

ESTTA Tracking number: **ESTTA70210**

Filing date: **03/09/2006**

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	The Coleman Company, Inc.
Granted to Date of previous extension	03/19/2006
Address	3600 North Hydraulic Wichita, KS 67219 UNITED STATES
Attorney information	Cindy L. Caditz Klarquist Sparkman, LLP 999 Third Avenue Suite 4200 Seattle, WA 98104 UNITED STATES cindy.caditz@klarquist.com Phone:206-264-2960

**Applicant Information**

Application No	78429021	Publication date	09/20/2005
Opposition Filing Date	03/09/2006	Opposition Period Ends	03/19/2006
Applicant	Coleman Natural Products, Inc. Suite 200 1767 Denver West Marriott Road Golden, CO 80401 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 029. First Use: 2003/05/00 First Use In Commerce: 2003/05/00 All goods and services in the class are opposed, namely: Fresh, frozen and processed meats	
Related Proceedings	Opposition No. 91157025
Attachments	ColemanOpp.pdf ( 7 pages )
Signature	/Cindy L. Caditz/
Name	Cindy L. Caditz
Date	03/09/2006

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

Applicant: Coleman Natural Products, Inc.

International Class: 29

Serial No.: 78/429,021

Published for Opposition: September 20, 2005  
*Official Gazette*: Page TM 1178

Filed: June 2, 2004

Mark: COLEMAN and Design

Goods: fresh, frozen and processed meats in International Class 29

THE COLEMAN COMPANY, INC., a Delaware  
corporation,

Opposition No. \_\_\_\_\_

Opposer,

NOTICE OF OPPOSITION

v.

COLEMAN NATURAL PRODUCTS, INC., a  
Delaware corporation,

Applicant.

NOTICE OF OPPOSITION

Seattle, Washington 98104

March 9, 2006

TO THE COMMISSIONER FOR TRADEMARKS  
TRADEMARK TRIAL AND APPEAL BOARD:

The Coleman Company, Inc., a corporation of the State of Delaware, having a place of business at 3600 North Hydraulic, Wichita, Kansas 67219 (hereinafter "Opposer"), believes that it will be damaged by registration of the trademark as requested by U.S. Application Serial No. 78/429,021, filed June 2, 2004, and published for opposition in the *Official Gazette* of September 20, 2005, and hereby opposes the same.

1 As grounds for the opposition, Opposer alleges as follows:

2 1. On information and belief, Coleman Natural Products, Inc. is a corporation of the  
3 State of Delaware, having a place of business at 1767 Denver West Marriott Road, Suite 200,  
4 Golden, Colorado 80401 (hereinafter "Applicant").

5 2. Continuously since long prior to any date upon which Applicant can rely, Opposer  
6 has used the trade name, trademark, and service mark COLEMAN, and trademarks, service  
7 marks, and trade names comprised of or including the distinctive name and mark COLEMAN, in  
8 association with a wide variety of goods and services.

9 3. Opposer is the owner of U.S. Trademark Registration No. 1,556,911 for the mark  
10 COLEMAN for jackets, parkas, vests, shells, rainsuits, pullovers, pants, socks, shoes, boots,  
11 hiking boots, moccasins, hosiery, hats, ski caps, baseball caps, sweaters, swimsuits, gloves, t-  
12 shirts, sweatshirts, sweatpants, shorts, warmup suits, wind resistant jackets and scarves;  
13 embroidered patches and belt buckles made of non-precious metal in International Classes 25 and  
14 26. Said registration issued September 19, 1989, and is currently valid, subsisting, and  
15 incontestable.

