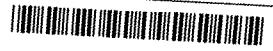


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD



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07-15-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #26

TAN PRO, INC.)
)
 Opposer,)
)
 v.)
)
 ST. LOUIS TAN COMPANY, INC.)
)
 Applicant.)
)

Opposition No.

MARK: TANCO
 SERIAL NUMBER: 76/235,824
 FILED: April 5, 2001
 PUBLISHED: June 11, 2002

NOTICE OF OPPOSITION

Tan Pro, Inc., by and through its undersigned attorneys, hereby opposes the application for registration of the mark TANCO for use in connection with "tanning salons featuring electronic tanning services," filed by St. Louis Tan Company, Inc. on or about April 5, 2001, published in the *Official Gazette* on June 11, 2002, and bearing serial No. 76/235,824, for the reason that it would be damaged thereby. As grounds for opposition, it is alleged that:

1. Opposer, Tan Pro, Inc., (hereinafter "Opposer") is an Ohio corporation with a principal address at 911 Taylor Avenue, Huron, Ohio 44839.
2. Upon information and belief, Applicant, St. Louis Tan Company, Inc. (hereinafter "Applicant") is a Missouri corporation with a principal address at 575 Rudder Road, Suite 102, Fenton, Missouri 63026.

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3. Since at least as early as 1998, Opposer has used the name "Tan Pro" and the mark TAN PRO in connection with its tanning salon services in the United States.

4. Opposer has invested a great deal of time and money in promoting its services under the TAN PRO mark and trade name, and continues to use and promote these services under the TAN PRO mark.

5. By virtue of Opposer's continuous, exclusive, and widespread use of the TAN PRO mark, Opposer is entitled to a broad scope of protection therefor.

6. Upon information and belief, Applicant seeks registration of the word TANCO for use in connection with "tanning salons featuring electronic tanning services" (hereinafter "the Services").

7. Applicant filed its application for the word TANCO on April 5, 2001, based on an "intent to use" the TANCO mark for the Services.

8. Applicant's use of the TANCO mark, when used for the Services recited in the application, is likely to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d) with Opposer's mark TAN PRO.

9. Use or application for registration by Applicant of TANCO is without Opposer's consent.

10. Registration of the mark TANCO by Applicant would provide Applicant with prima facie evidence of its validity, and would harm Opposer by causing confusion with Opposer's mark and its rights therein.

11. Opposer has the right to continue to use the TAN PRO mark in commerce without interference by Applicant, and without a likelihood of confusion, mistake, or deception.

12. Opposer and others in the field use the term TAN (and formatives thereof) as a descriptive term. In addition, the term CO is descriptive, as a shortened form of "Company".

13. The terms TAN and CO and the term TANCO, for which Applicant seeks registration, merely describe the services of Applicant in that the components and the whole of the terminology immediately conveys the nature of the services.

14. TAN and CO are ordinary English words having a common meaning when used in composite (or separately) to describe Applicant's services.

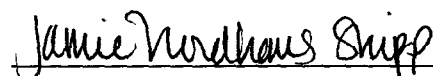
15. Registration of Applicant's mark will damage Opposer by entitling Applicant to certain benefits of exclusivity in connection with descriptive terms.

16. Applicant's TANCO mark is not entitled to registration, as it is merely descriptive in violation of § 2(e)(1) of the Trademark Act, 15 U.S.C. 1052(e)(1).

WHEREFORE Opposer prays that this Opposition be granted and that Applicant's application for registration of the alleged mark TANCO be denied.

Respectfully submitted this 11th day of July, 2002,

TAN PRO, INC.,
By its attorneys,



Courtland L. Reichman
Jamie Nordhaus Shipp
Bruce W. Baber
KING & SPALDING
191 Peachtree Street
Atlanta, Georgia 30303-1763
(404) 572-4600

CERTIFICATE OF MAILING UNDER 37 CFR 1.8.

I hereby certify that this Notice of Opposition is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Box TTAB Fee, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513 on July 11, 2002.

Jamie Nordhaus Shipp
[Typed name of person signing certificate]

Jamie Nordhaus Shipp
[Signature of person signing certificate]

July 11, 2002
[Date of signature]

KING & SPALDING

191 PEACHTREE STREET
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07-15-2002

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TRADEMARK TRIAL AND
APPEAL BOARD

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404/572-5145

July 11, 2002

Box TTAB-- FEE
Commissioner of Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

Re: Notice of Opposition of Application for TANCO, Serial No. 76/235,824

Dear Sir or Madam:

Enclosed please find an original and two (2) copies of the opposition of Tan Pro, Inc. to the registration of the mark TANCO, Serial No. 76/235,824 by St. Louis Tan Company, Inc. Also enclosed is a check for the filing fee in connection therewith in the amount of \$300.00, payable to the United States Patent and Trademark Office. Please credit any overpayment or charge any additional fees to King & Spalding's Deposit Account, No. 11-0980.

Please acknowledge receipt of this Request by returning the enclosed card with the stamp of the United States Patent and Trademark Office Mail Room.

Thank you for your assistance in this matter. Please call me at (404) 572-2817 if you have any questions regarding the enclosures.

Sincerely,

Jamie Nordhaus Shipp

Enclosures

cc: Mr. Courtland L. Reichman (w/encl.)

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