’s Mark.

6. Upon information and belief, Applicant made no use of the mark in Application Serial No. 86956249 on or before June 20, 2011, the filing date of Opposer’s Registration No. 4373790.

7. Upon information and belief, Applicant made no use of the mark in Application Serial No. 86956249 on or before October 18, 2014, the filing date of Opposer’s Application Serial No. 86427599.

8. Upon information and belief, Applicant made no use of the mark in Application Serial No. 86956249 on or before March 5, 2016, the claimed a date of first use in U.S. commerce of the mark in said application.

9. Upon information and belief, Applicant made no use of the mark in Application Serial No. 86956249 on or before March 29, 2016, the filing date of Applicant’s Mark.

10. Upon information and belief, Applicant has to date made no use of the mark in Application Serial No. 86956249 in United States commerce.

11. The mark that Applicant seeks to register is similar in sound, appearance, meaning and commercial impression to Opposer's Mark, and could be used in connection with goods similar to or closely related to Opposer's goods. Based on the confusing similarity of the two marks and close relatedness of the parties' respective goods, the public is likely to associate the goods of Applicant under the mark "Krash Offroad" with Opposer and/or its licensees or with Opposer's and/or its licensees' goods under its mark "KRASH! [stylized]", or to believe that Applicant' goods are sponsored, endorsed or licensed by Opposer or its licensees, or that there exists some relationship between Applicant and Opposer and/or its licensees.

12. For the above reasons, any use of the mark "Krash Offroad" by Applicant is likely to cause confusion, cause mistake or deceive the public, and cause the public to believe that the goods offered under the mark by Applicant emanate from or are otherwise sponsored or endorsed by Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

REQUEST FOR RELIEF

WHEREFORE, Opposer will be irreparably harmed and financially damaged by the registration of the mark in Application Serial No. 86956249, and accordingly respectfully requests that this opposition be sustained and that the registration sought by Application Serial No. 86956249 be denied as to all of the applied for goods therein.

The Opposition fee in the amount of \$300.00 for one class is filed electronically herewith.

