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

MAG INSTRUMENT, INC.,

Opposer,

v.

MAGASCHONI APPAREL GROUP, INC.

Applicant.

Opposition No. _____

Application Serial No.: 78/219,056
Filing Date: February 26, 2003
Publication Date: September 16, 2003
Trademark: **M-A-G BY MAGASCHONI**
International Classes: 18 and 25

01-14-2004
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #22

NOTICE OF OPPOSITION

Box TTAB FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3514

Dear Madam/Sir:

Mag Instrument, Inc. ("Mag Instrument"), a California corporation located and doing business at 1635 South Sacramento Avenue, Ontario, California 91761, believes that it will be damaged by registration of the mark shown in Serial No. 78/219,056 and, through its attorneys,

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LAI- 2089533v1

CERTIFICATE OF MAILING
(37 C.F.R. § 1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as '**Express Mail Post Office To Addressee**' in an envelope addressed to Box TTAB FEE, Commissioner for Trademarks, 2900 Crystal drive, Arlington, VA 22202-3514

EL 975107447 US
Express Mail Label No.

January 14, 2004
Date of Deposit

Yolanda G. Ybuan
Name of Person Mailing Paper

Yolanda G. Ybuan
Signature of Person Mailing Paper

hereby opposes the same. Mag Instrument opposes registration of this mark in all classes for which Applicant has applied which, upon information and belief, are only International Classes 18 and 25.

On information and belief, Application Serial No. 78/291,056 (for the name "M-A-G BY MAGASCHONI" for clutches, shoulder bags, purses, hand bags, cosmetic bags sold empty, tote bags, saddle bags, backpacks, gym bags, duffle bags, travel bags, roll bags, sling bags, coin purses, drawstring pouches, overnight bags, wallets and key cases, in International Class 18 and footwear in International Class 25) was filed on February 26, 2003 by Magaschoni Apparel Group, Inc. ("Applicant"), a New York corporation doing business at 499 Seventh Avenue, New York, New York 10018. It was published for Opposition in the Official Gazette on September 16, 2003.

As grounds of opposition, it is alleged that:

1. Since at least as early as February 22, 1979, Mag Instrument has been using the trademark "MAG INSTRUMENT" in connection with its manufacture, advertising and sale of flashlights. Mag Instrument is the owner of United States Trademark Registration No. 1,715,086, for "MAG INSTRUMENT," which is in full force and effect and which has become incontestable. A copy of that registration is attached hereto as **Exhibit A**.

2. In addition to the trademark for "MAG INSTRUMENT," Mag Instrument has engaged in a deliberate effort to develop a family of marks incorporating "MAG" (collectively the "MAG Family Marks"). In accordance with its efforts, Mag Instrument has obtained registrations on the following marks:

	TRADEMARK	UNITED STATES REG. NO.
1.	MAG	1,975,632
2.	MAG-NUM STAR	1,245,187
3.	MAG-LITE and circumferential design	1,655,486
4.	MAG-LITE with sunburst design	1,524,374
5.	MINI MAGLITE	1,389,804
6.	MINI MAGLITE AAA	1,611,960
7.	MINI MAGLITE with sunburst design	1,525,488
8.	MINI-MAGLITE and circumferential inscription	1,667,539
9.	MAG & design	1,987,841
10.	MAG-LITE	1,154,816
11.	MAG-LITE RACING	2,182,187
12.	MAG-LITE RACING	2,276,776
13.	MAG-LITE RACING	2,330,350
14.	MAGLITE	2,485,515
15.	MAG-LITE	2,575,768
16.	MAGLITE	2,622,179

Copies of these registrations are attached hereto as **Exhibits B-Q**. A number of these trademarks have become incontestable.

3. Mag Instrument has also obtained trademark registrations on marks in its MAG Family of Marks in the State of California, starting in 1979, and currently has the following marks, among others, registered:

	TRADEMARK	STATE OF CALIFORNIA REG. NO.
1.	MAG-LITE	60569
2.	MINI MAG-LITE	78422
3.	MINI MAGLITE AAA	086000

Copies of these registrations are attached hereto as **Exhibits R-T**.

4. Mag Instrument has manufactured, marketed, and advertised its flashlights and related products so that the public associates them with the idea of extraordinary design, materials, workmanship, and reliability. In furtherance of that goal, Mag Instrument usually displays its products and the associated trademarks in its advertising and promotional presentations. At frequent trade shows, Mag Instrument prominently displays many of the MAG Family Marks, on a booth where its products are exhibited. Mag Instrument distributes full-color brochures that depict and describe its entire line of flashlights and related accessories. In addition, many of the MAG Family Marks, appear on the packaging and containers for the flashlights and/or related accessories and/or on the flashlights themselves. Mag Instrument has spent millions of dollars in advertising and promoting its flashlights and related products.

