

ESTTA Tracking number: **ESTTA324397**

Filing date: **12/29/2009**

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	BOLLMAN HAT COMPANY
Granted to Date of previous extension	12/30/2009
Address	110 EAST MAIN STREET, P.O. BOX 517 ADAMSTOWN, PA 19501 UNITED STATES
Attorney information	JAMES E. SHLESINGER SHLESINGER, ARKWRIGHT & GARVEY LLP 5845 RICHMOND HIGHWAY, SUITE 415 ALEXANDRIA, VA 22303 UNITED STATES jim@sagllp.com, danearle@sagllp.com, nitasantiago@sagllp.com Phone:703-684-5600

Applicant Information

Application No	77721335	Publication date	09/01/2009
Opposition Filing Date	12/29/2009	Opposition Period Ends	12/30/2009
Applicant	Sanuk U.S.A., LLC. 2140 Orinda Drive #M Cardiff, CA 92007 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Hats; Sandals; Shirts; Shoes

Grounds for Opposition


Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1733234	Application Date	03/16/1992
Registration Date	11/17/1992	Foreign Priority Date	NONE
Word Mark	LITE FELT		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 025. First use: First Use: 1987/01/06 First Use In Commerce: 1987/01/06 headwear

U.S. Registration No.	1923736	Application Date	04/12/1993
Registration Date	10/03/1995	Foreign Priority Date	NONE
Word Mark	LITE STRAW		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1993/03/01 First Use In Commerce: 1993/03/01 hats		

U.S. Registration No.	3464401	Application Date	06/20/2006
Registration Date	07/08/2008	Foreign Priority Date	NONE
Word Mark	LITE CLOTH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2007/04/01 First Use In Commerce: 2007/04/01 HEADWEAR		

U.S. Registration No.	2462210	Application Date	09/22/1998
Registration Date	06/19/2001	Foreign Priority Date	NONE
Word Mark	ULTRA LITE		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 025. First use: First Use: 1998/09/07 First Use In Commerce: 1998/09/07 HEADWEAR
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Attachments	78911895#TMSN.jpeg (1 page)(bytes) 75559448#TMSN.gif (1 page)(bytes) 77721335 Opposition.pdf (5 pages)(258817 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/jes/
Name	JAMES E. SHLESINGER
Date	12/29/2009

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

In the matter of trademark application Serial No. 77/721,335,
published in the Official Gazette on September 1, 2009.

BOLLMAN HAT COMPANY	:	
	:	
Opposer	:	
v.	:	Opposition No.
	:	
SANUK U.S.A., LLC.	:	
	:	
Applicant.	:	

NOTICE OF OPPOSITION

Opposer, BOLLMAN HAT COMPANY, a Pennsylvania corporation, located and doing business at P.O. Box 517, 110 East Main Street, Adamstown, Pennsylvania 19501, believes that it will be damaged by the registration of the mark, shown in application Serial No. 77/721,335, and hereby opposes the same.

The grounds for the opposition are as follows;

1. Bollman Hat Company (hereinafter "Opposer" or "Bollman") since at least as early as 1987, has advertised, marketed, sold, sells, and continues to sell, clothing, specifically headwear, under the trademark, LITE FELT.

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2. Subsequent to Opposer's adoption and use of the mark, LITE FELT, to identify headwear, but prior to any use date that Applicant can claim for its marks, Opposer's product line has expanded to include other brands for headwear incorporating the term "LITE" as a feature thereof.

3. Since long prior to the filing date of the application for registration, and any use date claimed therein, BOLLMAN has marketed and sold headwear throughout the United States under various marks which feature the term "LITE" as a part thereof, including, among others, the trademarks, LITE FELT, LITE STRAW, LITE CLOTH, and ULTRA LITE.

4. Opposer is the owner of the following U.S. Trademark Registrations:

<u>Registration No.</u>	<u>Mark</u>	<u>Goods</u>
1,733,234	LITE FELT	headwear
1,923,736	LITE STRAW	hats
3,464,401	LITE CLOTH	headwear
2,462,210	ULTRA LITE	headwear

5. Each of the above-registrations are in full force and effect on the Principal Register of the United States Patent and Trademark Office, and operate as prima facie evidence of Opposer's ownership of said marks, and its exclusive right to use the same in commerce throughout the United States.

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Registration Nos. 1,733,234; 1,923,736; and 2,462,210 are incontestable, and thereby act as conclusive evidence of Opposer's ownership in its marks and its exclusive right to use its marks in commerce throughout the United States.

6. By virtue of the long, continued and widespread sale of goods identified by Bollman's marks, LITE FELT, LITE STRAW, LITE CLOTH, and ULTRA LITE, as well as other marks containing the term "LITE" as a feature thereof, all in connection with headwear, the relevant trade and public has come to associate said goods provided under marks which contain the term "LITE", with Bollman, thereby creating a valuable reputation for such goods.

7. Bollman continues to expand its product line under the LITE series of trademarks. Since long prior to the filing date of the Applicant's mark, Bollman has extensively advertised and promoted its series of "LITE" marks, alone and with other elements, in connection with clothing, specifically headwear.

8. Applicant filed, on April 23, 2009, an application for a similar mark to Petitioner's marks, GET LITE, for Hats; Sandels; Shirts; Shoes in International Class 025.

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This application was filed on the basis of an intent to use the mark in commerce. Upon information and belief, Applicant has not used its mark in commerce or has not used its mark prior to the filing date of its application.

9. In view of the similarities between the respective marks, their intended uses, and the related nature of the goods of the respective parties, Applicant's mark so resembles Opposer's trademarks, previously used in the United States and not abandoned, as to be likely to cause confusion, or to cause mistake, or to deceive to the irreparable damage to Opposer.

10. If Applicant is granted a registration for the mark herein opposed it would thereby, at least, provide a prima facie exclusive right to use the mark. Such registration would be a source of damage and injury to Opposer and Opposer's business.

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WHEREFORE, Opposer prays that application Serial No. 77/721,335, be rejected, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

Respectfully submitted,

BOLLMAN HAT COMPANY

Date: December 29, 2009

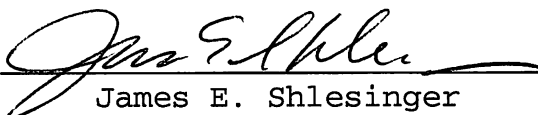
By: 

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CERTIFICATE OF SERVICE

It is hereby certified that this NOTICE OF OPPOSITION has been served upon Applicant, by mailing a copy thereof by prepaid first class mail to Sanuk U.S.A., LLC, 2140 Orinda Drive #M, Cardiff, California 92007, and to Applicant's Attorney of Record, Craig O. Correll, Esq. at Craig O. Correll, Attorney at Law, 4245 Sunnyhill Drive, Carlsbad, California 92008-3647, this 29th day of December, 2009.


James E. Shlesinger