

ESTTA Tracking number: **ESTTA76190**

Filing date: **04/13/2006**

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	DC Shoes, Inc.		
Entity	Corporation	Citizenship	California
Address	1333 Keystone Way Vista, CA 92081 UNITED STATES		

Attorney information	Jeffrey L. Van Hoosear Knobbe Martens Olson & Bear LLP 2040 Main Street 14th Floor Irvine, CA 92614 UNITED STATES efiling@kmob.com Phone:949 760 0404		
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### Applicant Information

Application No	78338790	Publication date	03/14/2006
Opposition Filing Date	04/13/2006	Opposition Period Ends	04/13/2006
Applicant	DOLLAMUR, LP 3100 WEST END AVENUE SUITE 500 NASHVILLE, TN 37203 UNITED STATES		

### Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: CLOTHING, NAMELY, FITNESS APPAREL IN THE NATURE OF T-SHIRTS, JERSEYS, SHORTS, SWEATSHIRTS, JACKETS, PANTS AND SWEATPANTS
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Attachments	DC Shoes opposition.pdf ( 3 pages )
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Signature	/JVH/
Name	Jeffrey L. Van Hoosear
Date	04/13/2006

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

DC Shoes, Inc.

Opposer,

v.

Dollamur, L.P.

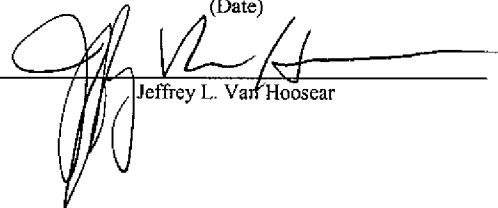
Applicant.

Application No. 78/338,790

I hereby certify that this correspondence and all marked attachments are being electronically filed with the Trademark Trial and Appeal Board through their web site located at <http://esta.uspto.gov> on

April 13, 2006

(Date)



Jeffrey L. Van Hooscar

**NOTICE OF OPPOSITION**

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

Dear Sir or Madam:

Opposer, DC Shoes, Inc., a California Corporation, with a business address of 1333 Keystone Way, Vista, California 92081, believes it will be damaged by the registration of the mark DC ATHLETICS that is the subject of Application Serial No. 78/338,790, published in the Official Gazette March 14, 2006, owned by Dollamur L.P. Opposer hereby opposes such application for registration, and requests that a registration to Applicant Dollamur, L.P. be refused.

As grounds in support of its opposition, Opposer asserts the following:

1. Opposer is the owner of Registration No. 2,317,622 for the mark DC (stylized) for clothing, namely shoes, T-shirts, jackets, caps. This Registration is valid and in force. This

Registration issued on February 15, 2000 and claims a date of first use in commerce of March 1, 1997.

2. Opposer is the owner of Registration No. 2,427,124 for the mark DC (stylized) for athletic clothing, namely t-shirts, sweatshirts, pants, jackets, caps, hats and socks; athletic footwear, namely athletic shoes, casual athletic shoes, hiking boots, snowboard boots and boots. This Registration is valid and in force. This Registration issued on February 6, 2001 and claims a date of first use in commerce of March 1, 1997.

3. Opposer is the owner of Registration No. 2,340,040 for the mark DC SHOES for shoes. This Registration is valid and in force. This Registration issued on April 11, 2000 and claims a date of first use in commerce in January 1, 1993.

4. Opposer has for many years, and long prior to any date of first use upon which Applicant or its predecessor can rely, adopted and continuously used the trade name DC SHOES and the trademarks DC and DC SHOES in connection with sale and distribution of various clothing items, headwear and footwear.

5. Opposer, has for many years, and long prior to any date of first use upon which Applicant or its predecessor can rely, adopted and used various marks containing the terms DC SHOES and DC for various items, headwear and footwear.

6. Applicant has an intent-to-use application to register the mark DC ATHLETICS in Class 25 for "Clothing namely, fitness apparel in the nature of t-shirts, jerseys, shorts, sweatshirts, jackets, pants and sweatpants." That application was filed on December 10, 2003, and was assigned Serial No. 78/338,790. date of first use in commerce in January 1, 1993.

7. The use by Opposer of the name and marks for DC, DC SHOES and other "DC" marks pre-date the filing date and any use by Applicant of its DC ATHLETICS mark for clothing items.

8. Opposer's use of the DC and DC SHOES name and marks have become famous within the United States prior to the filing date of Applicant's application for the mark DC ATHLETICS and prior to any use by Applicant of the mark DC ATHLETICS for clothing items.

9. Applicant's mark so resembles Opposer's previously used and registered DC and DC SHOES marks 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.

10. Applicant's use or registration of the mark DC ATHLETICS will dilute Opposer's DC and DC SHOES famous marks and trade name as used with regard to clothing and footwear.

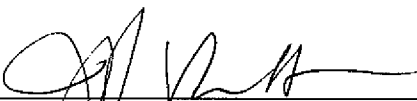
WHEREFORE, Opposer prays that the opposition be sustained and that registration to Applicant be refused.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: April 13, 2006

By: 

Jeffrey A. Van Hoosear  
2040 Main Street  
Fourteenth Floor  
Irvine, CA 92614  
(949) 760-0404

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