5. As a result of Mag Instrument's continuous use and promotion of the MAG Family Marks, as well as the distinctiveness of the marks, the purchasing public has come to associate the MAG Family Marks, with Mag Instrument as the source and sponsor thereof.

6. Mag Instrument's MAG-LITE® flashlight and other flashlights and accessories bearing the MAG Family Marks have developed a reputation of high quality. For example, Mag Instrument's MAG-LITE® flashlight and other flashlights have earned a superb reputation among police officers, firemen, and other emergency response professionals, as well as among mountaineers, explorers, sportsmen, campers, and others who require the finest flashlights available. Mag Instrument's flashlight products are sold in quantity to police and fire departments and other civil-defense agencies. They are also advertised on television, in movies, in sports/outdoor magazines, and by high-quality catalogue houses. They are sold at retail through various stores, including sporting goods stores, police equipment stores, hardware stores, and mass merchandisers.

7. The Applicant has applied to register "M-A-G BY MAGASCHONI" for clutches, shoulder bags, purses, hand bags, cosmetic bags sold empty, tote bags, saddle bags, backpacks, gym bags, duffle bags, travel bags, roll bags, sling bags, coin purses, drawstring pouches, overnight bags, wallets and key cases in International Class 18 and footwear in International Class 25.

8. Mag Instrument has used its Mag Family Marks, on flashlights and/or related accessories as well as clothing and other such items before February 26, 2003. Specifically, as indicated by Registration No. 2,575,768, Mag Instrument has used the mark "MAG-LITE" in connection with clocks, decals, pens and note pads, coffee mugs and insulated containers for beverages and clothing, namely, caps, shirts, T-shirts, sweatshirts and jackets, all before February 26, 2003 -- the date the Applicant filed its application for "M-A-G BY MAGASCHONI" for clutches, shoulder bags, purses, hand bags, cosmetic bags sold empty, tote

bags, saddle bags, backpacks, gym bags, duffle bags, travel bags, roll bags, sling bags, coin purses, drawstring pouches, overnight bags, wallets and key cases and footwear.

9. In view of the similarity of the respective marks, Applicant's use of "M-A-G BY MAGASCHONI" so resembles Mag Instrument's registered marks and Mag Instrument's use of its marks as to be likely to cause confusion, or to cause mistake, or to deceive.

10. Furthermore, the MAG Family Marks are distinctive and are famous marks. Applicant's use of "M-A-G BY MAGASCHONI," as well as its filing of a trademark application for "M-A-G BY MAGASCHONI," occurred subsequent to the MAG Family Marks becoming famous. Registration and use of Applicant's mark have caused and will cause dilution of the distinctive quality of the MAG Family Marks. If Applicant is permitted to use and register its mark, Mag Instrument will suffer injury to the value of the MAG Family Marks, its product identity, control over its goodwill and reputation, and ability to move into new markets.

In view of the above, Applicant is not entitled to Federal registration of its alleged mark in that Applicant's proposed use is likely to cause confusion, or to cause mistake, or to deceive. Further, Applicant's alleged mark dilutes the distinctive quality of the famous MAG Family Marks.

WHEREFORE, Mag Instrument prays that said Application Serial No. 78/291,056 be rejected, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Mag Instrument.

This Notice of Opposition is being submitted, as required by 37 C.F.R. §§2.101 - 12.107, in duplicate. The appropriate fee under 37 C.F.R. §2.6 is also submitted herewith. Please direct all future correspondence to the undersigned.

Respectfully submitted,

JONES DAY

Dated: January 14, 2004

By: /Mary A. Tuck/
Mary A. Tuck

555 West Fifth Street, Suite 4600
Los Angeles, California 90013
(213) 243-2356

Attorneys for Mag Instrument, Inc.

Int. Cls.: 9 and 11

Prior U.S. Cl.: 21

Reg. No. 1,715,086

United States Patent and Trademark Office

Registered Sep. 15, 1992

TRADEMARK
PRINCIPAL REGISTER

MAG INSTRUMENT

MAG INSTRUMENT, INC. (CALIFORNIA CORPORATION)
1635 SOUTH SACRAMENTO AVENUE
ONTARIO, CA 91761

FOR: BATTERIES, CHARGERS, ELECTRICAL CONVERTERS AND POWER CORDS, IN CLASS 9 (U.S. CL. 21).

