

ESTTA Tracking number: **ESTTA710002**

Filing date: **11/20/2015**

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	Atlantic Optical Company, Incorporated		
Entity	Corporation	Citizenship	California
Address	20801 Nordhoff Street Chatsworth, CA 91311 UNITED STATES		

Attorney information	Michael J. MacDermott Christie, Parker & Hale, LLP P.O. Box 29001 Glendale, CA 91209-9001 UNITED STATES pto@cph.com Phone:626-795-9900		
----------------------	---	--	--

Applicant Information

Application No	86646493	Publication date	11/03/2015
Opposition Filing Date	11/20/2015	Opposition Period Ends	12/03/2015
Applicant	Johnson, William E 4852 Cypress Woods Dr. Apt 136 Orlando, FL 32811 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Collared shirts; Dress shirts; Graphic T-shirts; Hooded sweat shirts; Long-sleeved shirts; Polo shirts; Shirts and short-sleeved shirts; Short-sleeved or long-sleeved t-shirts; Short-sleeved shirts; T-shirts

Grounds for Opposition

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

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3714939	Application Date	04/28/2009
Registration Date	11/24/2009	Foreign Priority Date	NONE
Word Mark	GEEK EYEWEAR		

Design Mark	<h1>GEEK EYEWEAR</h1>		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2008/10/02 First Use In Commerce: 2008/10/02 EYEWEAR; EYEGLOSS FRAMES; EYEWEAR CASES		

U.S. Application No.	86530833	Application Date	02/10/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	GEEK		
Design Mark	<h1>GEEK</h1>		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2008/10/02 First Use In Commerce: 2008/10/02 EYEWEAR, EYEGLOSS FRAMES; EYEWEAR CASES Class 035. First use: First Use: 2006/07/17 First Use In Commerce: 2006/07/17 ONLINE RETAIL STORE SERVICES IN THE FIELD OF EYEWEAR		

Attachments	77724507#TMSN.png(bytes) 86530833#TMSN.png(bytes) Notice of Opposition.pdf(341839 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	/Michael J. MacDermott/
Name	Michael J. MacDermott

Date	11/20/2015
------	------------

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

In the matter of trademark application **Serial No. 86/646,493**
For the mark EYE AM GEEK CLOTHING CO. in Design
Published in the Trademark *Official Gazette* on November 3, 2015

Atlantic Optical Company, Incorporated	Opposition No.
Opposer,	
v.	NOTICE OF OPPOSITION
William E. Johnson	
Applicant.	

Atlantic Optical Company, Incorporated, a California corporation, whose address is 20801 Nordhoff Street, Chatsworth, California 91311, believes that it will be damaged by registration of the mark EYE AM GEEK CLOTHING CO. in Design as shown in application Serial No. **86/646,493** (hereinafter "Applicant's Mark") and hereby opposes the same.

As grounds for opposition, Opposer alleges that:

1. Since prior to Applicant's priority date, Opposer has been continuously engaged in the distribution and sale of fashion goods, namely, eyewear.

2. Since prior to Applicant's priority date, Opposer has continuously used in commerce the trade name and marks GEEK EYEWEAR and GEEK in connection with the distribution and sale of fashion goods, namely, eyewear and the online retailing of same.

3. Opposer is the owner of Registration No. 3714939 of the mark GEEK EYEWEAR issued November 24, 2009 on the Principal Register for goods in Class 9, namely, eyewear, and eyeglass frames and cases. Said registration is valid and subsisting. Attached as

Exhibit 1, and made of record herein, is a current printout of information from the electronic database records of the United States Patent and Trademark Office showing the current status and title of the registration.

4. Opposer is the owner of Application Serial No. 86/530,833 filed February 10, 2015 of the mark GEEK for eyewear and eyewear services in Classes 9 and 35. Attached as Exhibit 2 and made of record herein, is a current printout of information from the electronic database records of the United States Patent and Trademark Office showing the current status and title of the application.

5. Through the widespread use and advertising of its GEEK EYEWEAR and GEEK trade name and marks over a long period of time and by virtue of the quality of the goods and services sold and provided in connection with said name and marks, Opposer has built up a valuable goodwill and reputation in connection with said name and mark which would be jeopardized by Applicant's use and registration of the mark EYE AM GEEK CLOTHING CO. in Design.

