ESTTA Tracking number: **ESTTA477786**

Filing date: **06/13/2012**

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	Pollak Import Export Corp.		
Entity	Corporation	Citizenship	New York State
Address	1410 Broadway New York City, NY 10018 UNITED STATES		

Correspondence information	Mr. Thomas F. Pollak Pollak Import Export Corp. 1410 Broadway New York City, NY 10018 UNITED STATES tpollak@sweatersource.com Phone:212 221-8600

Applicant Information

Application No	85574838	Publication date	06/12/2012
Opposition Filing Date	06/13/2012	Opposition Period Ends	07/12/2012
Applicant	ENDURA LTD. 16 GRANGE ROAD HOUSTON INDUSTRIAL ESTATE, LIVINGSTON SCOTLAND, EH545DE UNITED KINGDOM		

Goods/Services Affected by Opposition

Class 025. First Use: 2011/05/23 First Use In Commerce: 2011/05/23 All goods and services in the class are opposed, namely: men's and women's cycle jackets

Grounds for Opposition

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

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2920917	Application Date	02/02/2004
Registration Date	01/25/2005	Foreign Priority Date	NONE
Word Mark	PAK-A-JAK		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2003/05/00 First Use In Commerce: 2003/12/00 Jacket in a self colored bag

Attachments	78361210#TMSN.jpeg (1 page)(bytes) Opposition 2 page 1.pdf (1 page)(191904 bytes) Opposition 2 page 2.pdf (1 page)(174510 bytes)

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	/Thomas F. Pollak/
Name	Mr. Thomas F. Pollak
Date	06/13/2012

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

In the matter of trademark application Serial No 85574838
For the mark "*PAK A JAK*" in category IC 025
Published for opposition on 6/12/12 6/13/12

POLLAK IMPORT EXPORT CORP.

v.

ENDURA LTD.

NOTICE OF OPPOSITION

(1) POLLAK IMPORT EXPORT CORP. is a corporation formed under the laws of the State of New York, having its principal place of business at 1410 Broadway, New York, NY. The above-identified believes that it will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same.

(2) The grounds for opposition are as follows:

(i) For more than seven (7) years, Pollak Import Corp has actively used and promoted the "Pak-A-Jak" name.

(ii) We registered the trademark "Pak-A-Jak" on January 25, 2005 (Serial Number 78361210) (registration number 2920917) in IC 025.

(iii) On March 1,2012, I sent a letter to Endura Ltd., notifying it that its sale of jackets and outerwear using the exact name as that registered by us, for the identical goods sold by us infringed on our rights as the owner of the "Pak-A-Jak" name. I demanded that Endura cease and desist from its sales of jackets carried in a self branded pouch, which were exactly what

we had been selling under the "Pak-A-Jak" name for years. At that time, I was unaware that I was required to file an affidavit attesting to our continued use of the Mark.

(iv) On May 20, 2012, in response to our cease and desist letter Endura Ltd. Filed the Trademark application which is the subject of this Opposition.

(v) When I learned that our Registration had expired, I immediately filed a new registration on March 21, 2012 (Serial Number 85578076).

(vi) Even though we allowed the Federal Registration of the Mark expire, we never stopped using the Mark and continued to show and sell "Pak-A-Jak" branded apparel in our showroom.

(vii) In view of our continued use of the Mark, both during the time of its Federal Registration and after it was cancelled, we have superior common law right to the "Pak-A-Jak" name that is valid and legally protectable and is owned by us.

(viii) Endura Ltd.'s attempted registration and use of the mark to identify goods or services is likely to create confusion concerning the origin of the goods or services.

Pollak Import Export Corp.

By _____
Thomas F. Pollak, President

Date 6/13/2012