

TTAB

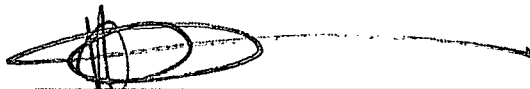
ATTORNEY DOCKET NO: SPYNO-207M
MARK: SPY CITY DOGS LIFE. LIBERTY. GREAT HOT DOGS (with design)

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

on November 21, 2005



(Signature)

Kimberly Carlsen

(Typed name of person signing certificate)

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

1. Notice of Opposition, with Exhibits 1 -3, in Triplicate;
2. Check for \$300 for Filing Fee;
3. Transmittal, in Triplicate; and
4. Postcard to Acknowledge Receipt



11-25-2005

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #01

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kstetina@stetinalaw.com

November 21, 2005

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

RE: Spy Optic, Inc. v. The House on F Street, LLC
Serial No.: 78/441,961
Our Reference: SPYNO-207M

Dear Sir/Madam:

Enclosed for filing are the following:

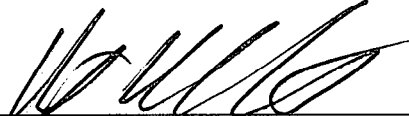
1. Notice of Opposition, with Exhibits 1 -3, in Triplicate;
2. Check for \$300 for Filing Fee;
3. Certificate of Mailing; and
4. A postcard to acknowledge receipt.

Please charge any additional cost to our Deposit Account Number 19-4330. This letter is enclosed herewith in triplicate.

Respectfully submitted,

STETINA BRUNDA GARRED & BRUCKER

Date: November 21, 2005 By: _____


Kit M. Stetina, Reg. No. 29,445
Counsel for Opposer

Customer No.: 007663
Encls.

Case: SPYNO-207M

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
In the Matter of Trademark Application Serial No. 78/441,961**

Spy Optic, Inc.,)	Opposition No.:
)	
Opposer)	
)	
vs.)	
)	
The House On F Street, LLC,)	
)	
Applicant)	

NOTICE OF OPPOSITION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir or Madam:

In the matter of the application of The House On F Street, LLC of Cleveland, Ohio (hereinafter "Applicant") for registration of the trademark SPY CITY DOGS LIFE. LIBERTY. GREAT HOT DOGS, Application Serial No. 78/441,961, published in the Official Gazette of July 26, 2005, at TM 236, Spy Optic, Inc., a California corporation, with offices at 2070 Las Palmas Drive, Carlsbad, California 92008 (hereinafter "Opposer"), believes that it will be damaged by registration of the mark shown in Serial No. 78/441,961, for the goods listed in International Class 025, namely t-shirts and hats and hereby opposes the same.

1 11/29/2005 11:41:11 AM 00000152 78/441961
01 FC:6402 300.00 CP

The grounds for opposition are as follows:

1. Opposer is and has been for many years engaged in the extensive development, advertising, and marketing of sunglasses, sunglass products, wearing apparel and sporting goods. In connection therewith, Opposer has used, or filed federal

applications with an intent to use, in interstate commerce, the mark SPY, for the aforementioned goods since long prior to Applicant's filing date of Application Serial No. 78/441,961 for the mark SPY CITY DOGS LIFE. LIBERTY. GREAT HOT DOGS (with design), for the goods listed in International Class 025, namely t-shirts and hats.

2. Since at least as early as January, 1995, Opposer has made use of its SPY mark throughout the United States in interstate commerce. Since adoption of its SPY mark, Opposer has continuously used such mark in connection with the manufacture and sale of sunglasses and sunglass products throughout the United States in interstate commerce.

3. Opposer has expended considerable sums in exerting every effort to maintain the highest standard of quality for its products, and has created valuable goodwill among the purchasing public under its SPY trademark.

4. As a result of the continuous and extensive use of the SPY trademark by Opposer, such mark has become and continues to function as a valuable business and marketing asset of Opposer, and serves to indicate to the trade and consuming public the products originating from Opposer and its authorized representative.

5. Opposer has obtained United States Trademark Registration No. 1,981,513, registered June 18, 1996, for the mark SPY for the goods set forth in that registration. A copy of that registration is attached hereto as **Exhibit 1**.