6. Applicant's goods for which it seeks to register the mark EYE AM GEEK CLOTHING CO. in Design, namely, collared shirts; dress shirts; graphic t-shirts; hooded sweat shirts; long-sleeved shirts; polo shirts; shirts and short-sleeved shirts; short-sleeved or long-sleeved t-shirts; short-sleeved shirts and t-shirts are related in nature to the fashion goods, namely, eyewear, and the online retailing of the same for which Opposer has used and/or registered its GEEK EYEWEAR and GEEK name and marks.

7. Applicant's mark EYE AM GEEK CLOTHING CO. in Design, incorporating a stylized eyeglass design, so resembles Opposer's trade name and marks GEEK EYEWEAR and GEEK, previously used in commerce by Opposer and not abandoned, as to be likely, when applied to the goods of Applicant, to cause confusion or to cause mistake or to deceive.

8. Applicant's mark EYE AM GEEK CLOTHING CO. in Design, incorporating a stylized eyeglass design, so resembles Opposer's mark GEEK EYEWEAR previously registered

Docket No. 110.2*8/A705

by Opposer and not abandoned, as to be likely, when applied to the goods of Applicant, to cause confusion or to cause mistake or to deceive.

9. Opposer is informed and believes that Applicant did not make use of the mark EYE AM GEEK CLOTHING CO. in Design in commerce for goods on Class 25 prior to May 30, 2015.

WHEREFORE, Opposer prays that this opposition be sustained, and that registration of application Serial No. **86/646,493** be refused.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

Date: November 20, 2015

By



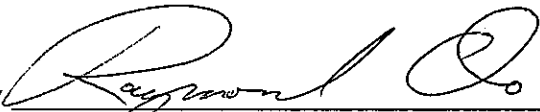
Michael J. MacDermott
Attorneys for Opposer
P.O. Box 29001
Glendale, California 91209-9001
626/795-9900

Docket No. 110.2*8/A705

CERTIFICATE OF SERVICE

I certify that on November 20, 2015, the foregoing **NOTICE OF OPPOSITION** is being served by mailing a copy thereof by first-class mail addressed to:

William E. Johnson
4852 Cypress Woods Drive, Apt 136
Orlando, Florida 32811-3752

By 
Raymond W. Oo
Christie, Parker & Hale, LLP
P.O. Box 29001
Glendale, California 92109-9001
626/795-9900

MM/rwo

RWO PAS1390243.1-* -11/20/15 12:24 PM

EXHIBIT 1



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue Nov 17 03:20:54 EST 2015

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)

Logout

Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

[TSDR](#)

[ASSIGN Status](#)

[TTAB Status](#)

(Use the "Back" button of the Internet Browser to return to TESS)

GEEK EYEWEAR

Word Mark	GEEK EYEWEAR
Goods and Services	IC 009. US 021 023 026 036 038. G & S: EYEWEAR; EYEGLOSS FRAMES; EYEWEAR CASES. FIRST USE: 20081002. FIRST USE IN COMMERCE: 20081002
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77724507
Filing Date	April 28, 2009
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	September 8, 2009
Registration Number	3714939
International Registration Number	1059184
Registration Date	November 24, 2009
Owner	(REGISTRANT) Atlantic Optical Company, Incorporated CORPORATION CALIFORNIA 20801 Nordoff Street Chatsworth CALIFORNIA 91311
Attorney of Record	Michael J. MacDermott
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "EYEWEAR" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)

| [HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

EXHIBIT 2



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue Nov 17 03:20:54 EST 2015

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)

Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

[TSDR](#) | [ASSIGN Status](#) | [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

GEEK

Word Mark GEEK

Goods and Services IC 009. US 021 023 026 036 038. G & S: EYEWEAR, EYEGLOSS FRAMES; EYEWEAR CASES. FIRST USE: 20081002. FIRST USE IN COMMERCE: 20081002

IC 035. US 100 101 102. G & S: ONLINE RETAIL STORE SERVICES IN THE FIELD OF EYEWEAR. FIRST USE: 20060717. FIRST USE IN COMMERCE: 20060717

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number **86530833**

Filing Date February 10, 2015

Current Basis 1A

Original Filing Basis 1A

Owner (APPLICANT) Atlantic Optical Company, Incorporated CORPORATION CALIFORNIA 20801 Nordhoff Street Chatsworth CALIFORNIA 91311

Attorney of Record Michael J. MacDermott

Prior Registrations 3714939

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

