

ESTTA Tracking number: **ESTTA494593**

Filing date: **09/14/2012**

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	Fox Factory, Inc.		
Entity	Corporation	Citizenship	California
Address	915 Disk Drive Scotts Valley, CA 95066 UNITED STATES		

Attorney information	Paul E. Krieger Morgan, Lewis & Bockius LLP 1111 Pennsylvania Avenue, N.W. c/o TMSU Washington, DC 20004 UNITED STATES trademarks@morganlewis.com Phone:713-890-5000		
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### Applicant Information

Application No	85549201	Publication date	08/28/2012
Opposition Filing Date	09/14/2012	Opposition Period Ends	09/27/2012
Applicant	Medi USA L.P. 6481 Franz Warner Parkway Whitsett, NC 27377 UNITED STATES		

### Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Compression sportswear, namely, compression socks, compression sleeves, compression tights, compression shorts and compression skinsuits
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### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	85406287	Application Date	08/24/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	REDEFINE YOUR LIMITS		

Design Mark	<b>REDEFINE YOUR LIMITS</b>
Description of Mark	NONE
Goods/Services	<p>Class 016. First use: First Use: 2012/04/11 First Use In Commerce: 2012/04/11 Paper goods and printed matter, namely, posters, leaflets, brochures, stickers, and banners related to shock absorbers for vehicles</p> <p>Class 025. First use: First Use: 2012/04/11 First Use In Commerce: 2012/04/11 Clothing, namely, shirts and hats</p> <p>Class 035. First use: First Use: 2011/09/21 First Use In Commerce: 2011/12/01 Advertising, marketing and promotional services for dealers and distributors of vehicle suspension systems including shock absorbers for vehicles</p>

Attachments	85406287#TMSN.jpeg ( 1 page )( bytes ) FoxOppositiontoMediREDEFINEYOURLIMITS.pdf ( 4 pages )(1299329 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	/Paul E. Krieger/
Name	Paul E. Krieger
Date	09/14/2012



(IC 025); and advertising, marketing and promotional services for dealers and distributors of vehicle suspension systems including shock absorbers for vehicles (IC 035).

3. Opposer is the owner of Application Serial No. 85/406,287, for the mark REDEFINE YOUR LIMITS, for the sale of paper goods and printed matter, namely posters, leaflets, brochures, stickers, and banners related to shock absorbers for vehicles (IC 016); clothing, namely, shirts and hats (IC 025); and advertising, marketing and promotional services for dealers and distributors of vehicle suspension systems including shock absorbers for vehicles (IC 035). The Statement of Use for application Serial No. 85/406,289 was filed on July 27, 2012. The Notice of Acceptance was mailed on August 28, 2012.

4. The mark REDEFINE YOUR LIMITS, shown in Application Serial No. 85/549,201, so resembles Opposer's mark REDEFINE YOUR LIMITS, when used in association with the goods claimed in Class 025 by Application Serial No. 85/549,201, as to be likely to cause confusion, or to cause mistake, or to deceive within the meaning of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

5. Opposer will be damaged by the registration sought by Applicant insofar as its registration will be *prima facie* evidence of the validity of the registration, Applicant's ownership of the mark REDEFINE YOUR LIMITS for all the goods claimed by Application Serial No. 85/549,201, and Applicant's exclusive right to use the mark REDEFINE YOUR LIMITS in association with all of the goods claimed by Application Serial No. 85/549,201 when, in fact, Applicant is not entitled to the full scope of such rights, if any rights at all, by virtue of Opposer's prior and continuous use of the mark REDEFINE YOUR LIMITS, the sale of paper goods and printed matter, namely posters,

leaflets, brochures, stickers, and banners related to shock absorbers for vehicles (IC 016); clothing, namely, shirts and hats (IC 025); and advertising, marketing and promotional services for dealers and distributors of vehicle suspension systems including shock absorbers for vehicles (IC 035).

6. Based on the foregoing, registration of the mark in International Class 025 as claimed by Application Serial No. 85/549,201, filed February 22, 2012, is likely to cause injury and damage to Opposer.

WHEREFORE, Opposer respectfully requests that registration of the mark REDEFINE YOUR LIMITS as shown by Application Serial No. 85/549,201 for any goods claimed in International Classes 025 be denied under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), and that this Opposition be sustained.

Please charge the filing fee of U.S. \$ 300.00 to Deposit Account No. 134520 of Opposer counsel noted below.

Please direct all correspondence to Paul E. Krieger of Morgan, Lewis and Bockius LLP at the following address:

Paul E. Krieger  
c/o TMSU  
1111 Pennsylvania Avenue, NW  
Washington, DC 20004

Please direct all telephone calls to Paul E. Krieger at 713-890-5000 x 5160.

DATED this 14th of September 2012.

Morgan, Lewis & Bockius LLP  
Attorney for Fox Factory, Inc.

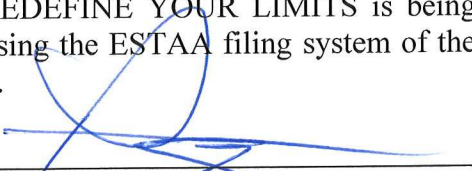
By: \_\_\_\_\_

Paul E. Krieger

**CERTIFICATE OF FILING**

I hereby certify that this NOTICE OF OPPOSITION to U.S. Trademark Application Serial No. 85/549,201 for the mark REDEFINE YOUR LIMITS is being filed with the Trademark Trial and Appeal Board using the ESTAA filing system of the U.S. Patent and Trademark Office on the below date.

Date: September 14, 2012


  
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Paul E. Krieger

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing NOTICE OF OPPOSITION to U.S. Trademark Application Serial No. 85/549,201 for the mark REDEFINE YOUR LIMITS has been served on the attorney of record for the Petitioner by regular mail on September 14, 2012 to:

Howard A. (Art) MacCord, Jr.  
MacCord Mason PLLC  
1600 Wachovia Tower, 300 North Greene Street  
Greensboro, NC 27401

Date: September 14, 2012

  
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Paul E. Krieger