FIRST USE 2-22-1979; IN COMMERCE 2-22-1979.

FOR: FLASHLIGHTS, FLASHLIGHT PARTS, AND FLASHLIGHT ACCESSORIES; NAMELY, BULBS, CLAMPS, HOLSTERS, TRAFFIC WANDS, LANYARDS, KEYRINGS, BATTERY SPRINGS, BULB PROTECTORS, POCKET CLIPS AND LENSES, IN CLASS 11 (U.S. CL. 21).

FIRST USE 2-22-1979; IN COMMERCE 2-22-1979.

SER. NO. 73-830,534, FILED 10-10-1989.

MARY FRANCES BRUCE, EXAMINING ATTORNEY

REGISTERED FOR A TERM OF 10 YEARS FROM Sept. 15, 1992

Attest

APR 8 9 1993

Attesting Officer

Certified to be a true copy of the registration issued by the United States Patent & Trademark Office, which registration is in full force and effect. Record title is in Registrant

Acting Commissioner of Patents and Trademarks

Int. Cls.: 9 and 11

Prior U.S. Cls.: 13, 21, 23, 26, 31, 34, 36 and 38

Reg. No. 1,975,632

United States Patent and Trademark Office

Registered May 28, 1996

TRADEMARK
PRINCIPAL REGISTER

MAG

MAG INSTRUMENT, INC. (CALIFORNIA CORPORATION)
1635 SOUTH SACRAMENTO AVENUE
ONTARIO, CA 91761

FOR: ELECTRIC FLASHLIGHT ACCESSORIES SOLD TOGETHER OR SEPARATELY, NAMELY RECHARGEABLE BATTERIES, BATTERY CHARGERS, ELECTRICAL CONVERTERS, POWER CORDS, CHARGER CRADLES, FLASHLIGHT RECHARGER ADAPTERS FOR USE WITH VEHICLE CIGARETTE LIGHTERS, BATTERY PACKS FOR FLASHLIGHTS, VOLTAGE CONVERTERS, FOREIGN PLUG ADAPTERS, HARDWIRING HARNESSES FOR ADAPTING FLASHLIGHT RECHARGERS TO LAND VEHICLES, BOATS AND AIRPLANES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-9-1992; IN COMMERCE 1-9-1992.

FOR: FLASHLIGHTS AND RELATED PARTS, COMPONENT PARTS AND ACCESSORIES THEREFOR, NAMELY REPLACEMENT FLASHLIGHT LAMPS, COMBINATION LENS HOLDER/ANTI-ROLL UNITS ADAPTED TO FIT THE HEADS OF FLASHLIGHTS, FLASHLIGHT MOUNTING BRACKETS, RUBBER GRIPPER SLEEVES ADAPTED TO FIT ON THE BARRELS OF FLASHLIGHTS AND LEATHER AND NYLON CARRYING HOLSTERS AND BELT HOLDERS, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31 AND 34).

FIRST USE 1-9-1992; IN COMMERCE 1-9-1992.

OWNER OF U.S. REG. NOS. 1,154,816, 1,715,086 AND OTHERS.

SER. NO. 74-460,678, FILED 11-19-1993.

ANDREW BAXLEY, EXAMINING ATTORNEY

Int. Cl.: 11

Prior U.S. Cl.: 21

Reg. No. 1,245,187

United States Patent and Trademark Office

Registered Jul. 12, 1983

TRADEMARK

Principal Register

MAG-NUM STAR

Mag Instrument, Inc. (California corporation)
1635 S. Sacramento St.
Ontario, Calif. 91761

For: FLASHLIGHT BULBS, in CLASS 11 (U.S. Cl. 21).

First use Jan. 19, 1980; in commerce Jan. 19, 1980.

Ser. No. 372,321, filed Jun. 30, 1982.

ABRAM I. SACHS, Examining Attorney

Int. Cl.: 11

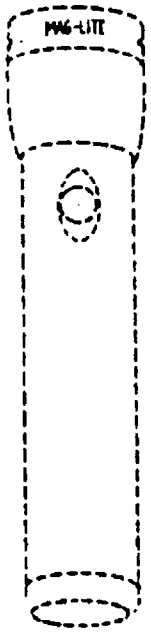
Prior U.S. Cl.: 21

Reg. No. 1,655,486

United States Patent and Trademark Office

Registered Sep. 3, 1991

TRADEMARK
PRINCIPAL REGISTER



MAG INSTRUMENT, INC. (CALIFORNIA CORPORATION)
1635 SOUTH SACRAMENTO AVENUE
ONTARIO, CA 91761

FOR: FLASHLIGHTS, IN CLASS 11 (U.S. CL. 21).