6. Notwithstanding Opposer's rights in and to said SPY trademark, Applicant, on information and belief, filed an application for registration of SPY CITY DOGS LIFE. LIBERTY.GREAT HOT DOGS (with design) in International Classes 021 and 025 on June 27, 2004. Said application was published for opposition in the Official Gazette of July 26, 2005 at TM 236.

7. Pursuant to Trademark Rules of Practice 2.102, Opposer filed a Request to Extend Time for Filing this Notice of Opposition to September 24, 2005. A copy of said Request to Extend Time is attached hereto as **Exhibit 2**.

8. Pursuant to Trademark Rules of Practice 2.102, Opposer filed a Second Request to Extend Time for Filing this Notice of Opposition to November 23, 2005. A copy of said Second Request to Extend Time is attached hereto as **Exhibit 3**.

9. Applicant's SPY CITY DOGS LIFE. LIBERTY. GREAT HOT DOGS (with design) mark, as used in International Class 025 for t-shirts and hats is confusingly similar to Opposer's SPY trademark and its registration and use by Applicant on the goods claimed in International Class 025 is likely to cause confusion, deception and mistake.

10. Applicant's use of the mark SPY CITY DOGS LIFE. LIBERTY. GREAT HOT DOGS (with design) in International Class 025, for t-shirts and hats interferes with Opposer's use of its SPY trademark and dilutes the strength of Opposer's SPY trademark, and use of, or registration of, the mark SPY CITY DOGS LIFE. LIBERTY. GREAT HOT DOGS (with design) in International Class 025 for t-shirts and hats by Applicant will seriously damage Opposer.

WHEREFORE, Opposer believes that it will be damaged by said registration and prays that the registration of the mark SPY CITY DOGS LIFE. LIBERTY. GREAT HOT DOGS (with design) in International Class 025 for t-shirts and hats, to Applicant be denied.

Although Applicant has applied to register the subject mark in two (2) international classes, Opposer wishes to oppose registration of the mark SPY CITY DOGS LIFE. LIBERTY. GREAT HOT DOGS (with design) in one (1) class only,

namely International Class 025 for t-shirts and hats. Therefore, the filing fee for this Opposition in the amount of \$300.00 (one international class) is enclosed and this Opposition is enclosed herewith in triplicate. Opposer's representative authorizes the charging of any additional fees to its Deposit Account No. 19-4330.

Respectfully submitted,

STETINA BRUNDA GARRED & BRUCKER

Dated: November 21, 2005

By: 

Kit M. Stetina, Reg. No. 29,445

75 Enterprise, Suite 250

Aliso Viejo, CA 92656

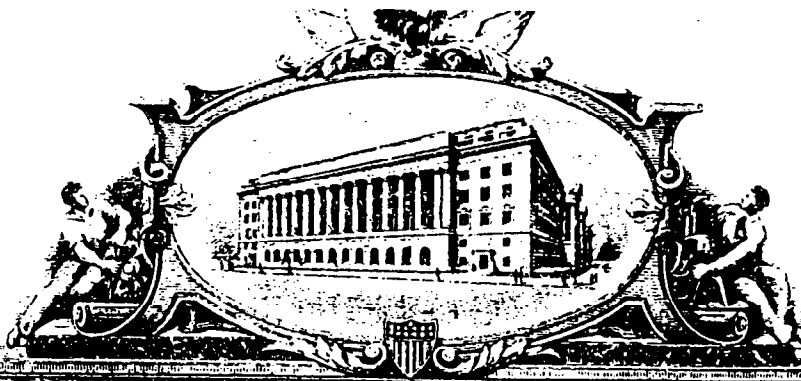
(949) 855-1246

Counsel for Opposer

Spy Optic, Inc.

Exhibit 1

403614



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

May 01, 2001

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,981,513 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *June 18, 1996*

SAID RECORDS SHOW TITLE TO BE IN:

SPY OPTIC, INC.

A CA CORP



By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS

T. LAWRENCE
Certifying Officer

Int. Cl.: 9

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

United States Patent and Trademark Office **Reg. No. 1,981,513**
Registered June 18, 1996

**TRADEMARK
PRINCIPAL REGISTER**

SPY

NO FEAR, INC. (CALIFORNIA CORPORATION)
2251 FARADAY AVE.
CARLSBAD, CA 92008

FIRST USE 9-0-1994; IN COMMERCE
1-0-1995.

