

ESTTA Tracking number: **ESTTA44384**

Filing date: **09/07/2005**

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

Name	Nite Life of Santa Barbara
Granted to Date of previous extension	09/07/2005
Address	4963 PEBBLE HILL LANE SANTA BARBARA, CA 93111 UNITED STATES

Attorney information	Victoria Carver Carver Law P.O. Box 1497 Santa Barbara, CA 93102 UNITED STATES VC@ETMLAW.COM Phone:805-964-9777
-----------------------------	--

Applicant Information

Application No	78344503	Publication date	05/10/2005
Opposition Filing Date	09/07/2005	Opposition Period Ends	09/07/2005
Applicant	Nite Life Car Club Association 2277 Anthony Drive Ventura, CA 93003		

UNITED STATES

Goods/Services Affected by Opposition

Class 025.

All goods and services in the class are opposed, namely: Clothing sold only by the applicant's association, namely, coats, jackets, t-shirts, blazers, and hats

Related Proceedings

Opposition #91165738

Attachments

Notice of Opposition NITELIFE.pdf (2 pages)

Signature

/VCARVER/

Name

Victoria Carver

Date

09/07/2005

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

Nitelife of Santa Barbara)	
)	
Opposer)	
)	
v.)	
)	Opposition
Nite Life Car Club Association,)	
)	
Applicant)	
)	

NOTICE OF OPPOSITION

Nitelife of Santa Barbara, an unincorporated association, having a business address of 4963 Pebble Hill Lane, Santa Barbara, CA, ("Opposer") hereby opposes registration of the mark NITE LIFE that is the subject of application Serial No.78-344503, published in the Official Gazette of Trademarks on May 10, 2005, and requests that registration to Applicant be refused.

As grounds in support of its opposition, Opposer asserts as follows:

1. Opposer, since at least as early as 1980 and long prior to any date of first use upon which Applicant can rely, has adopted and continuously used the mark "NITELIFE SANTA BARBARA" as a trademark for social club services for low-rider and automobile enthusiasts.

2. In addition, Opposer has used and continues to use the mark NITELIFE SANTA BARBARA on clothing, namely shirts, jackets, hats since at least as early as 1980.

3. Opposer is the owner of continuous and long term common law rights in the mark NITELIFE SANTA BARBARA and the substantial goodwill in conjunction therewith.

4. Applicant has filed an intent-to-use application to register the mark NITE LIFE for "clothing sold only by the applicant's association, namely, coats, jackets, t-shirts, blazers, and hats." That application was filed on December 22, 2003, and was assigned Serial No. 78-344503 ("the Application").

5. Applicant's mark so resembles Opposer's mark as to be likely, when applied to the goods set forth in Applicant's application, to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act.

6. Registration of Applicant's mark would foreclose the natural expansion of Opposer's trademark rights, namely federal trademark protection for use of the trademark on clothing and other items distributed by Opposer in the normal course of operating Nitelife Santa Barbara.

7. Opposer believes that Applicant's declaration of rights to exclusive use of the mark, which is part of the Application, is knowingly false, since Applicant is aware of Opposer, Opposer's mark and Opposer's club activities.

WHEREFORE, Opposer prays that the opposition be sustained and that registration to Applicant be refused.