

ESTTA Tracking number: **ESTTA56239**

Filing date: **12/06/2005**

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

|                |  |                    |               |
|----------------|--|--------------------|---------------|
| <b>Name</b>    | GrantGalland   |                    |               |
| <b>Entity</b>  | Individual   | <b>Citizenship</b> | UNITED STATES |
| <b>Address</b> | 1311 Greenlake dr.<br>Cardiff, CA 92007<br>UNITED STATES |                    |               |

|                                   |  |  |  |
|-----------------------------------|--|--|--|
| <b>Correspondence information</b> | Grant Galland<br>1311 Greenlake dr.<br>Cardiff, CA 92007<br>UNITED STATES<br>grantgalland@adelphia.net Phone:(760)753-2855 |  |  |
|-----------------------------------|--|--|--|

#### Applicant Information

|                               |  |                               |            |
|-------------------------------|--|-------------------------------|------------|
| <b>Application No</b>         | 78450957   | <b>Publication date</b>       | 11/15/2005 |
| <b>Opposition Filing Date</b> | 12/06/2005   | <b>Opposition Period Ends</b> | 12/15/2005 |
| <b>Applicant</b>              | Wax Research, Inc.<br>1965 Kellogg Avenue<br>Carlsbad, CA 92008<br>UNITED STATES |                               |            |

#### Goods/Services Affected by Opposition

Class 025.

All goods and services in the class are opposed, namely: Clothing, namely, bathing trunks, belts, blouses, chemisettes, coats, dressing gowns, fleece pullovers, frocks, gloves, hoods, jackets, jumpers, leather jackets, leggings, leotards, overalls, overcoats, pajamas, pants, parkas, pullovers, scarves, shawls, shirts, singlets, skirts, slippers, suspenders, sweaters, sweat shirts, tank tops, tights, top coats, trousers, underwear, beach shoes, boots, sandals, shoes, berets, caps, hats, and visors

Class 028.

All goods and services in the class are opposed, namely: Plastic combs for use with wax on skis, snowboards, surfboards, and body boards; plastic boxes specially made to hold surfboard, snowboard and skateboard waxes, surfboard leashes, surfboards, and traction pads for surfboards and snowboards

|                    |   |
|--------------------|---|
| <b>Attachments</b> | USPTO - Sticky Gum Opposition.pdf ( 2 pages ) |
| <b>Signature</b>   | /Grant Galland/                               |
| <b>Name</b>        | Grant Galland                                 |
| <b>Date</b>        | 12/06/2005                                    |



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11.18.05

Dear USPTO,

On March 8, 2004, I Grant Galland was issued a trademark under the supplemental register of the United States Patent and Trademark Office, for "Original Bubblegum Surf Wax", registration number 2,932,147. Our main and only product is Bubble Gum scented surf wax.

It has come to our attention that within the last several months, Wax Research, Inc., has manufactured, distributed, and sold surf wax under the name "Sticky Gum", which is packaged similarly to our product, which contains a substantially similar aroma and coloring, and which includes identical wording on the packaging to that of "Bubblegum" to wit "Do Not Eat Or Chew". Buyers of our product have therefore confused "Bubblegum" with "Sticky Gum" due to the similarity of names, packaging, and the other factors in common between the two products.

The federal trademark law (Lanham Act) states that a claim of trademark infringement may be brought against any person who shall, without the consent of the holder of the registered trademark, use in commerce, any reproduction, counterfeit, copy, or colorable imitation of the registered mark in connection with the sale, offering for sale, distribution, or advertising of any goods or services on or in connection with which such use is likely to cause confusion, or to cause mistake.

We feel that the public is likely to be deceived or confused by the similarity of the mark Sticky Gum. And after actually owning the trademark, Internet registration and company as a whole for the past 15 years, we feel that Sticky Gum is a blatant knock off of our brand.

Thank you for your attention to this matter. We hope to resolve this issue ASAP.

Sincerely,

Grant Galland  
Original Bubble Gum Surf Wax

