

ESTTA Tracking number: **ESTTA117278**

Filing date: **12/29/2006**

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	Nokia Corporation
Granted to Date of previous extension	01/10/2007
Address	Keilalahdentie 4 Espoo, FI-02150 FINLAND

Attorney information	Karin Segall Darby & Darby P.C. P.O. BOX 5257 New York, NY 10150-5257 UNITED STATES tmdocket@darbylaw.com,ksegall@darbylaw.com Phone:212-527-7619
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Applicant Information

Application No	78783422	Publication date	09/12/2006
Opposition Filing Date	12/29/2006	Opposition Period Ends	01/10/2007
Applicant	Robb Hanson and Devon Craychee Partnership, The #1 301 Knob Hill Avenue Redondo Beach, CA 90277 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Clothing and headwear, namely T-shirts, shorts, sweat pants, sweat shirts, swimwear, jackets, wet suits, belts, jeans, slacks, woven shirts, knit shirts, tank tops, socks, sweaters, hats, beanies, caps; Footwear
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Signature	/karin segall/
Name	Karin Segall
Date	12/29/2006

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

NOKIA CORPORATION,

Opposer,

v.

THE ROBB HANSON AND DEVON
CRAYCHEE PARTNERSHIP,

Applicant.

BOX TTAB - FEE

Opposition No. _____

(Serial No. 78/783,422)

NOTICE OF OPPOSITION

Nokia Corporation (“Opposer”), a corporation organized and existing under the laws of the Finland, located and doing business at Keilalahdentie 4, 02150 Espoo Finland, believes it will be damaged by the registration of the designation VERTUS (the “Mark”) as shown in Application Serial No. 78/783,422 (the “Application”), for “Clothing and headwear, namely T-shirts, shorts, sweat pants, sweat shirts, swimwear, jackets, wet suits, belts, jeans, slacks, woven shirts, knit shirts, tank tops, socks, sweaters, hats, beanies, caps; Footwear” in Class 25 filed by The Robb Hanson and Devon Craychee Partnership (the “Applicant”). The Application was published for opposition on September 12, 2006, and Opposer has been granted extensions of time to oppose the Application through January 10, 2007.

The grounds for opposition are as follows:

1. Opposer is the owner of Reg. No. 2,864,050, which covers the mark VERTU for use

with a wide variety of certain goods and services in Classes 25, 28, 35, 36, 41 and 42, including “articles of clothing for men, women, and children, namely, shirts, t-shirts, sweatshirts, sweaters, vests, pants, parkas, jackets, overcoats, raincoats, hats, caps, mittens, gloves, socks, headbands, boots, shoes, slippers, neckties, aprons, bathing suits, bathing trunks, bathrobes, belts, blouses, bow ties, boxer shorts, dresses, ear muffs, garter belts, gym shorts, gym suits, jogging suits, track suits, night shirts, pocket squares, vests, robes, sleep wear, namely pajamas and night gowns, sun visors and wrist bands” (“Opposer’s Clothing”).

2. Opposer is also the owner of Reg. No. 2,816,057, which covers the mark VERTU for use with, *inter alia*, a variety of electronic, telecommunication and audio-visual equipment in Class 9 and telecommunications services in Class 38.

3. The Application was filed by Applicant on December 31, 2005 based on intent to use.

4. Opposer has superior rights by virtue of Opposer’s use of the VERTU mark since prior to December 31, 2005.

5. Opposer has superior rights by virtue of the priority filing dates of Opposer’s registrations covering the VERTU mark.

6. Applicant’s Mark is virtually identical in overall commercial impression, appearance and sound to Opposer’s VERTU mark, such that the use of the Mark is likely to cause confusion, mistake or deception with Opposer’s VERTU mark.

7. Applicant’s Mark and Opposer’s VERTU mark are confusingly similar, such that consumers are likely to conjure an association between Applicant’s Mark and Opposer’s VERTU Mark and are likely to be confused, mistaken and deceived into believing that the goods of Applicant are provided, sponsored, licensed or approved by Opposer, that Applicant’s and Opposer’s goods

and/or services emanate from the same source and/or that Applicant is in some other fashion connected or associated with Opposer, all to Opposer's injury.

8. The goods identified in the Application are identical and/or closely related to Opposer's Clothing, in connection with which Opposer has registered the VERTU mark.

9. Registration of the Mark by Applicant is barred by the provisions of 15 U.S.C. § 1052(d), for the reason that it consists of or comprises a mark which so resembles Opposer's VERTU mark previously registered and/or applied for in the Patent and Trademark Office and/or previously used by Opposer and not abandoned, as to be likely, when applied to the goods and services of Applicant, to cause confusion, mistake or to deceive.

WHEREFORE, Opposer prays that the registration sought by Applicant be refused and that this Opposition be sustained.

The required fee of \$300 is being submitted with this Notice of Opposition. Please charge any additional costs to our Deposit Account No. 04-0100.

Respectfully submitted,

DARBY & DARBY P.C.

Dated: New York, New York
December 29, 2006

By: /karin segall/
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