

Case DUENV-017M

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

**IN RE SERIAL NO. 76/395,293**

NIRVE SPORTS, LTD.	)	Opposition No.:
	)	
Opposer,	)	
	)	
vs.	)	
	)	
GUEST SUPPLY, INC.	)	
	)	
Applicant.	)	

**NOTICE OF OPPOSITION**

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

Dear Sir/Madam:

In the matter of the application of Guest Supply, Inc. of Monmouth Junction, NJ, (hereinafter "Applicant") for registration of the trademark NIRVAE, Application Serial No. 76/395,293, published in the Official Gazette of January 21, 2003, Nirve Sports, LTD., a California corporation, with offices at 18401 Bendilier Circle, Fountain Valley, CA 92708 (hereinafter "Opposer"), believes that it will be damaged by registration of the mark shown in Serial No. 76/395,293, and hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer is and has been for many years engaged in the extensive development,

advertising, and marketing of a variety of sporting services and products, including, bicycles, bicycle structural parts, wearing apparel and sporting goods, namely, skateboards, snowboards, weightboards, skis and surfboards. In connection therewith, Opposer has used, or filed federal applications with an intent to use, in interstate commerce, the mark NERVE, the mark NIRVE and the mark NIRVE (hereafter collectively referred to as the "NIRVE TRADEMARKS"), for the aforementioned goods since long prior to Applicant's filing date of the application of Serial No. 76/395,293 for the mark NIRVAE.

2. Since at least prior to Applicant's filing date, Opposer has filed for federal applications and thereafter made use of its NIRVE TRADEMARKS throughout the United States in interstate commerce. Since adoption of its NIRVE TRADEMARKS on its line of sporting products and services, Opposer has continuously used its NIRVE TRADEMARKS throughout the United States in interstate commerce.

3. Opposer has expended considerable sums in exerting every effort to maintain the highest standard of quality for its products and services, and has created valuable goodwill among the purchasing public under its NIRVE TRADEMARKS.

4. As a result of the continuous and extensive use of its NIRVE TRADEMARKS by Opposer, those marks have become and continue to function as a valuable business and marketing asset of Opposer, and serve to indicate to the trade and consuming public the products and services originating from Opposer and its authorized representative.

5. Opposer has obtained United States Trademark Registration No. 2,449,809, registered May 8, 2001, for the mark NERVE for the goods set forth in that registration. A copy of that registration is attached hereto as Exhibit A. This mark has been assigned to Opposer since its

registration. A copy of that assignment is attached hereto as Exhibit B.

6. Opposer has obtained United States Trademark Registration No. 2,598,408, registered July 23, 2002, for the mark NERVE for the goods set forth in that registration. A copy of that registration is attached hereto as Exhibit C.

7. Opposer owns United States Application Serial No. 75/765,996, which was filed August 2, 1999, for the mark NIRVE for the goods and services set forth in that application. A copy of the Filing Receipt for that application is attached hereto as Exhibit D.

8. Notwithstanding Opposer's rights in and to said NIRVE TRADEMARKS, Applicant, on information and belief, filed an application for registration of NIRVAE in International Class 003, International Class 021, International Class 025 and International Class 026 on April 10, 2002. Said application was published for opposition in the Official Gazette of January 21, 2003.

9. Pursuant to Trademark Rules of Practice 2.102, Opposer filed a Request to Extend Time for Filing this Notice of Opposition to March 22, 2003. A Copy of said Request to Extend Time is attached hereto as Exhibit E.

10. Applicant's NIRVAE mark is confusingly similar to Opposer's NIRVE TRADEMARKS and further dilutes the strength of Opposer's NIRVE TRADEMARKS. The registration and use by Applicant on the goods claimed in the subject application is likely to cause confusion, deception, mistake and dilution.

11. Applicant's use of the mark NIRVAE interferes with Opposer's use of its NIRVE TRADEMARKS and use of, or registration of, the mark NIRVAE by Applicant will seriously damage Opposer.

WHEREFORE, Opposer believes that it will be damaged by said registration and prays that

registration of the mark NIRVAE to Applicant be denied.

