

TTAB

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

IN THE MATTER OF Application Serial No. 76/080,812, filed November 2, 1999
PUBLISHED IN THE OFFICIAL GAZETTE of November 25, 2003



RA BRANDS, LLC,)
)
)
 Opposer,)
)
)
 v.)
)
)
 FREDERIC REMINGTON TRUST 1861,)
)
)
 Applicant.)

05-28-2004
U.S. Patent & TMO/TM Mail Rcpt Dt. #78

Opposition No. 91159969

OPPOSER'S RESPONSE TO APPLICANT'S MOTION TO DISMISS

Opposer files this response to Applicant's motion entitled "MOTION TO DISMISS OPPOSITION AS UNTIMELY NOTICE OF OPPOSITION, PURSUANT TO 15 USC §1062, et. seq." that was filed in Opposition Nos. 91160023, 91160041, 91160040, 91160019, 91160031, 91160032, 91160064, 91159998, 91160021, and 91159969. Applicant previously filed another motion to dismiss in this opposition, entitled "MOTION TO DISMISS OPPOSITION No. 91159969." Opposer filed its response to that motion on May 24, 2004. For the reasons that follow, Opposer respectfully requests that this motion also be denied.

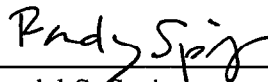
Applicant argues that Opposer's Notice of Opposition was untimely filed because it was received by the TTAB 125 days from the date Application Serial No. 76/080,812 was published. Opposer's Notice of Opposition was filed with a proper Certificate of Mailing as described in 37 C.F.R. § 2.197 (See Exhibit A). The Certificate of Mailing was dated March 24, 2004, 120 days after the November 25, 2003 publication of Application Serial No. 76,080,812. Furthermore,

Opposer properly filed a Request for Extension of Time to Oppose and the extension was granted by the TTAB (See Exhibit B). Accordingly, Opposer's Notice of Opposition was timely filed.

For the reasons stated above, Opposer asks that the Board deny Applicant's Motion to Dismiss this opposition and that the proceedings be resumed.

This the 26th day of May, 2004.

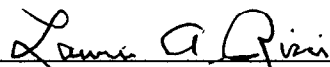
WOMBLE CARLYLE SANDRIDGE & RICE
A Professional Limited Liability Company



Randel S. Springer
Attorney for Opposer RA Brands, LLC
One West Fourth Street
Winston-Salem, North Carolina 27101
Telephone: (336) 721-3747
Facsimile: (336) 726-6991
E-Mail: RSpringer@wcsr.com

Certificate of Mailing

I hereby certify that the foregoing OPPOSER'S RESPONSE TO APPLICANT'S MOTION TO DISMISS is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to the Commissioner for Trademarks, United States Patent and Trademark Office, Box TTAB, 2900 Crystal Drive, Arlington, Virginia 22202-3513, on the 26th day of May, 2004.

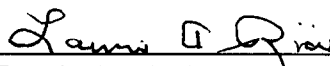


Laurie A. Ricci
Paralegal to Randel S. Springer

Certificate of Service

I hereby certify that a copy of the foregoing OPPOSER'S RESPONSE TO APPLICANT'S MOTION TO DISMISS has been served upon Applicant by first class mail this 26th day of May, 2004, in an envelope addressed as follows:

Dean S. Shideler
3539 Rolston Street
Fort Wayne, Indiana 46805-1537



Laurie A. Ricci
Paralegal to Randel S. Springer

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

IN THE MATTER OF Application Serial No. 76/080,812, filed November 2, 1999
PUBLISHED IN THE OFFICIAL GAZETTE of November 25, 2003

RA BRANDS, LLC)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
FREDERIC REMINGTON TRUST 1861,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

RA BRANDS, LLC (“Opposer”), a limited liability company organized and existing under the laws of the State of Delaware, located and doing business at 870 Remington Drive, Madison, North Carolina 27025, believes that it will be damaged by the registration of the mark shown in the above-identified application and hereby opposes the same.

As grounds of opposition, Opposer alleges that:

1. On November 2, 1999, Applicant, Frederic Remington Trust 1861 (“Applicant”), filed a United States Trademark Application to register the mark FREDERIC REMINGTON (“Applicant’s Mark”) and the application was assigned Serial No. 76/080,812 by the United States Patent and Trademark Office (the “Application”).

2. Applicant’s Application was published for opposition in the November 25, 2003 Official Gazette in respect of the following services:

Entertainment, namely production of motion pictures and television shows in International Class 041.

3. RA Brands, LLC (“Opposer”) is the owner of numerous federal registrations for the trademark REMINGTON (“Opposer’s Mark”) for use with outdoor sporting goods, including hunting and fishing equipment and related services (“Opposer’s Goods and Services”), including a registration for REMINGTON RACING for “organizing and conducting entertainment exhibitions in the nature of automobile racing” (Reg. No. 2,591,799).

4. Opposer’s Marks distinguish Opposer’s Goods and Services from the products of others.

5. Opposer’s Mark has attained wide public recognition as an identification of the source of Opposer’s Goods and Services, and Opposer’s Mark distinguishes Opposer’s Goods and Services from the products of others.

