

ESTTA Tracking number: **ESTTA393684**

Filing date: **02/16/2011**

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	Surf Line Hawaii, Ltd.
Granted to Date of previous extension	02/16/2011
Address	1451 Kalani Street Honolulu, HI 96817 UNITED STATES
Correspondence information	Megan E. Gray Gray Matters 2017 Kalorama Road NW # 3 Washington, DC 20009 UNITED STATES mg@megangray.com Phone:202-265-2738

**Applicant Information**

Application No	85037161	Publication date	10/19/2010
Opposition Filing Date	02/16/2011	Opposition Period Ends	02/16/2011
Applicant	Genki Media LLC 2480 16th Street, N.W. #640 Washington, DC 20009 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 041. First Use: 2010/02/26 First Use In Commerce: 2010/05/11 All goods and services in the class are opposed, namely: Arranging, organizing, conducting, and hosting social entertainment events
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**Grounds for Opposition**

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	920266	Application Date	09/04/1970
Registration Date	09/14/1971	Foreign Priority Date	NONE
Word Mark	JAMS		
Design Mark			

Description of Mark	NONE
Goods/Services	Class U039 (International Class 025). First use: First Use: 1964/08/01 First Use In Commerce: 1965/01/12 MEN'S SWIMMING TRUNKS

U.S. Registration No.	1497797	Application Date	06/21/1985
Registration Date	07/26/1988	Foreign Priority Date	NONE
Word Mark	JAMS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1964/08/01 First Use In Commerce: 1965/01/12 MEN'S, WOMEN'S AND CHILDREN'S PANTS, SHIRTS, WALKING SHORTS, SWIMMING TRUNKS, UNDERWEAR, HATS, BELTS AND SCARVES		

U.S. Registration No.	1537352	Application Date	12/07/1987
Registration Date	05/02/1989	Foreign Priority Date	NONE
Word Mark	JAMS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 1987/04/00 First Use In Commerce: 1987/04/00 [ WATCHES AND COSTUME JEWELRY, NAMELY, BROOCHES ] Class 018. First use: First Use: 1986/10/00 First Use In Commerce: 1986/10/00 [ SPORTS BAGS, NAMELY, BACK PACKS, HIP PACKS, HANDBAGS, WALLETS, KEY HOLDERS ] Class 025. First use: First Use: 1964/08/01 First Use In Commerce: 1965/01/12 WEARING APPAREL, NAMELY, SHIRTS, SHORTS, [ SPORTCOATS, ] T-SHIRTS, SWEATSHIRTS, SWEATPANTS, JERSEYS, TANK TOPS, CAPS [, SHOES ] Class 030. First use: First Use: 1987/01/00 First Use In Commerce: 1987/01/00 [ CANDY AND CHEWING GUM ]		

U.S. Registration No.	1766979	Application Date	08/15/1991
Registration Date	04/20/1993	Foreign Priority Date	NONE
Word Mark	JAMS WORLD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1991/09/01 First Use In Commerce: 1991/09/01 retail clothing store services		

U.S. Registration	1888564	Application Date	04/13/1994
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No.			
Registration Date	04/11/1995	Foreign Priority Date	NONE
Word Mark	JAMS WORLD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1987/03/00 First Use In Commerce: 1987/03/00 men's, women's and children's casual wear, namely pants, shirts, walking shorts, swimming shorts, sports shorts, running shorts, jackets, blazers, vests, shirts, sweatshirts, T-shirts, hats, ties, belts, dresses, blouses, slacks, pantsuits, jumpsuits, sports jackets, [warmup suits ]and workout wear, namely running suits		

Attachments	Opposition.pdf ( 5 pages )(32417 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	/s/
Name	Megan E. Gray
Date	02/16/2011

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

In the matter of application Serial No. 85037161  
Filed May 12, 2010  
For the mark ARTJAMZ  
Published in the Official Gazette on October 19, 2010

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SURF LINE HAWAII, LTD.,

Opposer,

v.

Genki Media LLC,

Applicant

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OPPOSITION NO. \_\_\_\_\_

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**NOTICE OF OPPOSITION**

The above-identified Opposer believes it will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same.

The grounds for opposition are as follows:

**General Allegations**

1. Opposer Surf Line Hawaii, Ltd. (“Surf Line”) has for many years continuously engaged in the manufacture and sale of fashion-forward clothing and other products, including t-shirts, swimming trunks, pants, shirts and shorts.
2. Surf Line manufactures and sells its products worldwide, and in the United States makes and sells clothing under the JAMS and JAMS WORLD marks.
3. Surf Line is the owner of the following trademark registrations on the principal

register in the United States Patent and Trademark Office:

<u>Reg. #</u>	<u>Mark</u>	<u>Goods or Services</u>
0920266	JAMS	Men's swimming trunks – Int. Class 25
1497797	JAMS	Men's, women's and children's pants, shirts, walking shorts, swimming trunks, underwear, hats, belts and scarves – Int. Class 25
1537352	JAMS	Wearing apparel, namely shirts, shorts, t-shirts, sweatshirts, sweatpants, jerseys, tank tops, and caps – Int. Class 25
1766979	JAMS WORLD	Retail clothing store services – Int. Class 42; and
1888564	JAMS WORLD	Men's, women's and children's casual wear, namely, pants, shirts, walking shorts, swimming shorts, sport shorts, running shorts, jackets, blazers, vests, shirts, sweatshirts, t-shirts, hats, ties, belts, dresses, blouses, slacks, pantsuits, jumpsuits, sports jackets, and workout wear, namely, running suits – Int. Class 25

The aforesaid registrations are valid, subsisting, more than five years old, and have become incontestable under the provisions of Section 15 of the Trademark Act.

4. Throughout its many decades of existence, Surf Line Hawaii has been renowned for its unique, artistic designs and association with fashion icons. Indeed, Surf Line Hawaii has licensed its copyrighted designs and trademark brands on numerous products and events.

5. Surf Line opposes Applicant's intent-to-use application to register the mark ARTJAMZ for "ARRANGING, ORGANIZING, CONDUCTING, AND HOSTING SOCIAL ENTERTAINMENT EVENTS." The application for registration of the mark ARTJAMZ was filed on May 12, 2010 by Genki Media LLC, with an address of 2480 16<sup>th</sup> Street NW #640, Washington, DC 20009.

6. The fashion industry is well-known for its close association to entertainment events. Clothing and entertainment events are closely related goods/services that travel in the same and/or substantially similar channels of trade.

7. Opposer's JAMS and JAMS WORLD clothing products, and their associated promotional events, are marketed to entertainment and art sectors, and, the description of goods/services in Applicant's ARTJAMZ application, if registered, would similarly cover products or services sold or advertised through the same or similar channels of trade. Indeed, Applicant verbally acknowledged its familiarity of Opposer's marks in selecting the at-issue mark, even asserting that it was the inspiration for the at-issue mark.

8. Applicant's events are regularly focused on fashion and pop culture events, as stated on its own website. For example, "ArtJamz headed to Tysons Galleria to participate in All Access: Fashion – a three day fashion and trend event that allowed guests to witness the excitement and energy of the international collections at Tysons Galleria, shop the best of the season, meet style icons and experience the frenzy usually reserved for fashion insiders – and paint their own designs!....ArtJamz enjoyed its first foray into the world of fashion as we set up our easels at the luxury shopping destination, Tysons Galleria, for a full day of stylish creating...we envisioned letting people draw their very own looks from the seasons [sic] top trends. So we enlisted the help of Howard grad and fashion illustrator extraordinaire William White. William allowed us to use seven sketches of the season's top looks. We then created copies...and we let everyone unleash their inner fashion artist."

9. Prior to pursuing this Opposition, Surf Line Hawaii attempted to resolve this matter with the Applicant. However, Applicant's attorney was uncooperative. Surf Line Hawaii supports the goal of Applicant and merely wants Applicant to pursue that goal under a brand that

is not potentially linked to the JAMS brand in the public consciousness. For example, Applicant could adopt a brand such as ArtMash, ArtMosaic, ArtJubilee, ArtMake, ArtOut, ArtUnleashed, ArtSpin, or any one of a zillion possible names.

**Opposer's First Claim for Relief**

10. Opposer repeats and realleges paragraphs 1 through 9 of this Notice of Opposition with the same force and effect as if each was set forth in full at this point.

11. On information and belief, the applied-for mark comprises a mark which so resembles Opposer's JAMS and/or JAMS WORLD registered marks – at least one of which has been used in the United States since at least as early as 1965 and none of which have been abandoned – as to be likely, when used on or in connection with Applicant's products/services, to cause confusion, to cause mistake or to deceive as to Applicant's affiliation, connection, association or origin with, or sponsorship or approval by, Opposer.

WHEREFORE, Opposer requests that this Opposition be sustained and that the requested registration of the Applicant mark be refused.

Dated: Washington, DC  
February 16, 2011

By \_\_\_\_\_/s/\_\_\_\_\_  
Megan E. Gray

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*Attorney for Opposer*  
Surf Line Hawaii, Ltd.

**Certificate of Service**

Surf Line Hawaii, Ltd. v. Genki Media LLC

Opposition No.: \_\_\_\_\_

I hereby certify that the attached:

NOTICE OF OPPOSITION

was served on the following parties by the method indicated above each name on the below date.

By First Class US Mail

Robert Shervette, Esq.  
Ackerman Legal PLLC  
1250 Connecticut Ave. NW, Suite 200  
Washington, DC 20036-2643

Counsel of Record for Applicant

Date: February 16, 2011

/s/

\_\_\_\_\_  
Megan E. Gray