The filing fee for this Opposition in the amount of \$1200.00 (four international classes) is enclosed and this Opposition is enclosed herewith in triplicate. Opposer's representative authorizes the charging of any additional fees to its Deposit Account No. 19-4330.

Respectfully submitted,

Date: 3/13/03

By: 

Kit M. Stetina, Reg. No.29,445  
STETINA BRUNDA GARRED & BRUCKER  
75 Enterprise, Suite 250  
Aliso Viejo, California 92656  
(949) 855-1246

Counsel for Opposer

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- A

# The United States of America

SECT. 8 & 15 LETTER DUE: 5-8-06  
SECT. 8 & 15 AFF. DEADLINE: 5-8-07  
TM/SM RENEWAL LTR: 5-8-10  
TM/SM RENEWAL DUE: 5-8-11



## CERTIFICATE OF REGISTRATION PRINCIPAL REGISTER

*The Mark shown in this certificate has been registered in the United States Patent and Trademark Office to the named registrant.*

*The records of the United States Patent and Trademark Office show that an application for registration of the Mark shown in this Certificate was filed in the Office; that the application was examined and determined to be in compliance with the requirements of the law and with the regulations prescribed by the Director of the United States Patent and Trademark Office; and that the Applicant is entitled to registration of the Mark under the Trademark Act of 1946, as Amended.*

*A copy of the Mark and pertinent data from the application are part of this certificate.*

*This registration shall remain in force for TEN (10) years, unless terminated earlier as provided by law, and subject to compliance with the provisions of Section 8 of the Trademark Act of 1946, as Amended.*



*Nicholas P. Galati*

Acting Director of the United States Patent and Trademark Office

Int. Cl.: 12

Prior U.S. Cls.: 19, 21, 23, 31, 35, and 44

United States Patent and Trademark Office

Reg. No. 2,449,809  
Registered May 8, 2001

**TRADEMARK  
PRINCIPAL REGISTER**

**NERVE**

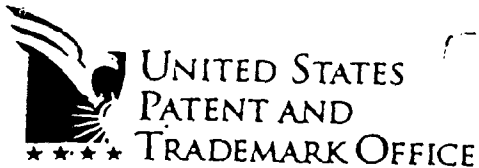
DUEHRING, WILLIAM (UNITED STATES CITI-  
ZEN)  
20782 COLIMA LANE  
HUNTINGTON BEACH, CA 92646

FIRST USE 9-7-2000; IN COMMERCE 9-11-2000.

SN 75-645,661, FILED 2-22-1999.

FOR: BICYCLES AND BICYCLE STRUCTURAL  
PARTS, IN CLASS 12 (U.S. CLS. 19, 21, 23, 31, 35 AND  
44).

JULIE WATSON, EXAMINING ATTORNEY



JUNE 18, 2002

PTAS

KIT M. STETINAA  
75 ENTERPRISE, #250  
ALISO VIEJO, CA 92656

Chief Information Office  
Washington, DC 2023  
www.uspto.gov

[REDACTED]  
\*102063878A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 04/10/2002

REEL/FRAME: 002488/0761  
NUMBER OF PAGES: 2

BRIEF: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

ASSIGNOR:  
DUEHRING, WILLIAM

DOC DATE: 03/22/2002  
CITIZENSHIP: UNITED STATES  
ENTITY: INDIVIDUAL

ASSIGNEE:  
NIRVE SPORTS, LTD.  
18401 BANDILIER CIRCLE  
FOUNTAIN VALLEY, CALIFORNIA 92708

CITIZENSHIP: CALIFORNIA  
ENTITY: CORPORATION

APPLICATION NUMBER: 75645661  
REGISTRATION NUMBER: 2449809

FILING DATE: 02/22/1999  
ISSUE DATE: 05/08/2001

MARK: NERVE

DRAWING TYPE: WORDS, LETTERS, OR NUMBERS IN TYPED FORM

.002488/0761 PAGE 2

MARY BENTON, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



2002 APR 10 AM 10:43

04-23-2002

CGE PTO-1594  
FORM 1000

RECORDATION  
FINANCE SECTION TRADEMARK

OMB No. 0651-0027 (exp. 5/31/2002)

Tab settings

DEPARTMENT OF COMMERCE  
and Trademark Office

102063878

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original or copy thereof.

