

ESTTA Tracking number: **ESTTA349215**

Filing date: **05/24/2010**

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	JanSport Apparel Corp.
Granted to Date of previous extension	05/23/2010
Address	3411 Silverside Road Wilmington, DE 19810 UNITED STATES

Attorney information	Paul J. Kennedy Pepper Hamilton LLP 3000 Two Logan Square Eighteenth and Arch Streets Philadelphia, PA 19103-2799 UNITED STATES kennedyp@pepperlaw.com, mulligar@pepperlaw.com, catalant@pepperlaw.com Phone:215-981-4194
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**Applicant Information**

Application No	77771332	Publication date	11/24/2009
Opposition Filing Date	05/24/2010	Opposition Period Ends	05/23/2010
Applicant	PROFESSIONAL'S CHOICE SPORTS MEDICINE PRODUCTS, INC. Suite 106 2025 Gillespie Way El Cajon, CA 92020 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 018. All goods and services in the class are opposed, namely: Horse tack, namely, girths and cinches
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**Grounds for Opposition**

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

U.S. Application No.	77427476	Application Date	03/20/2008
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	VENTECH		

Design Mark	<h1>VENTECH</h1>
Description of Mark	NONE
Goods/Services	Class 018. First use: First Use: 2009/01/03 First Use In Commerce: 2009/01/03 All purpose sporting bags, all purpose carrying bags, backpacks, daypacks, frame backpacks, knapsacks

Attachments	77427476#TMSN.jpeg ( 1 page )( bytes ) 05-24-2010 NOTICE OF OPPOSITION (VENTECH).pdf ( 4 pages )(63313 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	/Paul J. Kennedy/
Name	Paul J. Kennedy
Date	05/24/2010

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

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JANSPORT APPAREL CORP.	:	
	:	
Opposer	:	Opposition No.
	:	
	:	Mark: VENTECH
	:	
v.	:	Application Serial No. 77/771332
	:	
	:	Published in <i>Official Gazette</i> : November 24, 2009
PROFESSIONAL'S CHOICE SPORTS MEDICINE PRODUCTS, INC.	:	
	:	Filed: June 30, 2009
	:	
Applicant	:	

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**NOTICE OF OPPOSITION**

United States Patent and Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Dear Sir/Madam:

JanSport Apparel Corp., a Delaware corporation with offices at 3411 Silverside Road, Wilmington, DE 19810 ("Opposer"), believes it will be damaged by the issuance of a trademark registration to Professional's Choice Sports Medicine Products, Inc., a California corporation with offices at 2025 Gillespie Way, Suite 106, El Cajon, CA 92020 ("Applicant"), for the mark VENTECH (Serial No. 77/771332) in International Class 18, and hereby opposes the application.

As grounds for the opposition, Opposer alleges that:

1. Applicant is seeking to obtain, under the provisions of the Trademark Act of 1946, as amended, registration on the Principal Register of the mark VENTECH (“Applicant’s Mark”) for “horse tack, namely, girths and cinches” in International Class 18.

2. Applicant is not now, and never was, entitled to registration on the Principal Register of the mark VENTECH, either on June 30, 2009, the date of Applicant’s filing of the intent-to-use based application, or on November 24, 2009, the date of publication in the *Official Gazette*.

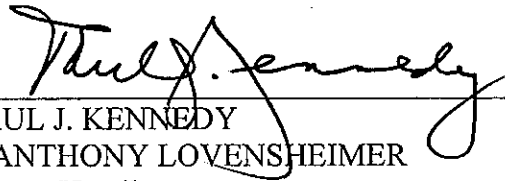
3. Opposer is the owner of the mark VENTECH (Serial No. 77/427476) for “all purpose sporting bags, all purpose carrying bags, backpacks, daypacks, frame backpacks, knapsacks” in International Class 18 (“Opposer’s Mark”). Opposer’s Mark was filed with the United States Patent and Trademark Office (“USPTO”) as an intent-to-use based application on March 20, 2008; was published for opposition on July 29, 2008; and a Statement of Use stating that the date of first use is January 3, 2009 was accepted by the USPTO on April 24, 2010. The registration will issue in due course.

4. Opposer has, prior to the filing date of Applicant’s intent-to-use based application, sold in commerce in the United States its products using Opposer’s Mark.

5. Because Applicant’s Mark is identical to Opposer’s Mark in the same International Class 18, Applicant’s Mark is likely to cause confusion, mistake, or deception amongst the general and consuming public as to whether Applicant’s goods are being offered by, or in affiliation with, Opposer causing damage to Opposer.

6. Accordingly, Opposer requests that registration of the mark VENTECH (Serial No. 77/771332) be denied to Applicant and this opposition be sustained.

Respectfully submitted,



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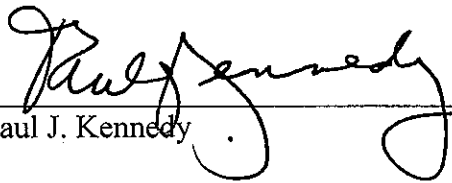
*Attorneys for Opposer  
JanSport Apparel Corp.*

DATE: May 24, 2010

**CERTIFICATE OF SERVICE**

I, Paul J. Kennedy, hereby certify that on May 24, 2010, a true and correct copy of the foregoing Notice of Opposition was served via electronic mail and U.S. First Class Mail, postage prepaid, upon the following:

Robert H. Berkowitz, Esquire  
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*Attorney for Applicant*

  
Paul J. Kennedy