FIRST USE 2-22-1979; IN COMMERCE 2-22-1979.

OWNER OF U.S. REG. NO. 1,154,816.

THE MARK CONSISTS OF A CIRCUMFERENTIAL INSCRIPTION EXTENDING SUBSTANTIALLY AROUND THE HEAD OF A FLASHLIGHT AND BEARING THE WORDS "MAG-LITE". THE DOTTED LINES ARE NOT PART OF THE MARK AND SERVE ONLY TO SHOW THE POSITION OF THE MARK ON THE GOODS.

SER. NO. 73-741,896, FILED 7-25-1988.

SIDNEY I. MOSKOWITZ, EXAMINING ATTORNEY

178/292

Int. Cl.: 11

Prior U.S. Cl.: 21

United States Patent and Trademark Office

Reg. No. 1,524,374
Registered Feb. 14, 1989

TRADEMARK
PRINCIPAL REGISTER

MAG LITE

MAG INSTRUMENT, INC. (CALIFORNIA CORPORATION)
1635 S. SACRAMENTO STREET
ONTARIO, CA 91761

FOR: FLASHLIGHTS AND PARTS THEREOF; FLASHLIGHT ACCESSORIES, NAMELY, LAMPS, BULBS, FLASHLIGHT ACCESSORY KITS COMPRISING HOLSTERS, LENS HOLDERS, LENSES, POCKET CLIPS, WRIST LANYARDS AND KEY RINGS, IN CLASS 11 (U.S. CL. 21).

FIRST USE 5-17-1984; IN COMMERCE 7-0-1984.

OWNER OF U.S. REG. NO. 1,154,816.

SER. NO. 669,456, FILED 6-30-1987.

CANDICE ABATE, EXAMINING ATTORNEY

Int. Cl.:-11

Prior U.S. Cl.: 21

United States Patent and Trademark Office

Reg. No. 1,389,804
Registered Apr. 15, 1986

TRADEMARK
PRINCIPAL REGISTER

MINI MAGLITE

MAG INSTRUMENT, INC. (CALIFORNIA CORPORATION)
1635 SOUTH SACRAMENTO AVENUE
ONTARIO, CA 91761

FOR: FLASHLIGHTS, IN CLASS 11 (U.S. CL. 21).

FIRST USE 1-0-1984; IN COMMERCE 1-0-1984.

OWNER OF U.S. REG. NO. 1,154,816.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MINI", APART FROM THE MARK AS SHOWN.

SER. NO. 555,456, FILED 8-26-1985.

NANCY L. HANKIN, EXAMINING ATTORNEY

Int. Cls.: 11 and 13

Prior U.S. Cls.: 9 and 21

United States Patent and Trademark Office

Reg. No. 1,611,960
Registered Sep. 4, 1990

TRADEMARK
PRINCIPAL REGISTER

MINI MAGLITE AAA

MAG INSTRUMENT, INC. (CALIFORNIA CORPORATION)
1635 S. SACRAMENTO STREET
ONTARIO, CA 91761

FOR: FLASHLIGHTS AND FLASHLIGHT ACCESSORIES, NAMELY, LAMPS AND BULBS, IN CLASS 11 (U.S. CL. 21).

FIRST USE 1-8-1987; IN COMMERCE 1-8-1987.

FOR: FLASHLIGHT HOLSTERS, IN CLASS 13 (U.S. CL. 9).

FIRST USE 1-8-1987; IN COMMERCE 1-8-1987.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MINI", APART FROM THE MARK AS SHOWN.

SER. NO. 73-669,455, FILED 6-30-1987.

ABRAM I. SACHS, EXAMINING ATTORNEY

Int. Cl.: 11

Prior U.S. Cl.: 21

United States Patent and Trademark Office

Reg. No. 1,525,488
Registered Feb. 21, 1989

TRADEMARK
PRINCIPAL REGISTER

MINI MAG LITE

MAG INSTRUMENT, INC. (CALIFORNIA CORPORATION)
1635 S. SACRAMENTO STREET
ONTARIO, CA 91761

FOR: FLASHLIGHTS AND PARTS THEREOF; FLASHLIGHT ACCESSORIES, NAMELY, LAMPS, BULBS, FLASHLIGHT ACCESSORY KITS COMPRISING HOLSTERS, LENS HOLDERS, LENSES, POCKET CLIPS, WRIST LANYARDS AND KEY RINGS, IN CLASS 11 (U.S. CL. 21).

