

ESTTA Tracking number: **ESTTA605592**

Filing date: **05/21/2014**

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	Derek A Lopez
Granted to Date of previous extension	05/21/2014
Address	6611 Timesquare#105 Orlando, FL 32835 UNITED STATES
Party who filed Extension of time to oppose	DerekALopez
Relationship to party who filed Extension of time to oppose	Opposer's name lacked spaces between first name, middle initial and last name.

Attorney information	Jon M. Gibbs Lowndes, Drosdick, Doster, Kantor & Reed, P.A. 215 North Eola Drive Orlando, FL 32801 UNITED STATES trademarks@lowndes-law.com Phone:407-843-4444
----------------------	---

**Applicant Information**

Application No	85310210	Publication date	01/21/2014
Opposition Filing Date	05/21/2014	Opposition Period Ends	05/21/2014
Applicant	Ted Wong JKD, LLC 23586 Calabasas Road Calabasas, CA 91302 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 041. First Use: 2011/01/01 First Use In Commerce: 2011/01/01 All goods and services in the class are opposed, namely: Training services in the field of Martial Arts
---

**Grounds for Opposition**

Other	Priority and likelihood of confusion, Trademark Act 43(a) Abandonment, Trademark Act section 45
-------	---

Attachments	Notice_of_Opposition_210.pdf(47585 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	/Jon M. Gibbs/
Name	Jon M. Gibbs
Date	05/21/2014

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

DEREK A. LOPEZ,	)	
	)	
Opposer,	)	
	)	Oppn. No.: _____
v.	)	
	)	Application Serial No.: 85/310,210
TED WONG JKD, LLC,	)	Mark: <b>TED WONG JEET KUNE DO</b> and Design
	)	
Applicant.	)	Publication Date: January 21, 2014
	)	

Filed via ESTTA: May 21, 2014.

**NOTICE OF OPPOSITION**

Opposer Derek A. Lopez, an individual person having an address of (“Opposer”), believes that he will be damaged by the registration on the Principal Register of Application Serial No.: 85/310,186 (“Application”) for the mark TED WONG JEET KUNE DO and Design (“Applicant’s Mark”) for “Training services in the field of Martial Arts” in International Class 041 (“Applicant’s Services”), and hereby opposes registration of same.

As grounds for opposition, Opposer alleges the following:

1. Opposer owns the logo for which Applicant seeks registration



(“Opposer’s Mark”) and has been using the mark in connection with an educational internet website located at <http://www.twjkd.com> (“Opposer’s Website”) since at least as early as February 2009.

2. Opposer's Website comprises educational materials relating to Ted Wong's instruction of Jeet Kune Do, a style of martial art made popular by the late Bruce Lee.
3. Opposer is the sole artist that created Opposer's Mark and has made no transfer of ownership to any other person or entity.
4. Opposer is the owner of Opposer's Mark under 17 U.S.C. § 201(a).
5. Opposer's Mark has been used in connection with Opposer's Website from a date long prior to the filing date of the Application filed under 15 U.S.C. § 1051(a) and long before Applicant's alleged date of first use of January 1, 2011.
6. Opposer's Mark is identical to Applicant's Mark.
7. On information and belief, Applicant knew, had reason to know, or should have known of Opposer's prior rights in and to Opposer's Mark.
8. Upon information and belief, to the extent that Applicant may have ever established any rights in Opposer's Mark without Opposer's knowledge or consent, Applicant abandoned those rights by granting naked licenses to use Opposer's Mark to third-parties.

#### **FIRST CAUSE OF ACTION**

9. Opposer realleges and incorporates by reference the allegations set forth in paragraphs 1 through 8 above, as if fully set forth herein in their entirety.
10. Pursuant to Section 43(a) of the Trademark Act, 15 U.S.C. § 1025 (a), Applicant's mark so resembles Opposer's Mark, previously used in the United States and not abandoned, as to be likely, when used on or in connection with Applicant's Services, to cause confusion, or to cause mistake, or to deceive, and is therefore unregistrable.
11. Opposer will be damaged by registration of the Application because such registration would give Applicant ownership of, and the right to use, a mark that is not only confusingly similar, but identical to Opposer's mark for services which are related to Opposer's inasmuch as they relate to the Ted Wong style of Jeet Kune Do, in derogation of Opposer's invaluable property rights in Opposer's Mark.

#### **SECOND CAUSE OF ACTION**

12. Opposer realleges and incorporates by reference the allegations set forth in paragraphs 1 through 8 above, as if fully set forth herein in their entirety.
13. In the alternative, to the extent that Applicant may have ever established any rights in Opposer's Mark, the naked licenses granted by Applicant to third-parties resulted in the abandonment of any rights that Applicant may have established in Opposer's Mark.
14. The conduct of the Applicant, including acts of omission as well as commission, caused the mark to lose its significance as a mark.
15. Pursuant to 15 U.S.C. § 1027, Applicant's acts of omission of commission have resulted in the abandonment of any rights Applicant may have established in Opposer's Mark.

WHEREFORE, Opposer respectfully prays for judgment sustaining this Opposition and refusing Registration of the Application.

Please direct all correspondence and communication in this Opposition to the undersigned.

Respectfully submitted,

Date: May 21, 2014

By: /s/ Jon M. Gibbs  
Jon M. Gibbs  
Florida Bar No.: 494534  
LOWNDES, DROSDICK, DOSTER,  
KANTOR & REED, P.A.  
215 North Eola Drive  
Orlando, FL 32801  
Ph: 407-843-4600  
Fax: 407-843-4444  
jon.gibbs@lowndes-law.com  
Attorney for Opposer  
Derek A. Lopez