

NOTICE OF OPPOSITION

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

In the matter of Application Serial No. 78/060749
Mark: GLOBE SURFING
Filed: April 27, 2001
Published in the *Official Gazette*
at TM 2003 177 on February 4, 2003

04-22-2003
U.S. Patent & TMO/TM Mail Rcpt Dt. #74

Hardcore Enterprises Pty. Ltd.,)
Opposer)
v.)
Culver Raymond M II,)
Applicant)

OPPOSITION NO.:

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

05/12/2003 KSDMCHMM 00000092 78060749
01 FC:6402 300.00 DP

Notice of Opposition

Sir:

The above-identified opposer believes that it will be damaged by registration of the mark shown in the above-identified application, and hereby opposes same.

Hardcore Enterprises Pty. Ltd.
30-40 Flockhart Street
Abbotsford Victoria 3067
AUSTRALIA

The grounds for the opposition are that the mark is substantially similar to the trademarks held by the opposer, and in the same class, and that to allow the above mark to go to registration would cause a likelihood of confusion for the consuming public.

1 Opposer is in the business of the manufacture, sale and
2 distribution of clothing, footwear, bags and other products under
3 the marks Globe and Globe Australia and variants thereof. Opposer
4 has used the Globe and Globe Australia marks, its variants, and the
5 Globe designs on various clothing and other products since June,
6 1996.

7 In addition, Opposer is the owner of the Globe trademark
8 registrations throughout the world, including the United States.
9 The following are the registration numbers and international class
10 for the GLOBE trademarks in the United States:

11 Registration number 1,991,488 for clothing in international
12 class 25; registration number 2,601,308 for GLOBE AUSTRALIA in
13 international class 25 for footwear; registration number 2,194,182
14 for bags and luggage in international class 18.

15 Opposer has sold goods listed in the aforesaid registrations
16 under the aforesaid marks with labels throughout the United States.
17 Opposer has developed an exceedingly valuable good will in respect
18 to the marks covered by the aforesaid registrations. By virtue of
19 its efforts and the expenditure of considerable sums for
20 promotional activities, and by virtue of the excellence of its
21 products, the Opposer has gained a valuable reputation and good
22 will for its above-identified marks. In addition, the public has
23 come to associate products bearing marks which include GLOBE with
24 Opposer.

25 If the Applicant is permitted to use and register its mark for
26 its goods, as specified in the application herein opposed,
27 confusion in trade resulting in damage and injury to the Opposer
would be caused and would result by reason of the similarity
between the Applicant's mark and the Opposer's marks and in the
particular industry in which the Opposer sells its products, namely
the surfing and skateboard communities. Persons familiar with the
Opposer's marks would be likely to buy Applicant's goods with the
mistaken belief that the product was made and sold by the Opposer.
Any such confusion in trade inevitably would result in loss of
sales to the Opposer. Furthermore, any defect, objection or fault
found in the applicant's products marketed under its mark would
necessarily reflect upon and seriously injure the reputation which
the Opposer has established for its products merchandised under its
marks.

If the applicant is granted the registration herein opposed,
it would thereby obtain at least a prima facie exclusive right to
the use of the mark. Such registration would be a source of damage
and injury to the Opposer.

1 Wherefore, the Opposer prays that the application Serial No.
2 78/060,749 be rejected, and the mark therein sought for goods
3 therein specified in International Class 25 be denied and refused.

4 A duplicate copy of this Notice of Opposition is enclosed.

5 Enclosed also is a check in the amount of \$300.00 in payment
6 of the filing fee.

7 Date: April 19, 2003

8 Respectfully submitted,

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10 Law Office of Donald S. Grier
11 Donald S. Grier
12 4310 N. Oak Glen Street
13 Calabasas, CA 91302
14 (818)880-9174
15 Attorney for Opposer

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