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UNITED STATES PATENT AND TRADEMARK OFFICE
 Trademark Trial and Appeal Board
 P.O. Box 1451
 Alexandria, VA 22313-1451

In the matter of trademark application Serial No. 78/681682

For the mark "HACKERS & DUFFERS GOLF CLUB"

Published in the Official Gazette on May 2, 2006

Applicant: ABOVE PAR, INC.

Opposer: SCOTT A. WOOD

Dear Trademark Trial and Appeal Board:

In connection with Opposer, Scott A. Wood's Notice of Opposition to Registration of the above-identified application, enclosed please find the following:

1. Notice of Opposition to Registration of the mark "HACKERS & DUFFERS GOLF CLUB";
2. Check number 20567 in the amount of \$300.00 (filing fee, one class).

Thank you for your attention to this matter and please do not hesitate to contact the undersigned if you have any questions.

Very truly yours,

Kenneth R. Wright, Esq.
 Counsel for Opposer, Scott A. Wood.

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

In the matter of trademark application Serial No. 78/681682

For the mark "HACKERS & DUFFERS GOLF CLUB"

Published in the Official Gazette on May 2, 2006.

SCOTT A. WOOD, Plaintiff

v.

ABOVE PAR, INC., Defendant

NOTICE OF OPPOSITION TO REGISTRATION

Plaintiff, Scott A. Wood dba Hacker Golf located at 16505 SE 1st Street, Suite H, Vancouver, WA 98684, believes he will be damaged by the registration of the mark shown in the above-identified application.

Pursuant to 15 U.S.C. §1063, Plaintiff hereby opposes the registration of the application for registration of HACKERS & DUFFERS GOLF CLUB, on the following grounds:

PLAINTIFF HAS STANDING TO OPPOSE REGISTRATION

1. Plaintiff is the owner of the trademark, "HACKER GOLF", United States Registration Number 2159077, for goods within Goods and Services Classification 025.
2. The mark, HACKER GOLF, has been used by Plaintiff continuously since January, 1997, and is the subject of an accepted Declaration of Incontestability under Section 15 of the Trademark Act.

3. The incontestable status of Plaintiff's registration for HACKER GOLF constitutes conclusive evidence of the validity of the registered mark, validity of the registration, Plaintiff's ownership of the mark, and Plaintiff's exclusive right to use the mark in commerce. 15 U.S.C. §1115(b). Plaintiff has priority of use of the mark.

PROPOSED MARK IS CONFUSINGLY SIMILAR TO REGISTERED MARK

4. The above-identified Defendant seeks to register as a United States trademark, the mark "HACKERS & DUFFERS GOLF CLUB", under Section 1(b) of the Trademark Act, within Goods and Services Classification 025.

5. Such use will damage the legal rights and privileges of Plaintiff, as the proposed mark HACKERS & DUFFERS GOLF CLUB is confusingly similar to the registered mark, HACKER GOLF, when used in connection with goods in Classification 025 (clothing).

6. Marks that are confusingly similar to a mark registered in the Patent and Trademark Office may not be registered. 15 U.S.C. §1052(d).

7. A proposed mark, such as HACKERS & DUFFERS GOLF CLUB, cannot be registered where the mark, when applied to the goods of the Defendant, will cause confusion or mistake or will deceive consumers. In re Dixie Restaurants, Inc., 105 F.3d 1405 (Fed. Cir. 1997).

8. Plaintiff asserts that the proposed mark, HACKERS & DUFFERS GOLF CLUB for clothing (Class 025), is confusing in that the words "Hacker" and "Golf" appear in both marks, that these words make up the entirety of Plaintiff's mark, and that when these marks are used in connection with clothing, the resultant trademarks will be so confusingly similar that the average consumer will likely purchase clothing bearing the opposed mark, reasonably believing it to be clothing sold by the Plaintiff. It is also

contended that goods bearing the proposed mark will be sold via the same marketing channels as goods bearing the Plaintiff's registered trademark, such as the Internet, retail stores and catalogs.

REGISTRATION OF THE PROPOSED MARK WILL DAMAGE PLAINTIFF

9. Therefore, due to the confusing similarity between "HACKERS & DUFFERS GOLF CLUB" and "HACKER GOLF", both for use in clothing, Plaintiff will be damaged in the event the proposed mark is registered, as the average consumer will likely purchase Defendant's clothing reasonably believing it to be the Plaintiff's clothing. Plaintiff will therefore lose sales of goods bearing the trademark HACKER GOLF and the related income. The consumer confusion between the marks will also dilute the HACKER GOLF clothing brand if Defendant is permitted to use the proposed trademark.

10. Based on Plaintiff's exclusive legal right and priority of use of the trademark HACKER GOLF for clothing within the United States, and priority Scott A. Wood respectfully requests that the Director of the Patent and Trademark Office refuse registration of the confusingly similar mark of Defendant, HACKERS & DUFFERS GOLF CLUB.

Respectfully submitted,

Date: May 3, 2006.

By:

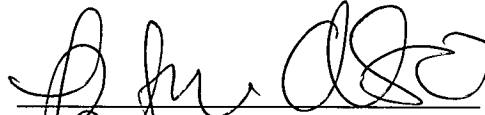


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Counsel for Plaintiff, Scott A. Wood.

Certificate of Mailing

I, Lizbeth Alonso, certify that the foregoing Notice of Opposition to Registration for Plaintiff Scott A. Wood, has today, May 3, 2006, been deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed as follows:

UNITED STATES PATENT AND
TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451



Lizbeth Alonso