FIRST USE 4-0-1985; IN COMMERCE 6-0-1985.

OWNER OF U.S. REG. NO. 1,389,804.

SER. NO. 669,459, FILED 6-30-1987.

CANDICE ABATE, EXAMINING ATTORNEY

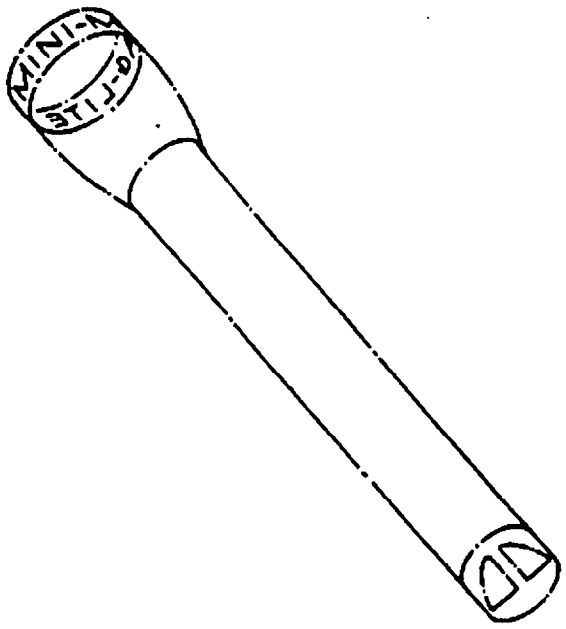
Int. Cl.: 11

Prior U.S. Cl.: 21

United States Patent and Trademark Office

Reg. No. 1,667,539
Registered Dec. 10, 1991

TRADEMARK
PRINCIPAL REGISTER



MAG INSTRUMENT, INC. (CALIFORNIA CORPORATION)
1635 SOUTH SACRAMENTO AVENUE
ONTARIO, CA 91761

FOR: FLASHLIGHTS, IN CLASS 11 (U.S. CL. 21).

FIRST USE 1-0-1984; IN COMMERCE 1-0-1984.

THE MARK CONSISTS OF A CIRCUMFERENTIAL INSCRIPTION EXTENDING SUBSTANTIALLY AROUND THE HEAD OF A FLASHLIGHT AND BEARING THE WORDS "MINI-MAGLITE". THE DOTTED LINES ARE NOT PART OF THE MARK AND SERVE ONLY TO SHOW THE POSITION OF THE MARK ON THE GOODS.

SER. NO. 73-741,897, FILED 7-25-1988.

SIDNEY I. MOSKOWITZ, EXAMINING ATTORNEY

Int. Cls.: 9 and 11

Prior U.S. Cls.: 13, 21, 23, 26, 31, 34, 36 and 38

Reg. No. 1,987,841

United States Patent and Trademark Office

Registered July 23, 1996

TRADEMARK
PRINCIPAL REGISTER

MAG INSTRUMENT, INC. (CALIFORNIA CORPORATION)
1635 SOUTH SACRAMENTO AVENUE
ONTARIO, CA 91761

FOR: ELECTRIC FLASHLIGHT ACCESSORIES SOLD TOGETHER OR SEPARATELY, NAMELY RECHARGEABLE BATTERIES, BATTERY CHARGERS, ELECTRICAL CONVERTERS, POWER CORDS, CHARGER CRADLES, FLASHLIGHT RECHARGER ADAPTERS FOR USE WITH VEHICLE CIGARETTE LIGHTERS, BATTERY PACKS FOR FLASHLIGHTS, VOLTAGE CONVERTERS, FOREIGN PLUG ADAPTERS, HARDWIRING HARNESSES FOR ADAPTING FLASHLIGHT RECHARGERS TO LAND VEHICLES, BOATS AND AIRPLANES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-9-1992; IN COMMERCE 1-9-1992.