SN 74-515,876, FILED 4-7-1994.

FOR: GLASSES AND SUNGLASSES, IN
CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

IRENE D. WILLIAMS, EXAMINING ATTORNEY

Exhibit 2

SEPTEMBER 24

ATTORNEY DOCKET NO: SPYNO-000
MARK: SPY CITY DOGS (with design)

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner of Trademarks
PO Box 1451
Alexandria, VA 22313-1451

on August 10, 2005



(Signature)

Stacy Wilson
(Typed name of person signing certificate)

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

1. Return Postcard;
2. Transmittal (in triplicate); and
3. FIRST REQUEST TO EXTEND TIME FOR FILING NOTICE OF OPPOSITION (in triplicate);
4. Certificate of Mailing.

LAW OFFICES
Stetina Brunda Garred & Brucker
A PROFESSIONAL CORPORATION
PATENT, TRADEMARK, COPYRIGHT AND UNFAIR COMPETITION CAUSES
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www.stetinalaw.com

Writer's Direct E-mail:
kstetina@stetinalaw.com

August 10, 2005

JESSIE WANG †

Commissioner for Trademarks
PO Box 1451
Alexandria, VA 22313-1451

Re: Serial No. 78/441,961
Mark: SPY CITY DOGS (with design)
Our Reference: SPYNO-000

Dear Sir/Madam:

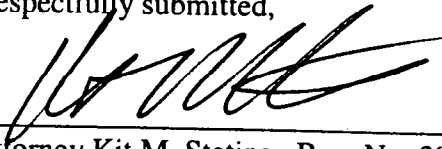
Enclosed herewith for filing in the above-identified matter are the following:

1. Return Postcard;
2. Certificate of Mailing;
3. Transmittal (in triplicate); and
4. First Request for Extension of Time to Oppose (in triplicate).

Please charge any additional fees to Deposit Account No. 19-4330. This Transmittal Letter is enclosed herewith in triplicate.

Respectfully submitted,

By:


Attorney Kit M. Stetina, Reg. No. 29,445
STETINA BRUNDA GARRED & BRUCKER
75 Enterprise, Suite 250
Aliso Viejo, CA 92656
(949) 855-1246

Customer No. 007663

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Case: SPYNO-000

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

In Re: The House on F Street, LLC)
Serial No.: 78/441,961)
Filed: June 27, 2004)
For the Mark: SPY CITY DOGS (with)
design))

FIRST REQUEST UNDER RULE 2.102 TO EXTEND TIME
FOR FILING NOTICE OF OPPOSITION

Commissioner for Trademarks
PO Box 1451
Alexandria, VA 22313-1451

Dear Sir/Madam:

In the matter of the above-identified application, which was published in the Official Gazette on July 26, 2005, at TM 236, Spy Optic, Inc., through its attorneys, requests that the time for filing a Notice of Opposition to the subject application be extended for a period of thirty (30) days until September 24 2005.

This is the first request for an extension of time. This extension is necessary to enable counsel to confer with potential Opposer to determine whether an opposition might be required.

The subject Extension of Time is not entered into for purposes of delay, and it is therefore respectfully requested that the Board grant the requested Extension of Time.

Please charge any fees which may be due in relation to this matter to Deposit Account

Number 19-4330.

Respectfully submitted,

Date: August 10, 2005
Customer No. 007663

By:



Kit M. Stetina
Registration No. 29,445
STETINA BRUNDA GARRED & BRUCKER
75 Enterprise, Suite 250
Aliso Viejo, CA 92656
(949) 855-1246

KMS/saw

T:\Client Documents\SPYNO\000\30dayext.spycitydogsdesign.081005.doc

Exhibit 3

ATTORNEY DOCKET NO: SPYNO-000
MARK: SPY CITY DOGS (78/441,961)

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Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

on September 22, 2005



(Signature)

Tara Hamilton

(Typed name of person signing certificate)

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

1. Second Request Under Rule 2,102 to Extend Time for Filing Notice of Opposition, in Triplicate;
2. Transmittal, in Triplicate; and
3. Postcard to Acknowledge Receipt.