6. Applicant’s Mark is confusingly similar to Opposer’s Marks and is likely to cause confusion or to cause mistake or to deceive the public.

7. Applicant’s Mark dilutes Opposer’s famous mark in violation of Section 43(a) of the Lanham Act, 15 U.S.C. §112(c).

8. Opposer will be damaged and irreparably injured if registration is granted to Applicant for Applicant’s Mark.

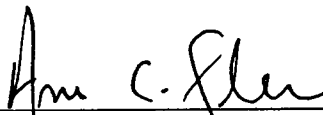
9. For the reasons set forth above, registration of Applicant’s Mark should be denied.

A duplicate copy of this Notice is enclosed. The Commissioner is hereby authorized to charge the required fee of \$300 to Deposit Account No. 50-0517. The Commissioner is also hereby authorized to charge any deficiency in the payment of the required fee or credit any overpayment to Deposit Account No. 50-0517.

WHEREFORE, Opposer respectfully prays that the registration sought by Applicant be refused and that this opposition be sustained in favor of Opposer.

This the 24th day of March, 2004.

WOMBLE CARLYLE SANDRIDGE & RICE
A Professional Limited Liability Company



Randel S. Springer

Anne C. Fleeson

Attorneys for Opposer RA Brands, LLC

One West Fourth Street

Winston-Salem, North Carolina 27101

Telephone: (336) 721-3747

Facsimile: (336) 726-6991

E-Mail: RSpringer@wcsr.com

Certificate of Mailing

I hereby certify that the foregoing Notice of Opposition is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to the Commissioner for Trademarks, United States Patent and Trademark Office, Box TTAB, 2900 Crystal Drive, Arlington, Virginia 22202-3513, on the 24th day of March, 2004.

Lewis A. Quinn

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Randel S. Springer
Womble Carlyle Sandridge & Rice, PLLC
One West Fourth Street
Winston-Salem, NC 27101

Mailed: December 11, 2003

Serial No.: 76080812
ESTTA TRACKING NO: ESTTANum

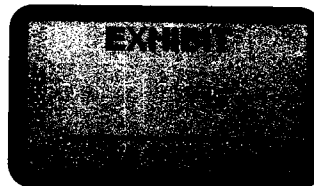
The request to extend time to oppose is granted until
3/24/2004 on behalf of potential opposer **RA Brands, L.L.C.**

Please do not hesitate to contact the Trademark Trial and
Appeal Board at (703) 308-9300 if you have any questions
relating to this extension.

New Developments at the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to
oppose, notices of opposition, and inter partes filings are now
available at <http://estta.uspto.gov>. Images of TTAB proceeding
files can be viewed using TTABVue at <http://ttabvue.uspto.gov>.

Parties should also be aware of changes in the rules affecting
trademark matters, including rules of practice before the TTAB.
See Rules of Practice for Trademark-Related Filings Under the
Madrid Protocol Implementation Act, 68 Fed. R. 55,748 (September
26, 2003) (effective November 2, 2003) Reorganization of
Correspondence and Other Provisions, 68 Fed. Reg. 48,286 (August
13, 2003) (effective September 12, 2003). Notices concerning the
rules changes are available at www.uspto.gov.





UNITED STATES PATENT AND TRADEMARK OFFICE

[Home](#)[Index](#)[Search](#)[System Alerts](#)[eBusiness Center](#)[News & Notices](#)[Contact Us](#)**Electronic System for Trademark Trials and Appeals**

Receipt

Your submission has been received by the USPTO.
The contents of your submission are listed below.
You may print a copy of this receipt for your records.

ESTTA Tracking number: **ESTTA3753**Filing date: **12/10/2003**

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

Applicant: **Frederic Remington Trust 1861**
Application Serial Number: **76080812**
Application Filing Date: **11/02/1999**
Mark: **FREDERIC REMINGTON**
Date of Publication **11/25/2003**

First 90 Day Request for Extension of Time to Oppose for Good Cause

Pursuant to 37 C.F.R. Section 2.102, RA Brands, L.L.C., 870 Remington Drive, Madison, NC 27025, UNITED STATES, a Limited Liability Company, organized under the laws of Delaware, respectfully requests that it be granted a 90-day extension of time to file a notice of opposition against the above-identified mark for cause shown.

Potential opposer believes that good cause is established for this request by:

- The potential opposer needs additional time to investigate the claim

The time within which to file a notice of opposition is set to expire on 12/25/2003. RA Brands, L.L.C. respectfully requests that the time period within which to file an opposition be extended until 03/24/2004.

Respectfully submitted,
/Randy Springer/ 12/10/2003

Randel S. Springer
Womble Carlyle Sandridge & Rice, PLLC
One West Fourth Street

Winston-Salem, NC 27101

UNITED STATES

rspringer@wcsr.com

(336) 721-3747

[Return to ESTTA home page](#) [Start another ESTTA filing](#)

[| HOME](#) | [INDEX](#) | [SEARCH](#) | [SYSTEM STATUS](#) | [BUSINESS CENTER](#) | [NEWS&NOTICES](#) |
[CONTACT US](#) | [PRIVACY STATEMENT](#)