

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

Applicant: Dean Elliott

International Class: 25

Serial No.: 76/575,858

Published for Opposition: December 14, 2004

Filed: February 9, 2004

Mark: SLIQUID

Attorney Docket No.: KRIDE62697

Goods: t-shirts and hats in International Class 25

RIDE SNOWBOARD COMPANY, a Washington corporation,

Opposition No. _____

Opposer,

NOTICE OF OPPOSITION

v.

DEAN ELLIOTT, An individual citizen of the United States,

Applicant.



04-14-2005

U.S. Patent & TMOtc/TM Mail RcptDt. #11

04/18/2005 GTHDHAS2 00000068 76575858

NOTICE OF OPPOSITION

01 FC:6402

300.00 OP

Seattle, Washington 98101

April 11, 2005

TO THE COMMISSIONER FOR TRADEMARKS

TRADEMARK TRIAL AND APPEAL BOARD:

Ride Snowboard Company, a corporation of the State of Washington, having a place of business at 19215 Vashon Highway SW, Vashon, Washington 98070 (hereinafter "Opposer"), believes that it will be damaged by registration of the trademark shown in Application Serial No. 76/575,858 in International Class 25 and hereby opposes the same. As grounds for the

1 opposition, Opposer alleges as follows.

2 1. On information and belief, Dean Elliott is an individual citizen of the United
3 States having a place of business at 1082 Burroughs Road, Fairfield, Connecticut 06825
4 (hereinafter "Applicant").

5 2. Continuously since long prior to any date upon which Applicant can rely, Opposer
6 has used the trademark LIQUID in association with the sale of snowboards and snowboard
7 accessories and related clothing.

8 3. Opposer is the owner of U.S. Trademark Registration No. 2,015,995 for the mark
9 LIQUID for snowboards and snowboard accessories, namely, snowboard bindings and parts
10 therefor, and snowboard leashes in International Class 28. Said registration issued November 12,
11 1996, in International Class 28, setting forth a date of first use of March, 1994 and representing a
12 priority date of November 9, 1993, pursuant to 15 U.S.C. § 1051(b). Registration No. 2,015,995
13 is currently valid, subsisting, and incontestable.

14 4. Opposer is the owner of U.S. Trademark Registration No. 2,033,102 for the mark
15 LIQUID for snowboard boots and snowboard boot bags in International Class 25. Registration
16 No. 2,033,102 issued January 21, 1997, in International Class 25, setting forth a date of first use
17 of March, 1994, and representing a priority date of November 9, 1993, pursuant to 15 U.S.C.
18 § 1051(b). Registration No. 2,033,102 is currently valid, subsisting, and incontestable.

19 5. The mark SLIQUID, shown in Application Serial No. 76/575,858, so resembles
20 Opposer's mark LIQUID when used in association with some of the products claimed by
21 Application Serial No. 76/575,858 as to be likely to cause confusion, or to cause mistake, or to
22 deceive within the meaning of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

23 6. Opposer will be damaged by the registration sought by Applicant insofar as the
24 registration will be *prima facie* evidence of the validity of the registration, Applicant's ownership
25 of the mark SLIQUID for all of the goods claimed by Application Serial No. 76/575,858, and
26 Applicant's exclusive right to use the mark SLIQUID in association with all of the goods claimed
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1 by Application Serial No. 76/575,858 when, in fact, Applicant is not entitled to such rights by
2 virtue of Opposer's prior and continuous use of the mark LIQUID for snowboards and
3 accessories for snowboards which are sold in the same channels of trade in which some of the
4 goods claimed by Application Serial No. 76/575,858 may be sold.

5 7. Based upon the foregoing, registration of the mark shown by Application Serial
6 No. 76/575,858, filed February 9, 2004, is likely to cause injury and damage to Opposer.

7 WHEREFORE, Opposer respectfully requests that registration of the mark SLIQUID,
8 shown by Application Serial No. 76/575,858, be denied under Section 2(d) of the Lanham Act,
9 15 U.S.C. § 1052(d), and that this Opposition be sustained.

10 Accompanying the duplicate signed copies of this Notice of Opposition is our Check
11 No. 162811 for the required filing fee in the amount of \$300.00 (\$300.00 per class). Please
12 charge any excess fees to Deposit Account No. 03-1740 of Opposer's counsel noted below.

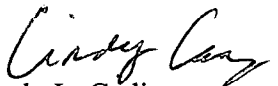
13 Please direct all correspondence to Cindy L. Caditz of Christensen O'Connor Johnson
14 Kindness^{PLLC} at the following address:

15 Cindy L. Caditz, Esq.
16 Christensen O'Connor Johnson Kindness^{PLLC}
17 1420 Fifth Avenue, Suite 2800
18 Seattle, Washington 98101-2347

18 Please direct all telephone calls to Cindy L. Caditz at 206-682-8100.

19 Respectfully submitted,

20 CHRISTENSEN O'CONNOR
21 JOHNSON KINDNESS^{PLLC}

22 
23 Cindy L. Caditz
24 Attorneys for Opposer

25 **CERTIFICATE OF MAILING**

26 I hereby certify that this NOTICE OF OPPOSITION to U.S. Trademark Application
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Serial No. 76/575,858 for the mark SLIQUID is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514, on the below date.

Date: April 11, 2005 Jeffrey Harbert

CLC:jh

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