

ESTTA Tracking number: **ESTTA364780**

Filing date: **08/24/2010**

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	Strength Trading Limited
Granted to Date of previous extension	08/25/2010
Address	Office of the Offshore Incorporations Lt P.O. Box 957, Road Town Tortola, VIRGIN ISLANDS, BRITISH

Attorney information	Farah P. Bhatti Buchalter Nemer 18400 Von Karman Ave., Suite 800 Irvine, CA 92612 UNITED STATES trademark@buchalter.com Phone:949.224.6291
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Applicant Information

Application No	77879174	Publication date	04/27/2010
Opposition Filing Date	08/24/2010	Opposition Period Ends	08/25/2010
Applicant	Supracor, Inc. 2050 Corporate Court San Jose, CA 951311753 UNITED STATES		

Goods/Services Affected by Opposition


Class 025. First Use: 1988/12/22 First Use In Commerce: 1988/12/22
All goods and services in the class are opposed, namely: shoes, sandals


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. Application No.	85105361	Application Date	08/11/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SUPRA		

Design Mark			
Description of Mark	The mark consists of Stylized letters "SUPRA" to the left of a crown that opens at the top.		
Goods/Services	Class 025. First use: First Use: 2006/02/00 First Use In Commerce: 2006/02/00 CLOTHING, NAMELY, T-SHIRTS, SHIRTS, SWEATSHIRTS, FOOTWEAR; HEADGEAR, NAMELY, HATS, BEANIES		

U.S. Registration No.	3803766	Application Date	05/21/2008
Registration Date	06/15/2010	Foreign Priority Date	NONE
Word Mark	SUPRA TUF		
Design Mark			
Description of Mark	The mark consists of Stylized letters "SUPRA" to the left of smaller stylized letters "TUF" with a crown above the letters "TUF".		
Goods/Services	Class 025. First use: First Use: 2008/03/00 First Use In Commerce: 2008/09/00 Footwear		

U.S. Registration No.	3559015	Application Date	08/24/2005
Registration Date	01/06/2009	Foreign Priority Date	NONE
Word Mark	SUPRA FOOTWEAR		
Design Mark			
Description of Mark	The mark consists of stylized words "SUPRA FOOTWEAR" above crown.		
Goods/Services	Class 025. First use: First Use: 2005/10/01 First Use In Commerce: 2006/03/01		

	Footwear
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Attachments	85105361#TMSN.jpeg (1 page)(bytes) 77480307#TMSN.jpeg (1 page)(bytes) 78699420#TMSN.jpeg (1 page)(bytes) Notice of Opposition -SS SUPRACOR & Design.pdf (5 pages)(28861 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	/farah bhatti/
Name	Farah P. Bhatti
Date	08/24/2010

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

<p>Strength Trading Limited</p> <p style="text-align: center;">Opposer,</p> <p style="text-align: center;">v.</p> <p>Supracor, Inc.</p> <p style="text-align: center;">Applicant.</p>	<p>Opposition No. _____ Serial No.: 77/879174</p> <p style="text-align: center;"></p> <p>Mark: Supracor</p>
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UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Re: Application No.: 77/879174



Supracor

Mark:

Applicant: Supracor, Inc.

Filed: November 23, 2009

Published: April 27, 2010

International Classes: 12, 20, 21 and 25

For: (Class 25) shoes; sandals

NOTICE OF OPPOSITION

Opposer, Strength Trading Limited, a Company organized and existing under the laws of the British Virgin Islands, having its principal place of business at Office of Offshore Incorporations Limited, P.O. Box 957 Offshore Incorporation Centre Road Town, Tortola , British Virgin Islands (“Opposer”), by and through its attorneys, hereby states that it will be damaged by registration of the mark “SS SUPRACOR & Design”

covered by U.S. Application Serial No. 77/879174, owned by Supracor, Inc. (“Applicant”), and hereby opposes registration of the same.

The grounds for the Opposition are as follows:

1. Opposer provides, *inter alia*, clothing, namely, t-shirts, shirts, sweatshirts; footwear and headgear, namely, hats, beanies (“Opposer’s Goods.”)