1. Name of conveying party(ies):

William Duehring

4-10-02

- Individual(s)
- General Partnership
- Corporation-State
- Other
- Association
- Limited Partnership

Additional name(s) of conveying party(ies) attached?  Yes  No

3. Nature of conveyance:

- Assignment
- Security Agreement
- Other
- Merger
- Change of Name

Execution Date: March 22, 2002

2. Name and address of receiving party(ies)

Name: NIRVE SPORTS, LTD.

Internal

Address:

Street Address: 18401 BANDILIER Circle  
Fountain  
City: Valley State: CA Zip: 92708

- Individual(s) citizenship
- Association
- General Partnership
- Limited Partnership
- Corporation-State California
- Other

If assignee is not domiciled in the United States, a domestic representative designation is attached:  Yes  No  
(Designations must be a separate document from assignment)  
Additional name(s) & address(es) attached?  Yes  No

4. Application number(s) or registration number(s):

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

2,449,809

Additional number(s) attached  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Kit M. Stetina

Internal Address:

Street Address: 75 Enterprise, #250

Aliso

City: Viejo State: CA Zip: 92656

6. Total number of applications and registrations involved: 1

7. Total fee (37 CFR 3.41).....\$ 40.00

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number:

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Kit M. Stetina

Name of Person Signing

Signature

March 27, 2002

Date

Total number of pages including cover sheet, attachments, and document: 1

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patent & Trademarks, Box Assignments  
Washington, D.C. 20231

Case: DUENV-001T

TRADEMARK ASSIGNMENT

WHEREAS, William Duehring, having a principal place of business at 16331 Gothard, Unit A, Huntington Beach, California, 92647 (hereinafter "ASSIGNOR"), has adopted, used, and is using a mark which was registered in the United States Patent and Trademark Office, Registration No. 2,449,809 on May 8, 2001 for the mark NERVE for bicycles and bicycle structural parts thereof, in International Class 12, (hereinafter "mark"); and

WHEREAS, NIRVE SPORTS, LTD. a California corporation, having a principal place of business at 18401 Bandilier Circle, Fountain Valley, CA 92708, (hereinafter "ASSIGNEE"), is desirous of acquiring said mark and the registration thereof;

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, said ASSIGNOR does hereby assign unto said ASSIGNEE, all right, title, and interest in and to said mark, together with the goodwill of the business symbolized by the mark in the above-identified registration thereof.

IN TESTIMONY WHEREOF, ASSIGNOR hereunto sets its hand and seal this 22nd day of March, 2002.

ASSIGNOR:

*William Duehring*

By:

Name: William Duehring

Title: Applicant

State of California )

) ss:

County of Orange )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2002, before me, \_\_\_\_\_, a Notary Public in and for the State and County aforesaid, personally appeared WILLIAM DUEHRING personally known to me, or proved to me on the basis of satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument and acknowledged the same to be his free act and deed.

SEAL:

\_\_\_\_\_  
Notary Public

ATTORNEY DOCKET NO.: DUENV-001T

Serial No.: 75/645,661  
Filed: February 19, 1999  
Mark: NIRVE

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Box Assignments - Fee  
Assistant Commissioner of Trademarks  
Washington, D.C. 20231

on the date indicated below:

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, Express Mail No.      on the date indicated below and is addressed to:

on the date indicated below:

on March 27, 2002  
(Date)

  
Signature

Colleen Tyler  
Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

1. Transmittal;
2. Recordation Form Cover Sheet - Trademarks Only;
3. Assignment;
4. Check for \$40.00;
5. Return postcard.

Case No.: DUENV-001T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: William Duehring )  
Serial No.: 75/645,661 )  
Filed: February 22, 1999 )  
Mark: NIRVE )

---

TRANSMITTAL

BOX ASSIGNMENTS - Fee  
ASSISTANT COMMISSIONER FOR TRADEMARKS  
Washington, D.C. 20231

Dear Sir/Madam:

Enclosed for filing in the above-referenced matter please find the following:

1. Recordation Form Cover Sheet - Trademarks Only;
2. Assignment;
3. Check for \$40.00;
4. Certificate of Mailing; and
5. Return postcard.

