

ESTTA Tracking number: **ESTTA373136**

Filing date: **10/13/2010**

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	KirstinEHltchcock
Granted to Date of previous extension	10/13/2010
Address	753 Harbor Springs Trail Virginia Beach, VA 23462 UNITED STATES

Correspondence information	KirstinEHltchcock 753 Harbor Springs Trail Virginia Beach, VA 23462 UNITED STATES khitchcock1@cox.net Phone:757-748-8090
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Applicant Information

Application No	79074865	Publication date	06/15/2010
Opposition Filing Date	10/13/2010	Opposition Period Ends	10/13/2010
International Registration No.	1018617	International Registration Date	09/28/2009
Applicant	Maruman & Co., Ltd. 1-15-10, Uchikanda Chiyoda-ku; Tokyo 101-0047 JAPAN		

Goods/Services Affected by Opposition


Class 028. All goods and services in the class are opposed, namely: Golf clubs; golf club heads; golf club shafts; golf club grips; golf bags with or without wheels; golf gloves; golf balls; golf tees; head covers for golf club; golf ball markers

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	77825515	Application Date	09/13/2009
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	MJ
Design Mark	
Description of Mark	The mark consists of a crown over the letters "M" and "J".
Goods/Services	Class 042. First use: First Use: 2009/09/04 First Use In Commerce: 2009/09/04 Graphic design services, namely, graphic design of promotional materials for others; web site design services for others; and computer animation design services

Attachments	77825515#TMSN.jpeg (1 page)(bytes) Opposition_Maruman.pdf (4 pages)(118729 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	/kirstinehitchcock/
Name	KirstinEHlitchcock
Date	10/13/2010

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

In the matter of trademark application Serial No. 79074865

For the mark MJ

Published in the *Official Gazette* on 06/15/2010

Kirstin E. Hitchcock,

Opposer

v.

Maruman & Co., Ltd.,

Applicant


Opposition No. _____

NOTICE OF OPPOSITION

Maruman & Co., Ltd.,

1-15-10, Uchikanda Chiyoda-ku; Tokyo 101-0047



In the matter of the application for registration of the trademark  filed by Maruman & Co., Ltd. (“Applicant”), as shown in Application Serial No. 79074865, published for opposition in the *Official Gazette* on 06/15/2010.

Kirstin E. Hitchcock (“Opposer”) an individual residing at 753 Harbor Springs Trail, Virginia Beach, Va 23462, believes that she will be damaged by registration of the mark shown in said Application Serial No. 79074865 and hereby opposes the same:

The grounds for opposition are as follows:

1. Opposer is the owner of prior U.S. Application Serial No: 77825515 filed 09/13/2009 for the mark MJ covering “Graphic design services, namely, graphic design of promotional materials for others; web site design services for others.”



2. The Applicant's mark  is similar in overall appearance to the Opposer's

mark .

3. Applicant's use and registration of its trademark to identify its goods/services is likely to cause confusion and lead to deception as to the source of origin and/or the sponsorship of Applicant's services and/or Opposer's services and/or merchandise. As an additional factor of confusion, Applicant's trade name for goods/services is 'Majesty' and Opposer's trade name is 'M'Jestic.'
4. If the Applicant were permitted to use and register its mark for its goods/services, confusion among consumers resulting in damage and injury to Opposer would be caused by virtue of the similarity between Applicant's trademark and Opposer's trademarks. Any defect, objection or fault found with Applicant's services would reflect upon, seriously injure, and dilute the reputation and value that Opposer has established under Opposer's trademarks.

WHEREFORE, Opposer requests that Application Serial No. 79074865 be rejected, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of the Opposer.

Respectfully submitted,

Kirstin E. Hitchcock
753 Harbor Springs Trail,
Virginia Beach, Va 23462
Phone: (757) 748-8090

October 13, 2010

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing NOTICE OF OPPOSITION was served by U.S. Mail, first class, postage prepaid, on this __13th__ day of October, 2010, on the Applicant at the address listed in the current U.S. Trademark Office Records as follows:

Andrew H. Simpson for Maruman & Co., LTD

Knobbe, Martins, Olsen & Bear, LLP

2040 Main Street, 14th floor

Irvine Ca, 92614

United States

Signed,

Kirstin E. Hitchcock

753 Harbor Springs Trail

Virginia Beach, Va 23462