

ESTTA Tracking number: **ESTTA85346**

Filing date: **06/14/2006**

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	Crossroads Productions LLC
Granted to Date of previous extension	06/17/2006
Address	2777 Loker Ave West Carlsbad, CA 92008 UNITED STATES

Attorney information	Victoria Newland McColloch & Campitiello, LLP 5900 La Place Court, Ste 100 Carlsbad, CA 92008 UNITED STATES victoria@mandclaw.com Phone:7608040153
----------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------

Applicant Information

Application No	78676939	Publication date	04/18/2006
Opposition Filing Date	06/14/2006	Opposition Period Ends	06/17/2006
Applicant	Hascoat, Christophe, D. 241 South 2nd Street Room 4C New York, NY 11211 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Denim jackets; Jeans; Pants; Polo shirts; Short-sleeved or long-sleeved t-shirts; Sweat shirts; T-shirts; Track pants; Waterproof jackets and pants; Wind resistant jackets; Wind-jackets

Attachments	6070.4.1.Notice.Opp.FALLEN HERO.pdf (4 pages)(15019 bytes)
-------------	---------------------------------------------------------------

Signature	/Victoria Newland/
Name	Victoria Newland
Date	06/14/2006

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

CROSSROADS PRODUCTIONS LLC) Application No. 78/676,939
)
Opposer,)
)
v.)
)
CHRISTOPHE HASCOAT)
)
Applicant.)
_____)

NOTICE OF OPPOSITION

BOX TTAB FEE
Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir or Madam:

Crossroads Productions LLC (“Opposer”), a California limited liability company with a business address of 2777 Loker Avenue West, Carlsbad, California 92010, believes that it will be damaged by registration of the mark FALLEN HERO and Design that is the subject of Application Serial No. 78/676,939, published in the *Official Gazette* on April 18, 2006, and requests that registration to Christophe Hascoat (“Applicant”) be refused. A description of Applicant’s trademark application is as follows:

MARK: FALLEN HERO and Design
SERIAL NO.: 78/676,939
FILED: July 24, 2005

TYPE: Intent to Use

PUBLISHED: April 18, 2006

CLASS: 25

GOODS: Denim jackets; jeans; pants; polo shirts; short-sleeved or long-sleeved t-shirts; sweat shirts; t-shirts; track pants; waterproof jackets and pants; wind resistant jackets; wind-jackets.

As grounds for opposition, Opposer alleges as follows:

1. Long prior to the filing date of Applicant's application for FALLEN HERO, Opposer has been engaged in the manufacture and sale of clothing, headwear, footwear, and accessories under its marks FALLEN and RISE WITH THE FALLEN. Opposer has used the marks FALLEN and RISE WITH THE FALLEN in connection with its goods in interstate commerce since at least as early as November 2003, well prior to the acts of Applicant.

2. Opposer is the owner of Registration No. 2,915,276 for the mark FALLEN, issued on December 28, 2004, for clothing, headwear and footwear, namely, shirts, sweatshirts, pants, sweat bands, shorts, jackets, sweaters, hats, caps, socks, belts, and shoes. Such registration is valid, subsisting, un-revoked, and un-canceled.

3. Opposer is also the owner of Registration No. 2,968,468 for the mark FALLEN, issued on July 12, 2005, for backpacks, and all purpose sports and athletic bags. Such registration is valid, subsisting, un-revoked, and un-canceled.

4. Opposer is additionally the owner of Registration No. 3,001,572 for the mark RISE WITH THE FALLEN, issued on September 27, 2005, for clothing, headwear and footwear, namely, shirts, sweatshirts, pants, sweat bands, shorts, jackets, sweaters, hats, caps,

socks, belts, gloves, and shoes. Such registration is valid, subsisting, un-revoked, and un-canceled.

5. There is no issue as to priority. The Applicant's intent to use application was filed subsequently to Opposer's applications being filed and subsequent to Opposer's date of first use of its marks FALLEN and RISE WITH THE FALLEN.

6. Opposer has sold its goods listed in the aforesaid registrations under the aforesaid marks throughout the United States and extensively internationally, and has developed valuable goodwill in such marks. Due to Opposer's efforts, the expenditure of considerable sums for promotional activities, and due to the high quality of its goods, Opposer has gained a valuable reputation in its marks.

7. The mark proposed for registration by the Applicant, namely FALLEN HERO, substantially incorporates all of Opposer's mark FALLEN and a significant portion of Opposer's mark RISE WITH THE FALLEN. Furthermore, Applicant's mark is applied to goods that are either identical or very closely related to those goods listed in Opposer's registrations.

8. As such, Applicant's mark so nearly resembles Opposer's marks as to be likely to create confusion, deception and mistake as to the source or sponsorship of those goods. Any such confusion in trade could result in loss of sales to Opposer, and any defect or fault found with Applicant's goods marketed under its mark could detrimentally reflect upon Opposer and injure the goodwill established in its marks.

WHEREFORE, Opposer prays that the opposition be sustained and that registration for the mark FALLEN HERO, Serial No. 78/676,939 be refused.

Respectfully submitted,

CROSSROADS PRODUCTIONS LLC

/Victoria Newland/

Dated: June 14, 2006

By: _____
Attorney for Crossroads Productions LLC
Victoria Newland
McColloch & Campitiello, LLP
5900 La Place Court, Suite 100
Carlsbad, CA 92008
Tel: (760) 804 0153
Fax: (760) 931-9086

I hereby certify that this correspondence and all marked attachments are being electronically filed with the Trademark Trial and Appeal Board through its website located at <http://estta.uspto.gov> on June 14, 2006.

Date: June 14, 2006

/Victoria Newland/
By: _____
Victoria Newland