FOR: FLASHLIGHTS AND RELATED PARTS, COMPONENT PARTS AND ACCESSORIES THEREFOR, NAMELY REPLACEMENT FLASHLIGHT LAMPS, COMBINATION LENS HOLDER/ANTI-ROLL UNITS ADAPTED TO FIT THE HEADS OF FLASHLIGHTS, FLASHLIGHT MOUNTING BRACKETS, RUBBER GRIPPER SLEEVES ADAPTED TO FIT ON

Int. Cl.: 11

Prior U.S. Cl.: 21

United States Patent and Trademark Office

Reg. No. 1,154,816

Registered May 19, 1981

TRADEMARK

Principal Register

MAG-LITE

Mag Instrument, Inc. (California corporation)
1103 W. State St.
Ontario, Calif. 91761

For: FLASHLIGHT, in CLASS 11 (U.S. Cl. 21).
First use Feb. 22, 1979; in commerce Feb. 22, 1979.

Ser. No. 238,973, filed Nov. 13, 1979.

J. TINGLEY, Primary Examiner

Int. Cl.: 41

Prior U.S. Cls.: 100, 101 and 107

United States Patent and Trademark Office

Reg. No. 2,182,187

Registered Aug. 18, 1998

SERVICE MARK
PRINCIPAL REGISTER

MAG-LITE RACING

MAG INSTRUMENT, INC. (CALIFORNIA CORPORATION)
1635 SOUTH SACRAMENTO AVENUE
ONTARIO, CA 917611083

FOR: STOCK CAR AND TRUCK RACING, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).
FIRST USE 4-20-1997; IN COMMERCE 4-20-1997.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "RACING", APART FROM THE MARK AS SHOWN.

SER. NO. 75-307,436, FILED 6-11-1997.

CARYN HINES, EXAMINING ATTORNEY

Int. Cl.: 11

Prior U.S. Cls.: 13, 21, 23, 31, and 34

Reg. No. 2,276,776

United States Patent and Trademark Office

Registered Sep. 7, 1999

TRADEMARK
PRINCIPAL REGISTER

MAG-LITE RACING

MAG INSTRUMENT, INC. (CALIFORNIA CORPORATION)
1635 SOUTH SACRAMENTO AVENUE
ONTARIO, CA 917611083

FOR: FLASHLIGHTS AND PARTS THEREOF; FLASHLIGHT ACCESSORIES, NAMELY, LAMPS AND BULBS; FLASHLIGHT ACCESSORY KITS, COMPRISING HOLSTERS, LENSHOLDER, LENS, POCKETS CLIPS, WRIST LANYARDS AND KEYRINGS, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31 AND 34).

FIRST USE 10-16-1997; IN COMMERCE 10-16-1997.

OWNER OF U.S. REG. NOS. 1,154,816, 1,389,804, AND 1,524,374.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "RACING", APART FROM THE MARK AS SHOWN.

SN 75-978,302, FILED 6-4-1997.

KAREN MCGEE, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 2,330,350

United States Patent and Trademark Office

Registered Mar. 14, 2000

TRADEMARK
PRINCIPAL REGISTER

MAG-LITE RACING

MAG INSTRUMENT, INC. (CALIFORNIA CORPORATION)
1635 SOUTH SACRAMENTO AVENUE
ONTARIO, CA 917611083

FOR: CLOTHING, NAMELY, SHIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 2-0-1999; IN COMMERCE 2-0-1999.

OWNER OF U.S. REG. NOS. 1,154,816, 1,389,804, AND 1,524,374.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "RACING", APART FROM THE MARK AS SHOWN.

SN 75-978,970, FILED 6-4-1997.

KAREN MCGEE, EXAMINING ATTORNEY

Int. Cl.: 11

Prior U.S. Cls.: 13, 21, 23, 31, and 34

United States Patent and Trademark Office

Reg. No. 2,485,515

Registered Sep. 4, 2001

TRADEMARK
PRINCIPAL REGISTER

MAGLITE

MAG INSTRUMENT, INC. (CALIFORNIA CORPORATION)
1635 SOUTH SACRAMENTO AVENUE
ONTARIO, CA 917611083

FOR: FLASHLIGHTS AND FLASHLIGHT ACCESSORIES, NAMELY, LAMPS, BULBS, FLASHLIGHT ACCESSORY KITS COMPRISING HOLSTERS, LENS HOLDERS, LENSES, POCKET CLIPS, WRIST LANYARDS AND KEY RINGS, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31 AND 34).

FIRST USE 5-17-1984; IN COMMERCE 7-0-1984.

OWNER OF U.S. REG. NOS. 1,154,816, 1,808,998, AND OTHERS.

SN 75-385,568, FILED 11-5-1997.