Date: 3/27/02

Customer No.: 007663

Respectfully submitted

By: 

Kim Stetina  
Registration No. 29,445  
STETINA BRUNDA GARRED & BRUCKER  
75 Enterprise, Suite 250  
Aliso Viejo, CA 92656  
(949) 855-1246

C

# The United States of America



## CERTIFICATE OF REGISTRATION PRINCIPAL REGISTER

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*The records of the United States Patent and Trademark Office show that an application for registration of the Mark shown in this Certificate was filed in the Office; that the application was examined and determined to be in compliance with the requirements of the law and with the regulations prescribed by the Director of the United States Patent and Trademark Office; and that the Applicant is entitled to registration of the Mark under the Trademark Act of 1946, as Amended.*

*A copy of the Mark and pertinent data from the application are part of this certificate.*

*This registration shall remain in force for TEN (10) years, unless terminated earlier as provided by law, and subject to compliance with the provisions of Section 8 of the Trademark Act of 1946, as Amended.*



A handwritten signature in cursive script, appearing to read "James Profane".

Director of the United States Patent and Trademark Office

Int. Cl.: 12

Prior U.S. Cls.: 19, 21, 23, 31, 35, and 44

United States Patent and Trademark Office

Reg. No. 2,598,408

Registered July 23, 2002

**TRADEMARK  
PRINCIPAL REGISTER**

**NIRVE**

NIRVE SPORTS LTD. (CALIFORNIA CORPORATION)  
18401 BANDILIER CIRCLE  
FOUNTAIN VALLEY, CA 92708 BY ASSIGNMENT  
DUEHRING, WILLIAM (UNITED STATES CITIZEN)  
GARDEN GROVE, CA 92843

FIRST USE 3-27-1999; IN COMMERCE 12-3-1999.

SN 75-672,139, FILED 3-31-1999.

FOR: BICYCLES AND STRUCTURAL PARTS  
THEREOF, IN CLASS 12 (U.S. CLS. 19, 21, 23, 31, 35  
AND 44).

BARBARA GAYNOR, EXAMINING ATTORNEY

Receipt on the DATE OF FILING of the application registration and filing fees is acknowledged for the            identified below. The DATE OF FILING is contingent upon the collection of any payment made by check or draft. Your application will be considered in the order in which it was received and you will be notified as to the examination thereof. Action on the merits should be expected from the Patent and Trademark Office in approximately 06 months from the filing date. When inquiring about this application, include the SERIAL NUMBER, DATE OF FILING, OWNER NAME, and MARK.

KIT M. STETINA  
 STETINA BRUNDA GARRED & BRUCKER  
 24221 CALLE DE LA LOUISA, 4TH FLOOR  
 LAGUNA HILLS, CALIFORNIA 92653-3642

**D**  
 ATTORNEY  
 REFERENCE NUMBER  
 DUEHR-016T

**PLEASE REVIEW THE ACCURACY OF THE FILING RECEIPT DATA.**

A request for correction to the filing receipt should be submitted within 30 days to the following address: ASSISTANT COMMISSIONER FOR TRADEMARKS, 2900 CRYSTAL DRIVE, ARLINGTON, VIRGINIA 22202-3513. The correspondence should be marked to the attention of the Examination File Receipt Section. The Patent and Trademark Office will review the request and make corrections when appropriate.

SERIAL NUMBER: 75/765996  
 FILING DATE: Aug 2, 1999  
 REGISTER: Principal  
 LAW OFFICE: 104  
 MARK: NIRVE  
 MARK TYPE(S): Trademark; Service Mark  
 DRAWING TYPE: Words, letters, or numbers in typed form  
 FILING BASIS: Sect. 1(b) (Intent to Use)

ATTORNEY: Kit M. Stetina

OWNER: DUEHRING, WILLIAM (UNITED STATES, Individual), DBA THE DUEHRING COMPANY  
 18401 Bandilier Circle  
 Fountain Valley, CALIFORNIA 92708

FOR: SPORTING GOODS, NAMELY SKATEBOARDS, SNOWBOARDS, WEIGHTBOARDS, SKIS, AND SURFBOARDS  
 INT. CLASS: 028

FOR: PRODUCTION AND DISTRIBUTION SERVICES OF SPORTS PROGRAMS BROADCAST OVER RADIO, TELEVISION, AND THE WORLDWIDE WEB  
 INT. CLASS: 042

