

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

LEO STOLLER
CENTRAL MFG. CO.
P.O.Box 35189
Chicago, IL 60707-0189
Opposer,

vs.

RADIANT LABS, LLC
(an Illinois Corporation)
1173 E. Tower Road
Schaumburg, IL 60173
Applicant.

Opposition No: _____
Trademark: **STEALTH GUARD**
Application SN: 78-028,379
Int. Class No: 03
Filed: September 29, 2000
Published: July 24, 2001

TTAB/FEE
(IN TRIPLICATE)

STEALTH vs. STEALTH

NOTICE OF OPPOSITION

1. In the matter of Application SN 78-028,379, for the mark **STEALTH GUARD**, in Int. Class 03 for **wax/polish for use on automobiles, boats and aircraft**.

2. The Opposer or it's predecessor in title, has priority of use of the mark **STEALTH** in Common Law on a broad range of goods and services and with Federal trademark Registrations and applications, which list an extensive range of goods and services. The Opposer pleads that it has prior common law rights in and to the mark **STEALTH**, on similar goods, related goods, and competitive goods for, **automobile radar detectors, automobile car speakers, automobile tires, automobile radios, automobile paint, bikes, boats, etc., and polish for use on automobiles, bikes, boats and aircraft** and other goods sold in the same channels of trade, and sold to the identical customers that Applicant's goods are sold in, and/or are to be sold. The Opposer or it's predecessor in title, has priority of use of the mark **STEALTH** on similar goods as early as 1986.

10/31/2001 6THQMAS2 00000009 78028379

01 FC:377

300.00 OP

3. The Opposer, has priority of use of the mark **STEALTH** in numerous classes of goods and services, listed in the attached Registrations. The Opposer holds rights to a family of **STEALTH** marks, promoted together, as are well known to the Applicant, which goods are sold in the same channels of trade and to similar customers as Applicant's since at least as early as 1981 and hereby opposes registration of the confusingly similar mark **STEALTH GUARD**, Application Serial No: 78-028,379.

4. There is no issue as to priority. The Opposer's date(s) of first use as contained in its Registrations for very similar goods sold in the same channels of trade to the same customers as the Applicant's goods, are earlier than the Applicant's alleged first use date. The Applicant's alleged use date is subsequent to the issuance date of Opposer's said Registrations and its listed first use date(s).

5. Opposer has sold its goods listed in the aforesaid Registrations under the aforesaid *STEALTH* marks as herein before referred to throughout the United States. Opposer has developed an exceedingly valuable goodwill in respect to its famous mark *STEALTH* covered by the aforesaid Registrations.

6. By virtue of its efforts, and the expenditure of considerable sums for promotional activities and by virtue of the excellence of its products, the Opposer has gained for its listed marks a most valuable and famous reputation.

7. The Opposer licenses the *STEALTH* mark for a wide variety of collateral merchandise and expends substantial sums of money on policing¹ the use of Opposer's popular and famous trademark on a broad range of goods, as well known to the Applicant.

8. Applicant is well aware of Opposer's use of its marks and Opposer's strict policing of its famous *STEALTH* brand. The Opposer on September 26, 2000, sent a cease and desist letter to Michael Sparks, President of the Applicant. See Exhibit A.

9. The Opposer forcefully extended its famous *STEALTH* trademark on goods sold into the transportation industry. Opposer has extended its famous trademark into the automobile racing industry, and automobile after market industry, in handling successfully such a brand extension.

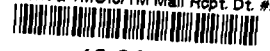
10. The Opposer on February 7, 2001, July 19, 2001 and July 31, 2001, sent letters to Applicant's counsel, Douglas N. Masters, and directly to the Applicant. See Exhibit B.

1. See attached list of over 60 victories wherein the Opposer has successfully opposed and/or canceled over 60 *STEALTH* and/or *STEALTH* formative marks at the PTO.

FTAB

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

U.S. Patent & TMO/TM Mail Rcpt. Dt. #57



10-26-2001

APPLICANT: **RADIANT LABS, LLC
(AN ILLINOIS CORPORATION)**

OPPOSER: **LEO STOLLER
CENTRAL MFG. CO.**

APPLICATION SN: **78-028,379**

TRADEMARK: **STEALTH GUARD**

INT. CL. NO: **03**

FILED: **September 29, 2000**

CI NOV - 1 PM 5:05

Ms. Jean Brown
Board Administrator Attorney,
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513
703 308-9300

Dear Ms. Jean Brown:

Applicant's trademark published for opposition on July 24, 2001. Opposer filed a timely extension to oppose on July 31, 2001. A copy of the Request For a Ninety Day Extension and post card receipt from the PTO is attached.

In the instant case, we appreciate your serving upon the Applicant, the Opposer's Notice of Opposition.

This Notice of Opposition was sent by Express Mail, No: **EJ097729996US** with the U.S. Postal Service.

Please find the \$300.00 fee.

Most Cordially

Leo Stoller
CENTRAL MFG. CO., Opposer
Email - Leo@rentamark.com
Trademark & Licensing Dept.
P.O. Box 35189
Chicago, Illinois 60707-0189
773-283-3880 Fax 708/283-0083

Dated: October 26, 2001

TM

IN THE UNITED PATENT & TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL & APPEAL BOARD

LEO STOLLER d/b/a
CENTRAL MFG.
P.O. BOX 35189
Chicago, IL 60707-0189
Potential Opposer,

Trademark: STEALTH GUARD
Application SN: 78-028,379
Int. Class No: 03
Filed: September 29, 2000

vs.

RADIANT LABS, LLC
(an Illinois Corporation)
1173 E. Tower Road
Schaumburg, Illinois 60173
Applicant.

U.S. Patent & TMOs/TM Mail Rcpt. Dt. #57



10-26-2001

Box TTAB/NO FEE
(IN TRIPLICATE)

**REQUEST FOR A NINETY DAY EXTENSION
OF OPPOSITION PERIOD**

NOW COMES the Potential Opposer and requests a extension of ninety (90) days from the present close of the opposition period, up to and including October 31, 2001 within which to consider the filing of an Opposition to the above identified application for trademark registration.

Potential Opposer invites opposing counsel to contact the Potential Opposer at Tel No. 773/283-3880 (L. Stoller) in order to discuss settlement of this potential trademark controversy as between the parties and/or to file an express abandonment.

This extension is requested to investigate facts, obtain documentation, and to enable the Potential Opposer to consider its position with regard to potential opposition of this application.

Respectfully submitted

By: Leo Stoller D/B/A
Central Mfg., Potential Opposer
Trademark and Licensing Department
P.O. Box 35189
Chicago, Illinois 60707-0189
773 283-3880 FAX 708 453-0083

Certification of Mailing

I hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to:
Box TTAB/NO FEE, Asst. Commissioner of Patents and Trademarks,
2900 Crystal Drive, Arlington, Virginia 22202-3513

Leo Stoller

Dated: July 31, 2001

C:\MARKS23\GUARD.EXT

Central v. Radiant Labs 78-028,379

7-31-01

TM: STEALTH GUARD

In Duplicate

Request for Ninety Day
Extension of Opposition Period



08-06-2001

U.S. Patent & TMOto/TM Mail Rcpt Dt. #71



Northwestern
University

SESQUICENTENNIAL 1851-2001

USA 20

P.O. Box 35189

Chicago, IL 60707-0189