

ESTTA Tracking number: **ESTTA482047**

Filing date: **07/06/2012**

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	Liberty Safe and Security Products, Inc.
Granted to Date of previous extension	07/07/2012
Address	1199 West Utah Ave. Payson, UT 84651 UNITED STATES

Attorney information	Peter M. de Jonge Thorpe North and Western, LLP. 8180 South 700 East Ste 350 Sandy, UT 84070 UNITED STATES murphy@tnw.com, docket@tnw.com, dejonge@tnw.com, hansen@tnw.com, kelley.warner@tnw.com Phone:801-566-6633
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**Applicant Information**

Application No	85482165	Publication date	05/08/2012
Opposition Filing Date	07/06/2012	Opposition Period Ends	07/07/2012
Applicant	Champion Safe Co., Inc. 2055 Larsen Parkway Provo, UT 84606 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 006. First Use: 2011/11/11 First Use In Commerce: 2011/11/11 All goods and services in the class are opposed, namely: Metal safes
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**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. Registration No.	3591034	Application Date	08/12/2008
Registration Date	03/17/2009	Foreign Priority Date	NONE
Word Mark	NATIONAL SECURITY		

Design Mark	<b>NATIONAL SECURITY</b>		
Description of Mark	NONE		
Goods/Services	Class 006. First use: First Use: 1985/01/03 First Use In Commerce: 1985/01/03 Metal safes		

U.S. Registration No.	1505558	Application Date	04/27/1987
Registration Date	09/27/1988	Foreign Priority Date	NONE
Word Mark	NATIONAL SECURITY SAFE CO.		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 006. First use: First Use: 1985/01/03 First Use In Commerce: 1985/01/03 SAFES, TO PROVIDE SECURE STORAGE FOR VALUABLES SUCH AS GUNS		

Attachments	77545399#TMSN.jpeg ( 1 page )( bytes ) 73657599#TMSN.gif ( 1 page )( bytes ) LIBERTY SAFE OPPOSITION.pdf ( 4 pages )(21858 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	/petermdejonge/
Name	Peter M. de Jonge

Date	07/06/2012
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Peter M. de Jonge  
Jed H. Hansen  
THORPE NORTH & WESTERN, LLP  
8180 South 700 East, Suite 350  
Sandy, Utah 84070  
Telephone: (801) 566-6633  
Facsimile: (801) 566-0750

Attorneys for Liberty Safe and Security Products, Inc.  
Opposed Mark: FIRST NATIONAL SAFE COMPANY  
Application No. 85/482165

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

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LIBERTY SAFE AND SECURITY  
PRODUCTS, INC.

Opposer,

v.

CHAMPION SAFE CO., INC.,

Applicant.

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

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**Notice of Opposition**

Liberty Safe and Security Products, Inc., (hereinafter "Opposer"), a Utah corporation duly organized and existing under the laws of the State of Utah and having its principal place of business at 1199 West Utah Avenue, Payson, Utah 84651, believes it will be damaged by registration of U.S. Trademark Application No. 85/482165 and opposes and alleges the following:

1. Upon information and belief, Champion Safe Co., Inc. (hereinafter "Applicant"), a Utah corporation organized and existing under the laws of the State of Utah, having its principal place of business at 2055 Larsen Parkway, Provo, Utah 84606,

seeks to register the mark FIRST NATIONAL SAFE COMPANY as a trademark for “Metal Safes” in International Class 6.

2. Opposer is the owner of U.S. Trademark Registration No. 3591034, for the mark NATIONAL SECURITY, for use in connection with “Metal Safes” in International Class 6, and Registration No. 1505558, for the mark NATIONAL SECURITY SAFE CO., for use in connection with “Safes, to provide secure storage for valuables such as guns” in International Class 6.

3. Opposer is currently using and has continuously used the marks NATIONAL SECURITY and NATIONAL SECURITY SAFE CO. in interstate commerce since at least as early as January 3, 1985.

4. Opposer has significant protectable rights associated with its marks NATIONAL SECURITY and NATIONAL SECURITY SAFE CO. that predates Applicant’s use and application.

5. Opposer has built up substantial good will in its marks NATIONAL SECURITY and NATIONAL SECURITY SAFE CO.

6. Registration of Applicant’s mark FIRST NATIONAL SAFE COMPANY is likely to damage Opposer in that Applicant’s mark, when used on or in connection with the identified goods, so resembles Opposer’s marks NATIONAL SECURITY and or NATIONAL SECURITY SAFE CO. that it would be likely to cause confusion, to cause mistake or to deceive. Such confusion is likely to falsely suggest a connection between Applicant and Opposer.

7. Upon information and belief, Applicant selected its mark with full knowledge of Opposer’s mark.

WHEREFORE, Opposer requests that Application Serial No. 85/482165 be refused registration, that no registration be issued to Applicant for the mark FIRST NATIONAL SAFE COMPANY and that this Opposition be sustained in favor of Opposer.

That statutory Opposition Filing Fee of \$300.00 is included herewith. Please charge any additional fees and credit any overpayment to Deposit Account No. 20-0100.

DATED this 6<sup>th</sup> day of July, 2012.

Respectfully submitted,

/petermdejonge/

Peter M. de Jonge  
Jed H. Hansen  
Attorneys for Opposer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing NOTICE OF OPPOSITION was served upon the Attorney of Record for Applicant by the method(s) indicated:

Mark F. Wright  
Attorney for Applicant  
Wright Law Group, PLLC  
1959 South Powder Rd. Ste. 103-376  
Mesa, AZ 85206-3768

Hand Delivery  
 United States Mail  
First Class, Postage Pre-Paid  
 Overnight Delivery  
 Fax Transmission  
 Electronic Mail

On this 6<sup>th</sup> day of July, 2012.

/Tina M. Murphy/  
Tina M. Murphy