16 4. Opposer is the owner of U.S. Trademark Registration No. 2,054,207 for the mark  
17 COLEMAN for cleaning agents, soaps, wax, degreasers, and detergents for use with high  
18 pressure water washing devices and equipment; propane, gas and oil fuel and fuel cartridges; and  
19 air compressor oil; metal containers for fuel, metal propane bulk container adapters, metal  
20 propane distribution tree connectors, metal propane cylinder handles; electric generators, power-  
21 operated high pressure water washing devices and parts and accessories, namely, brushes,  
22 sandblaster attachments, foam wands, angle wands, straight extension wands, turbo wands, and  
23 extension hoses; non-motorized portability carts, power-operated air tools, namely, chisels,  
24 grinders, paint spray guns, air texture pistols with hoppers, sandblasters and sandblaster nozzles,  
25 blow guns, air chucks; air compressors and parts and accessories, namely, air filters, air  
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1 regulators, lubricators, magnetic starters, air hoses and air hose connectors; safety goggles,  
2 electrical extension cords, propane gas regulators, gas pressure gauges, and engine spark  
3 arresters; gas, oil and electric lanterns, lamps, night lights and spotlights, key chain lights,  
4 mantles, glass lantern globes; gas, oil and electric portable heaters, stoves, gas, electric and  
5 charcoal griddles and grills, thermoelectric heaters/coolers for foods and beverages, barbecue  
6 grills and smokers, flashlights, sold with and without batteries; spas in the nature of heated pools,  
7 stove and lantern carrying cases, electric coffee pots, stands for stoves and coolers; camping  
8 trailers, boats, canoes, boat seats, paddles, rowlocks and boat carriers; backpacks, non-metal  
9 backpack frames, day packs, day sacks, rucksacks, duffel bags, stuff sacks, travel bags, and tote  
10 bags; sleeping bags; stands for towels; non-metallic lantern hangers; furniture, cots, chairs,  
11 tables, and portable kitchens, namely, food preparation work stations comprising a sink, hooks,  
12 brackets, and countertop, portable camp tables and non-metallic key fobs; insulated food and  
13 drink containers, portable water carriers, beverage can holders, squeeze bottles, cup dispensers,  
14 coolers and jugs of both rigid and fabric construction, refreezable ice substitutes in packaged  
15 form, funnels, serving trays, insulated cup holders, cooking utensils, namely, non-electric coffee  
16 pots, mugs, cups, plates, pots, pans, and bowls, plastic trash bag holders; tarpaulins, vinyl ground  
17 cloths, unfitted electric generator covers and synthetic fill for sleeping bags; clothing, namely,  
18 hosiery, rainwear, namely, rain suits, jackets, and ponchos, flannel shirts, woven shirts,  
19 sweatshirts, knit tops, t-shirts, shorts, pants and jeans, belts, suspenders, turtlenecks, thermal  
20 underwear and union suits, footwear, socks, shoes, boots, hiking boots, moccasins, headwear,  
21 hats, and caps; in International Classes 3, 4, 6, 7, 9, 11, 12, 18, 20, 21, 22, and 25. Said  
22 registration issued April 22, 1997, and is currently valid, subsisting, and incontestable.

23 5. Opposer is the owner of U.S. Trademark Registration No. 2,155,240 for the mark  
24 COLEMAN for water purifying tablets and water treatment chemicals, vinyl and rubber repair  
25 compounds; lip balm; fuel tablets and sticks, citronella candles, wax sticks, fire starter sticks,  
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1 balls and paste, and tinder packages; insect repellent, coil-type mosquito repellents, and first aid  
2 kits comprising gauze, antibiotic and antiseptic ointment, adhesive bandages and adhesive tape;  
3 goods made of non-precious metals, namely, tent stakes and pegs, grommets, screws, locks,  
4 metal nozzles, metal tubing connectors, metal cord snaps and locks; vinyl and rubber tape for use  
5 in patching fabrics, air mattresses, boats and other inflatable items; vinyl and rubber repair kits  
6 comprising, patches and cement; hand-held mirrors, plastic snaps, grommets and locks for cord;  
7 awnings, rain fly canopies, hammocks, mosquito netting, tarp holders, cords and ropes, shock  
8 cords, guy lines, tied down straps, sleeping bag straps, utility straps; towels, table cloths not of  
9 paper and fabric bench covers; clothing, namely, coats, ponchos, shirts, woven shirts, fleece  
10 shirts, rugby shirts, boxers, thermal-lined fleece jackets, suspenders, hunting apparel, namely,  
11 camouflage vests, pants, and caps, suspenders and belts; compact sewing repair kits and clothes  
12 clips; toys, namely, canteens, lanterns, shadow projectors, tents, utility belts, activity sets, and  
13 fishing equipment; matchboxes and butane lighters; in International Classes 1, 3, 4, 5, 6, 17, 20,  
14 22, 24, 25, 26, 28, 34. Said registration issued May 5, 1998, and is currently valid, subsisting,  
15 and incontestable.

16 6. Opposer is the owner of U.S. Trademark Registration No. 2,522,997 for the mark  
17 COLEMAN for prepackaged food combinations consisting primarily of meat, cheese and/or  
18 processed fruit, for use in camping; pre-packaged food combinations consisting primarily of  
19 bread, crackers and/or cookies, sauces and condiments, namely, ketchup and hot sauces,  
20 sandwich spreads, namely mayonnaise and relish, nuts, spices, all for use in camping in  
21 International Classes 29 and 30. Said registration issued December 25, 2001, and is currently  
22 valid and subsisting.

23 7. Opposer is the owner of U.S. Trademark Registration No. 1,427,226 for the mark  
24 COLEMAN for outdoor knives, knife sharpeners, leather sheaths for knives, and sets comprised  
25 of stainless steel knife, fork and spoon in International Class 8. Said registration issued on  
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1 February 3, 1987, and is currently valid, subsisting, and incontestable.