2. Since long prior to Applicant’s filing of its application to register the SS SUPRACOR & design mark, and since long prior to use of the mark by Applicant, Opposer has used, advertised and promoted in commerce, and continues to use, advertise and promote in commerce, Opposer’s SUPRA marks in connection with Opposer’s Goods.

3. Opposer owns extensive common law rights in its SUPRA Marks that pre-date Applicant’s rights, if any. In addition, Opposer owns U.S. Trademark Registration Nos. 3,559,015 and 3,803,766 for the marks SUPRA TUF & design and SUPRA FOOTWEAR & design for footwear. Opposer is also the owner of U.S. Trademark Application Serial No. 85/105361 for the mark SUPRA & design covering clothing, namely, t-shirts, shirts, sweatshirts; footwear and headgear, namely, hats, beanies. These marks are collectively referred to hereinafter as the “SUPRA Marks.”

4. Opposer has expended substantial resources to advertise and promote Opposer’s Goods, all under Opposer’s SUPRA Marks.

5. By reason of Opposer’s advertisement, sale, offering for sale, promotion and use, and the world-wide distribution of Opposer’s products, Opposer’s SUPRA Marks have come to be recognized as signifying Opposer. Opposer has built up extensive goodwill in its Supra Marks.

6. Prior to Applicant’s filing of its application to register the SS SUPRACOR & Design mark, purchasers had come to recognize Opposer’s SUPRA marks as identifying goods emanating exclusively from Opposer.

7. On December 3, 2009, Applicant filed an application to register SS SUPRACOR & Design for goods in Class 25 identified as “shoes, sandals” (Application No. 77/879174). The subject application was published for opposition on April 27, 2010 in the *Official Gazette* (Trademarks) of the United States Patent and Trademark Office.

8. Opposer timely filed Extensions of Time to Oppose the Application with the Trademark Trial and Appeal Board on May 26, 2010 and June 24, 2010. An opposition to the application must be filed by August 25, 2010. Therefore, this Notice of Opposition is being timely filed.

9. The goods and services “shoes, sandals” in Applicant’s herein-opposed application are identical to Opposer’s goods, with which Opposer uses the SUPRA Marks, namely, footwear.

10. Applicant’s mark SS SUPRACOR & Design is visually similar, phonetically similar and conveys a similar commercial impression to Opposer’s SUPRA Marks and Applicant’s use and registration of SS SUPRACOR & Design with the goods specified in its trademark application Serial No. 77/879174, is likely to cause confusion, deception and/or mistake amongst the relevant public.

11. Applicant’s use and registration of the mark SS SUPRACOR & Design is likely to falsely suggest a connection with Opposer and Opposer’s SUPRA Marks.

12. Applicant’s use and registration of the mark SS SUPRACOR & Design interferes with Opposer’s SUPRA Marks and will damage Opposer, its business and its goodwill.

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WHEREFORE, Opposer believes that it will be damaged by the registration of Applicant's mark and prays for judgment sustaining this opposition and refusing registration of Application Serial No. 77/879174, and that such other and further relief as is deemed just and proper be granted.

The requisite filing fee prescribed by 37 C.F.R. §2.6(a)(17), in the amount of \$300.00 should be charged to Deposit Account No. 500977. Any additional fees due in connection with this Notice of Opposition should also be charged to Deposit Account No. 500977, and any excess fees should be credited to the same. All correspondence relating to this matter should be directed to the undersigned attorney for Opposer.

Date: August 24, 2010

Respectfully Submitted,

STRENGTH TRADING LIMITED

By:  _____

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CERTIFICATE OF SERVICE

Opposer, Strength Trading Limited, hereby certifies that a copy of this Notice of Opposition has been served upon counsel for Applicant Supracor, Inc. on this 24th day of August, 2010, by First Class U.S. Mail, postage prepaid, at the following address:

MICHAEL K. BOSWORTH
IPXLAW GROUP LLP
95 S MARKET ST STE 570
SAN JOSE, CA 95113-2339



Attorney for Opposer

BN 6845626v1