

ESTTA Tracking number: **ESTTA504075**

Filing date: **11/06/2012**

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	K-2 Corporation
Granted to Date of previous extension	11/07/2012
Address	4201 6th Avenue S Seattle, WA 98108 UNITED STATES

Attorney information	Cindy L. Caditz Davis Wright Tremaine LLP 1201 Third Avenue, Suite 2200 Seattle, WA 98101-3045 UNITED STATES cindycaditz@dwt.com, ronrutherford@dwt.com, mmoersfelder@dwt.com, seattletrademarkdocket@dwt.com
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Applicant Information

Application No	85552216	Publication date	07/10/2012
Opposition Filing Date	11/06/2012	Opposition Period Ends	11/07/2012
Applicant	Kent Johnson Suite 101 1/2 690 Carlsbad Village Drive Carlsbad, CA 92008 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Baseball caps, Beanies, Board shorts, Dresses, Short sleeved or long sleeved t-shirts, Sweat shirts, Shirts
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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.	1878248	Application Date	09/03/1992
Registration Date	02/07/1995	Foreign Priority Date	NONE
Word Mark	RIDE		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 028. First use: First Use: 1992/09/00 First Use In Commerce: 1992/12/00 snowboards and accessories for snowboards; namely, snowboard boots, snowboard bindings and parts therefor, snowboard boot bags and snowboard leashes

U.S. Registration No.	3762894	Application Date	08/05/2009
Registration Date	03/23/2010	Foreign Priority Date	NONE

Word Mark	RIDE
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Design Mark	
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Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1994/01/00 First Use In Commerce: 1994/01/00 snowboard boots, snowboard clothing

Attachments	77797365#TMSN.jpeg (1 page)(bytes) RIDE THE EYE Notice of Opposition.pdf (4 pages)(23165 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	/MEM/
Name	Matthew E. Moersfelder
Date	11/06/2012

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

K-2 CORPORATION dba RIDE
SNOWBOARD COMPANY, an Indiana
corporation,

Opposer,

v.

KENT JOHNSON, an individual citizen of the
United States,

Applicant.

Opposition No.

Application Serial No. 85/552,216

NOTICE OF OPPOSITION

TO THE COMMISSIONER FOR TRADEMARKS
TRADEMARK TRIAL AND APPEAL BOARD:

K-2 Corporation dba Ride Snowboard Company, a corporation of the State of Indiana, having a place of business at 4201 6th Avenue S, Seattle, WA 98108 (hereinafter "Opposer"), believes that it will be damaged by registration of the trademark shown in Application Serial No. 85/552,216, in International Classes 25 and 28, and hereby opposes the same. As grounds for the opposition, Opposer alleges as follows.

1. On information and belief, Kent Johnson is an individual citizen of the United States with an address of Suite 101½, 690 Carlsbad Village Drive, Carlsbad, CA 92008 (hereinafter "Applicant").

1 2. Continuously since long prior to any date upon which Applicant can rely,
2 Opposer has used the trademark RIDE, in association with the sale of snowboards and
3 snowboard accessories, and winter sports clothing and clothing.

4 3. Opposer is the owner of U.S. Trademark Registration No. 1,878,248, for the mark
5 RIDE, for snowboards and accessories for snowboards, namely, snowboard boots, snowboard
6 bindings and parts therefor, snowboard boot bags and snowboard leashes, in International
7 Class 28. Said registration issued February 7, 1995, in International Class 28, setting forth a date
8 of first use of September 1992 and representing a priority date of September 3, 1992, pursuant to
9 15 U.S.C. § 1051(b). Registration No. 1,878,248 is currently valid, subsisting, and incontestable.

10 4. Opposer is the owner of U.S. Trademark Registration No. 3,762,894, for the mark
11 RIDE, for snowboard boots and snowboard clothing, in International Class 25. Said registration
12 issued March 23, 2010, in International Class 25, setting forth a date of first use in 1994.
13 Registration No. 3,762,894 is currently valid and subsisting.

14 5. The mark RIDE THE EYE, shown in Application Serial No. 85/552,216, so
15 resembles Opposer's mark RIDE, when used in association with the goods claimed by
16 Application Serial No. 85/552,216, as to be likely to cause confusion, or to cause mistake, or to
17 deceive within the meaning of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

18 6. Opposer will be damaged by the registration sought by Applicant insofar as the
19 registration will be *prima facie* evidence of the validity of the registration, Applicant's ownership
20 of the mark RIDE THE EYE for the goods claimed by Application Serial No. 85/552,216, and
21 Applicant's exclusive right to use the mark RIDE THE EYE in association with the goods
22 claimed by Application Serial No. 85/552,216 when, in fact, Applicant is not entitled to the full
23 scope of such rights by virtue of Opposer's prior and continuous use of the mark RIDE, for
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1 snowboards and accessories and for snowboards and clothing, which are sold in the same
2 channels of trade in which the goods claimed by Application Serial No. 85/552,216 may be sold.

3 7. Based upon the foregoing, registration of the mark shown by Application Serial
4 No. 85/552,216, filed February 24, 2012, is likely to cause injury and damage to Opposer.

5 WHEREFORE, Opposer respectfully requests that registration of the mark RIDE THE
6 EYE as shown by Application Serial No. 85/552,216, be denied under Section 2(d) of the
7 Lanham Act, 15 U.S.C. § 1052(d), and that this Opposition be sustained.

8 Please charge the filing fee of US \$300.00 to Deposit Account No. 04-0258 of Opposer's
9 counsel noted below.

10 Please direct all correspondence to Cindy L. Caditz and Matthew E. Moersfelder of Davis
11 Wright Tremaine LLP at the following address:

12
13 Cindy L. Caditz, Esq.
14 Matthew E. Moersfelder, Esq.
15 Davis Wright Tremaine LLP
16 1201 Third Avenue, Suite 2200
17 Seattle, WA 98101-3045

18 Please direct all telephone calls to Cindy L. Caditz at 206-757-8097 or Matthew E.
19 Moersfelder at 206-757-8014.

20 DATED this 6th day of November, 2012.

21
22 Davis Wright Tremaine LLP
23 Attorneys for K-2 Corporation.

24 By s/Matthew E. Moersfelder

25 Cindy L. Caditz
26 Matthew E. Moersfelder
27 1201 Third Avenue, Suite 2200
Seattle, WA 98101-3045
Tel: 206-757-8097
Fax: 206-757-7097
Email: cindycaditz@dwt.com
mmoersfelder@dwt.com

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CERTIFICATE OF FILING

I hereby certify that this NOTICE OF OPPOSITION to U.S. Trademark Application Serial No. 85/552,216 for the mark RIDE THE EYE is being filed with the Trademark Trial and Appeal Board using the ESTTA filing system of the U.S. Patent and Trademark Office on the below date.

Date: November 6, 2012 s/Matthew E. Moersfelder

CERTIFICATE OF SERVICE

I hereby certify that this NOTICE OF OPPOSITION to U.S. Trademark Application Serial No. 85/552,216 for the mark RIDE THE EYE is being duly served upon the Applicant and on Applicant's counsel by mailing copies thereof via the U.S. Postal Service in sealed envelopes as first-class mail with postage thereupon fully prepaid and addressed to each of the following addresses:

Kent Johnson
Suite 101½, 690 Carlsbad Village Drive
Carlsbad, CA 92008

And to:

Mark I. Reichenthal
Branfman Law Group, P.C.
708 Civic Center Drive
Oceanside, CA 92054-2504

Date: November 6, 2012 s/Ron Rutherford