ASMAT KHAN, EXAMINING ATTORNEY

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Electronic Search System(Tess)

TESS was last updated on Wed Dec 10 06:40:29 EST 2003

Logout Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

Check Status *(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)*

Typed Drawing

Word Mark	MAG-LITE
Goods and Services	IC 014. US 002 027 028 050. G & S: Clocks. FIRST USE: 19981100. FIRST USE IN COMMERCE: 19981100 IC 016. US 002 005 022 023 029 037 038 050. G & S: Decals, pens, and note pads. FIRST USE: 19981100. FIRST USE IN COMMERCE: 19981100 IC 021. US 002 013 023 029 030 033 040 050. G & S: Coffee mugs and insulated containers for beverages. FIRST USE: 19981100. FIRST USE IN COMMERCE: 19981100 IC 025. US 022 039. G & S: Clothing, namely, caps, shirts, T-shirts, sweatshirts, and jackets. FIRST USE: 19860000. FIRST USE IN COMMERCE: 19860000
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76205030
Filing Date	February 5, 2001
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	March 12, 2002
Registration Number	**2575768**
Registration Date	June 4, 2002

Owner	(REGISTRANT) Mag Instrument, Inc. CORPORATION CALIFORNIA 1635 South Sacramento Avenue Ontario CALIFORNIA 91761
Attorney of Record	Mary A. Tuck
Prior Registrations	1154816;2485515;AND OTHERS
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

Int. Cls.: 9 and 11

Prior U.S. Cls.: 13, 21, 23, 26, 31, 34, 36, and 38

United States Patent and Trademark Office

Reg. No. 2,622,179

Registered Sep. 17, 2002

TRADEMARK
PRINCIPAL REGISTER

MAGLITE

MAG INSTRUMENT, INC. (CALIFORNIA CORPORATION)

1635 SOUTH SACRAMENTO AVENUE

ONTARIO, CA 917611083

FOR: ELECTRIC FLASHLIGHT ACCESSORIES SOLD TOGETHER OR SEPARATELY, NAMELY RECHARGEABLE BATTERIES, BATTERY CHARGERS, ELECTRICAL CONVERTERS, POWER CORDS, CHARGER CRADLES, FLASHLIGHT RECHARGER ADAPTERS FOR USE WITH VEHICLE CIGARETTE LIGHTERS, BATTERY PACKS FOR FLASHLIGHTS, VOLTAGE CONVERTERS, FOREIGN PLUG ADAPTERS, HARDWIRING HARNESSES FOR ADAPTING FLASHLIGHT RECHARGERS TO LAND VEHICLES, BOATS AND AIRPLANES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-1-2001; IN COMMERCE 1-1-2001.

FOR: FLASHLIGHTS AND RELATED PARTS, COMPONENT PARTS AND ACCESSORIES THEREFOR, NAMELY REPLACEMENT FLASHLIGHT LAMPS, COMBINATION LENS HOLDER/ANTI-ROLL UNITS ADAPTED TO FIT THE HEADS OF FLASHLIGHTS, FLASHLIGHT MOUNTING BRACKETS, RUBBER GRIPPER SLEEVES ADAPTED TO FIT ON THE BARRELS OF FLASHLIGHTS AND LEATHER AND NYLON CARRYING HOLSTERS AND BELT HOLDERS, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31 AND 34).

FIRST USE 1-1-2001; IN COMMERCE 1-1-2001.

OWNER OF U.S. REG. NOS. 1,389,804, 1,611,960, AND OTHERS.

SN 76-223,778, FILED 3-12-2001.

KIMBERLY FRYE, EXAMINING ATTORNEY

State of California

OFFICE OF THE SECRETARY OF STATE

Trademark
Reg. No. 60569

CERTIFICATE OF REGISTRATION OF TRADEMARK

I, MARCH FONG EU, Secretary of State of the State of California, hereby certify:

That in accordance with the application filed in this office the TRADEMARK described below has been duly registered in this office on behalf of:

Name of Applicant Meg Instrument, Inc., a California corporation

Business Address 1133 W. State Street, Ontario, California 91761

Date First Used in California February 22, 1979

Date First Used Anywhere February 22, 1979

Description of Trademark the word "MAG-LITE"

Class No. 21

Description of Goods on Which the Trademark is Used ~~flashlight~~

A copy, specimen, facsimile, counterpart or a reproduction of the mark is attached.

Date of Registration November 20, 1979

Term of Registration Extends to and Includes November 20, 1989

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this

day of

20th November, 1979.

