

ESTTA Tracking number: **ESTTA160926**

Filing date: **09/05/2007**

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	Pure Fishing, Inc.
Granted to Date of previous extension	09/05/2007
Address	1900 18th Street Spirit Lake, IA 51360 UNITED STATES

Attorney information	Lance G. Johnson Roylance, Abrams, Berdo & Goodman, LLP 1300 19th Street, NWSuite 600 Washington, DC 20036 UNITED STATES pfdocketing@roylance.com, ccook@roylance.com
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Applicant Information

Application No	77023105	Publication date	05/08/2007
Opposition Filing Date	09/05/2007	Opposition Period Ends	09/05/2007
Applicant	LUCKY CRAFT CO., LTD. 21 Kanayahongou Oyabe-shi, Toyama, JAPAN		

Goods/Services Affected by Opposition

Class 028. All goods and services in the class are opposed, namely: Fishing equipment namely fishing lures, fishing lines and fishing rods

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Other	common law rights in the marks INSHORE and OFFSHORE

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2476725	Application Date	03/09/2000
Registration Date	08/07/2001	Foreign Priority Date	NONE
Word Mark	INSHORE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 028. First use: First Use: 1997/03/00 First Use In Commerce: 1997/05/04 FISHING LINES

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	INSHORE		
Goods/Services	fishing rods and fishing reels		

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	OFFSHORE		
Goods/Services	fishing rods and fishing reels		

Attachments	75939885#TMSN.gif (1 page)(bytes) 53795A - Notice of Opposition.pdf (6 pages)(39238 bytes)
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Signature	/Casimir Cook/
Name	Casimir Cook
Date	09/05/2007

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

 In re Application of)
)
 Lucky Craft Co., Ltd.)
)
 Serial No. 77/022,873)
)
 Filed: October 17, 2006)
)
 Trademark: OFF SHORE GAMING)
)
 Published: May 8, 2007)
 Official Gazette)
 _____)
 PURE FISHING, INC.,)
)
 Opposer,)
)
 v.)
)
 LUCKY CRAFT CO, LTD.,)
)
 Applicant.)
 _____)

Opposition No. _____

NOTICE OF OPPOSITION

Pure Fishing, Inc., an Iowa corporation having a principal place of business at 1900 18th Street, Spirit Lake, IA 51360 (hereinafter called "Opposer") believes that it will be damaged by the registration of the mark OFF SHORE GAMING shown in United States Trademark Application Serial No. published in the May 8, 2007 *Official Gazette* (the "Application") and hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer directly, and through its related entities, has offered for sale, advertised, promoted, sold, and distributed fishing rods, fishing reels and fishing line, in commerce in the United States under the trademarks, service marks, and tradenames INSHORE and OFFSHORE (the “Marks”) since at least as early as May 4, 1997 and May 2006, respectively.

2. Opposer’s Marks have functioned and now function as highly distinctive trademarks and trade names identifying the origin in Opposer of the goods described in paragraph 1 hereinabove.

3. Opposer is the owner of United States Trademark Registration No. 2,476,725 for INSHORE. This registration is valid and subsisting. A copy of this registration is attached hereto as Exhibit A.

4. Applicant is not now and never was entitled to appropriate, use, apply for, or register as a trademark the designation OFF SHORE GAMING for the goods set forth in the Application.

5. Upon information and belief, Applicant has not used the designation OFF SHORE GAMING prior to October 17, 2006, which is the filing date of the Application.

6. Upon information and belief, Applicant has never used the designation OFF SHORE GAMING in connection with the goods recited in the Application.

7. Applicant’s goods identified in its application are intimately commercially related and in part identical to Opposer’s goods described herein above and are sold or will be sold to the same classes of purchasers through the same channels of trade as Opposer’s goods, including to Opposer’s own customers.

8. The designation OFF SHORE GAMING is substantially similar to Opposer’s Marks, and is likely when applied to Applicant’s goods to cause confusion or mistake or to deceive.

9. Opposer is and/or will be damaged by the use and registration of OFF SHORE GAMING by Applicant for Applicant's goods because potential customers, purchasers, persons in the trade, the public and Opposer's and Applicant's own customers will be confused as to the source or origin of Applicant's goods sold under such mark to the detriment and damage of Opposer.

10. Opposer is and/or will be damaged by the use and registration of OFF SHORE GAMING by Applicant for Applicant's goods because potential customers, purchasers, persons in the trade, the public, and Opposer's and Applicant's own customers will mistakenly believe that such goods sold under Applicant's mark are associated with, endorsed by or in some other way related to, affiliated with, or sponsored by Opposer to the detriment and damage of Opposer.

11. Registration of Applicant's mark OFF SHORE GAMING is specifically barred by the provisions of Section 2(d) of the Trademark Act of 1946 because the said mark consists of or comprises a mark which so resembles Marks and trade names previously used and/or registered in the United States by Opposer and not abandoned, namely, INSHORE and OFFSHORE, as to be likely, when applied to the Applicant's goods to cause confusion, mistake, or deception.

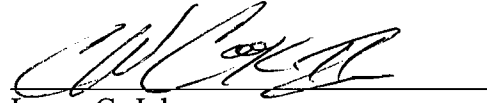
WHEREFORE, Opposer respectfully prays that this Opposition be sustained and that Application Serial No. 77/022,873 be rejected and denied.

Respectfully submitted,

PURE FISHING, INC.

Dated: September 5, 2007

By:



Lance G. Johnson
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Exhibit A

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38, and 50

Reg. No. 2,476,725

United States Patent and Trademark Office

Registered Aug. 7, 2001

**TRADEMARK
PRINCIPAL REGISTER**

INSHORE

**BERKLEY INC. (IOWA CORPORATION)
1900 18TH STREET
SPIRIT LAKE, IA 51360**

FIRST USE 3-0-1997; IN COMMERCE 5-4-1997.

SN 75-939,885, FILED 3-9-2000.

**FOR: FISHING LINES, IN CLASS 28 (U.S. CLS. 22,
23, 38 AND 50).**

SUSAN HAYASH, EXAMINING ATTORNEY