

ESTTA Tracking number: **ESTTA12628**

Filing date: **07/30/2004**

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

### Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

#### Opposer Information

<b>Name</b>	Outdoor Life Network, L.L.C.
<b>Granted to Date of previous extension</b>	08/11/2004
<b>Address</b>	Outdoor Life Network, L.L.C. 281 Tresser Blvd. Two Stamford Plaza Stamford, CT 06901 UNITED STATES

<b>Attorney information</b>	David M. Silverman, Esq. Cole, Raywid & Braverman, L.L.P. 1919 Pennsylvania Ave., N.W. Suite 200 Washington, DC 20006 UNITED STATES dsilverman@crblaw.com Phone:202-659-9750
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#### Applicant Information

<b>Application No</b>	78181588	<b>Publication date</b>	04/13/2004
<b>Opposition Filing Date</b>	07/30/2004	<b>Opposition Period Ends</b>	08/11/2004
<b>Applicant</b>	Hagerty, Brian P		

**Goods/Services Affected by Opposition**

Class 009. First Use: First Use In Commerce:  
All goods and services in the class are opposed, namely: EYEGLASSES, SUNGLASSES  
AND EYEGLASS LENSES

<b>Attachments</b>	EXTREMEGRAVITYOpp.pdf ( 4 pages )
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<b>Signature</b>	/david m. silverman/
<b>Name</b>	David M. Silverman, Esq.
<b>Date</b>	07/30/2004

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

Outdoor Life Network, L.L.C.	)	
a Delaware corporation,	)	
	)	
Opposer	)	Opposition No. _____
	)	
v.	)	Mark: EXTREME GRAVITY
	)	Serial No.: 78/181588
Brian P. Hagerty	)	Published: April 13, 2004
	)	at Page TM 225
Applicant.	)	

**NOTICE OF OPPOSITION**

On behalf of Outdoor Life Network, L.L.C. ("Opposer"), we hereby oppose the captioned application of Brian P. Hagerty ("Applicant") in Class 9. Opposer believes that it will be damaged by the registration in Class 9 of Serial No. 78/181588 published in the Official Gazette on April 13, 2004 for the mark EXTREME GRAVITY and hereby opposes registration of said mark to Applicant.

The grounds for this Opposition are as follows:

1. Opposer is a limited liability company organized and existing under the laws of Delaware, located and doing business at 281 Tresser Boulevard, Two Stamford Plaza, Stamford, Connecticut 06901.
2. Upon information and belief, Applicant is an individual whose address is 1702 East Winter Drive, Phoenix, Arizona 85020.
3. Applicant has filed Trademark Application Serial No. 78/181588 to register the mark "EXTREME GRAVITY" in International Class 9 for "eyeglasses, sunglasses and eyeglass lenses."

4. Opposer is the owner of the following United States registered marks and applications, among others:

Application No. 76/407179 for the mark GRAVITY GAMES & Design in Class 9, filed May 10, 2002 and allowed for registration by the U.S. Trademark Office on May 19, 2004.

Registration 2,522,255 for the mark GRAVITY GAMES & Design in Class 41, filed November 17, 2000, and registered December 25, 2001.

Registration 2,531,919 for the mark GRAVITY GAMES in Class 41, filed January 11, 2001 and registered January 22, 2002.

Application No. 76/201328 for the mark GRAVITY GAMES & Design in Classes 6, 9, 11, 12 and 28, filed January 29, 2001, and allowed for registration on February 25, 2003.

Application No. 75/578961 for the mark GRAVITY FESTIVAL in Classes 25 and 41, filed October 28, 1998, and allowed for registration on October 7, 2003.

These marks and other GRAVITY-related marks used and/or registered by Opposer are referred to herein as the "Marks."

5. Opposer and its predecessors in interest have, since prior to the filing of Applicant's application, spent great sums of money and effort in using and promoting its Marks in connection with extreme sports exhibitions and competitions and with various goods and services related thereto. Such Marks have become nationally recognized. All of the applications enumerated in paragraph 4 were filed prior to Applicant's application and thus have priority in time.

6. The use and registration of the mark "EXTREME GRAVITY" by Applicant is likely to cause confusion in the relevant market and to cause the relevant purchasing public to

assume that Applicant's goods identified by the mark "EXTREME GRAVITY" are sold by Opposer, or that such goods originate with or are connected in some way with Opposer.

7. Applicant's use of the mark "EXTREME GRAVITY" combines Opposer's use of the term GRAVITY and the "extreme" sports competitions provided by Opposer under that mark, and is thus likely to cause confusion in the minds of the relevant purchasing public.

8. Opposer and its predecessors in interest have been using GRAVITY GAMES in connection with extreme sports exhibitions and competitions since at least as early as January 5, 1999. Registration number 2,522,255 was obtained on December 25, 2001, prior to the filing of Applicant's captioned application.

9. In particular, Applicant's application is likely to cause confusion with Opposer's application serial number 76/407,179, for the mark, GRAVITY GAMES, in connection with "sunglasses, eyeglass frames, eyeglass cases," which goods are nearly identical to those specified in Applicant's application. Opposer's application was filed prior to Applicant's application and thus has priority in time.

10. The use by Applicant of the mark "EXTREME GRAVITY," which mark is substantially similar to Opposer's Marks, dilutes the uniqueness and exclusivity of the Marks as used by Opposer and/or covered in its registrations and applications.

11. Applicant's mark so resembles the Marks used and registered by Opposer as to be likely, when used in connection with the goods specified by Applicant, to cause confusion, or to cause mistake, or to deceive.

WHEREFORE, the Opposer, Outdoor Life Network, L.L.C., believes that it will be damaged by Applicant's registration of "EXTREME GRAVITY" and requests that the application for registration of "EXTREME GRAVITY" be denied.

**OUTDOOR LIFE NETWORK, L.L.C.**

By: David Silverman  
David M. Silverman, Esq.

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July 30, 2004