March Fong Eu

Secretary of State

State of California
OFFICE OF THE SECRETARY OF STATE

Trademark Reg. No. 78422

CERTIFICATE OF REGISTRATION OF TRADEMARK

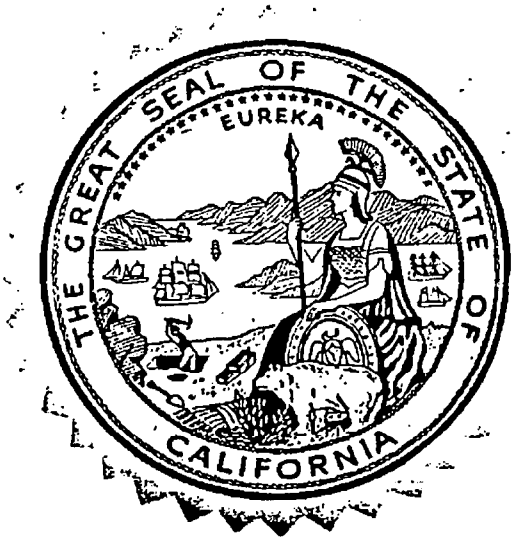
I, MARCH FONG EU, Secretary of State of the State of California, hereby certify:

That in accordance with the application filed in this office the TRADEMARK described below has been duly registered in this office on behalf of:

Name of Applicant Mag Instrument, Inc., a California corporation
Business Address 1635 South Sacramento Street Ontario, California 91761
Date First Used in California On or before January, 1984
Date First Used Anywhere On or before January, 1984
Description of Trademark the words "MINI MAGLITE" in block form

Class No. 21
Description of Goods on Which the Trademark is Used flashlights

A copy, specimen, facsimile, counterpart or a reproduction of the mark is attached.
Date of Registration September 3, 1985
Term of Registration Extends to and Includes September 3, 1995



IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this

day of
3rd September, 1985

March Fong Eu
Secretary of State

State of California
OFFICE OF THE SECRETARY OF STATE

Trademark Reg. No. 086000

CERTIFICATE OF REGISTRATION OF TRADEMARK

I, MARCH FONG EU, Secretary of State of the State of California, hereby certify:

That in accordance with the application filed in this office the TRADEMARK described below has been duly registered in this office on behalf of:

Name of Applicant: Mag Instrument, Inc.

Business Address: 1635 S. Sacramento Street
Ontario, California 91761

Date First Used in California: January 8, 1987

Date First Used Anywhere: January 8, 1987

Description of Trademark: "MINI MAGLITE AAA"

Class No. 21

Description of Goods on Which the Trademark is Used: flashlights and flashlight accessories

A copy, specimen, facsimile, counterpart or a reproduction of the mark is attached.

Date of Registration: 11/30/87

Term of Registration Extends to and Includes: 11/30/97

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this 30th day of November 1987

March Fong Eu

Secretary of State

ttab

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

MAG INSTRUMENT, INC.,

Opposer,

v.

MAGASCHONI APPAREL GROUP, INC.

Applicant.

Opposition No. _____

Application Serial No.: 78/219,056
Filing Date: February 26, 2003
Publication Date: September 16, 2003
Trademark: **M-A-G BY MAGASCHONI**
International Classes: 18 and 25

01-14-2004
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #22

TRANSMITTAL LETTER

Box TTAB FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3514

Dear Madam/Sir:

Transmitted herewith is a Notice of Opposition for the above-referenced trademark application (in duplicate), and Check No. 1043677 for $600.00 to cover payment of fees associated with this filing.

CERTIFICATE OF MAILING
(37 C.F.R. § 1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as **'Express Mail Post Office To Addressee'** in an envelope addressed to Box TTAB FEE, Commissioner for Trademarks, 2900 Crystal drive, Arlington, VA 22202-3514.

EL 975107447 US
Express Mail Label No.

January 14, 2004
Date of Deposit

Yolanda G. Ybuan
Name of Person Mailing Paper

Yolanda G. Ybuan
Signature of Person Mailing Paper

LAI-2089533v1

The Commissioner is hereby authorized to charge payment of any additional fee(s) associated with this communication or credit any overpayment to Deposit Account No. **50-2468**.

Respectfully submitted,

JONES DAY

Dated: January 14, 2004

By: _____
Mary A. Tuck
Attorneys for Mag Instrument, Inc.

555 West Fifth Street
Los Angeles, California 90013-1025
213-489-3939

CUSTOMER NO.: 34026