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

ESTTA Tracking number: **ESTTA1301**

Filing date: **02/20/2003**

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

**E**

Applicant: **Guest Supply, Inc.**

Application Serial Number: **76395293**

Application Filing Date: **04/10/2002**

Mark: **NIRVAE**

Date of Publication **01/21/2003**

Pursuant to 37 C.F.R. Section 2.102, Nirve Sports, LTD, 18401 Bandilier Circle, Fountain Valley, CA 92708, US, a corporation organized under the laws of state of California, through its undersigned attorney, respectfully requests that it be granted a 30-day extension of time to file a notice of opposition against the above-identified mark.

The mark was published for opposition on 01/21/2003, the opposition period being set to expire on 02/21/2003. Nirve Sports, LTD requests extension of the opposition period to 30 days from such date, namely to 03/22/2003.

Respectfully submitted,

/kms/ 02/20/2003

**Kit M. Stetina**

**STETINA BRUNDA GARRED & BRUCKER**

**75 Enterprise Suite 250**

**Aliso Viejo, CA 92656, US**

**trademark@stetinalaw.com**

**949-855-1246**

PFO-2120 (Exp. 5-31-2004)  
OMB No. 0651-0009 (Exp. 5-31-2004)



TTAB

ATTORNEY DOCKET NO: DUENV-017M  
MARK: NIRVAE

**Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

BOX TTAB – FEE  
Assistant Commissioner for Patents  
Washington, D.C. 20231

I hereby certify that this correspondence is being deposited with the United States Postal Service “Express Mail Post Office to Addressee” service under 37 CFR 1.10, Express Mail No. \* addressed to:

on March 13, 2003

Heather Steinhauer  
(Signature)

Heather Steinhauer  
(Typed name of person signing certificate)

03 MAR  
03-17-2003 AM 9:30  
U.S. Patent & TMO/TM Mail Rcpt Dt. #  
TRADOFFICE BOARD TRIAL AND

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

1. Notice of Opposition (3 pages plus 12 pages of exhibits) (in triplicate);
2. Check for \$1200;
3. Transmittal (in triplicate); and
4. Return Postcard.

LAW OFFICES  
**Stetina Brunda Garred & Brucker**  
A PROFESSIONAL CORPORATION  
PATENT, TRADEMARK, COPYRIGHT AND UNFAIR COMPETITION CAUSES  
75 ENTERPRISE, SUITE 250  
ALISO VIEJO, CALIFORNIA 92656

TTAB

KIT M. STETINA  
BRUCE B. BRUNDA  
MARK B. GARRED  
WILLIAM J. BRUCKER  
MATTHEW A. NEWBOLES  
ERIC L. TANEZAKI  
LOWELL ANDERSON

DARREN S. RIMER  
MARLENE KLEIN  
IN H. KIM  
STEPHEN T. BANG  
SEAN O'NEILL  
BRENT A. FOLSOM

JESSIE WANG\*

TELEPHONE (949) 855-1246  
FACSIMILE I (949) 855-6371  
FACSIMILE II (949) 716-8197  
www.stetinalaw.com  
Writer's Direct E-mail:  
kstetina@stetinalaw.com

March 13, 2003

BOX TTAB - FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

Re: Serial No. 76/395,293; Filed: 04/10/2002  
Mark: **NIRVAE**  
Our Reference: DUENV-017M

03-17-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #7;

Dear Sir/Madam:

Enclosed herewith for filing in the above-identified matter are the following:

1. Notice of Opposition (3 pages plus 12 pages of exhibits) (in triplicate);
2. Check for \$1200;
3. Certificate of Mailing; and
4. Return Postcard.

Please charge any additional fees to Deposit Account No. 19-4330. This Transmittal Letter is enclosed herewith in triplicate.

Respectfully submitted,

Date: 3/13/03

By: 

Kit M. Stetina  
Registration Number: 29,445  
STETINA BRUNDA GARRED & BRUCKER  
75 Enterprise, Suite 250  
Aliso Viejo, California 92656  
Telephone: (949) 855-1246