2 8. Opposer is the owner of U.S. Trademark Registration No. 1,829,448 for the mark  
3 COLEMAN for insulated food and drink containers, coolers, and jugs; cookware; namely, mugs,  
4 cups, pans, pots, plates and bowls; and refreezable ice substitutes in packaged form in  
5 International Class 21. Said registration issued April 5, 1994, and is currently valid, subsisting,  
6 and incontestable.

7 9. Opposer is the owner of U.S. Trademark Registration No. 1,972,518 for the mark  
8 COLEMAN for gasoline and propane fueled lanterns and lamps; electric and battery operated  
9 nightlights; electric and battery operated spot lights; battery operated key chain lights;  
10 incandescent mantles; glass lantern globes; electric light bulbs; propane fueled portable and bulk  
11 heaters; gasoline and propane fueled stoves, griddles, and grills; gasoline, charcoal, and propane  
12 fueled smokers and barbecue grills; flashlights; flashlights sold together with flashlight batteries;  
13 portable heater coolers used for food storage and transport; air conditions; heat pumps; furnaces;  
14 and spas in the nature of heated pools in International Class 11. Said registration issued May 7,  
15 1996, and is currently valid, subsisting, and incontestable.

16 10. Opposer will be damaged by the registration sought by Applicant insofar as the  
17 registration will be *prima facie* evidence of the validity of the registration, Applicant's ownership  
18 of the mark claimed by U.S. Application Serial No. 78/429,021, and Applicant's exclusive right  
19 to use the mark claimed by U.S. Application Serial No. 78/429,021 when, in fact, Applicant is  
20 not entitled to such rights by virtue of Opposer's prior and continuous use of names and marks  
21 comprised of or including COLEMAN in association with a wide variety of goods and services  
22 sold and promoted in the same channels of trade in which the goods claimed by U.S. Application  
23 Serial No. 78/429,021 will be sold.

24 11. The mark shown by U.S. Application Serial No. 78/429,021, when used in  
25 association with the goods claimed by said application, so resembles Opposer's trade names,  
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1 trademarks, and service marks comprised of or including COLEMAN as to be likely to cause  
2 confusion, or to cause mistake, or to deceive within the meaning of Section 2(d) of the Lanham  
3 Act, 15 U.S.C. § 1052(d).

4 12. The trademark COLEMAN has been in long-term, substantial, and widespread  
5 use, is famous, and is thus a valuable symbol that serves to identify Opposer as the source of all  
6 goods and services identified by or promoted with the trademark.

7 13. The trademark COLEMAN owned by Opposer was famous prior to any date upon  
8 which Applicant can show use of the mark shown by U.S. Application Serial No. 78/429,021.

9 14. Applicant's mark shown by U.S. Application Serial No. 78/429,021 is confusingly  
10 similar to Opposer's famous trademark COLEMAN.

11 15. The mark shown by U.S. Application Serial No. 78/429,021 so resembles  
12 Opposer's famous mark COLEMAN as to be likely to falsely suggest a connection between  
13 Opposer and Applicant in violation of Section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a).

14 16. The mark shown by U.S. Application Serial No. 78/429,021 so resembles  
15 Opposer's famous mark COLEMAN as to cause dilution of the distinctive quality of Opposer's  
16 mark COLEMAN in violation of Section 43 of the Lanham Act, 15 U.S.C. § 1125(c).

17 17. Based upon the foregoing, registration of the mark shown by U.S. Application  
18 Serial No. 78/429,021 is likely to cause injury and damage to Opposer.

19 WHEREFORE, Opposer respectfully requests that the registration of the mark shown by  
20 U.S. Application Serial No. 78/429,021 be denied pursuant to Section 2(d) of the Lanham Act,  
21 15 U.S.C. § 1052(d), Section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a), and Section 43 of the  
22 Lanham Act, 15 U.S.C. § 1125(c), and that this Opposition be sustained.

23 Please charge the opposition fee of \$300 to Deposit Account No. 02-4550 of Opposer's  
24 counsel noted below.

1 Please direct all correspondence to Cindy L. Caditz of Klarquist Sparkman, LLP, at the  
2 following address:

3 Cindy L. Caditz, Esq.  
4 Klarquist Sparkman, LLP  
5 999 Third Avenue, Suite 4200  
6 Seattle, WA 98104

7 Please direct all telephone calls to Cindy L. Caditz at 206-264-2960.

8 Respectfully submitted,

9 KLARQUIST SPARKMAN, LLP

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11 Cindy L. Caditz  
12 Attorneys for Opposer

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