

ESTTA Tracking number: **ESTTA853651**

Filing date: **10/21/2017**

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	Rocket Sports, LLC
Granted to Date of previous extension	10/21/2017
Address	4 Baederwood Court Derwood, MD 20855 UNITED STATES

Correspondence information	Rocket Sports, LLC 4 Baederwood Court Derwood, MD 20855 UNITED STATES Email: pwkoda@gmail.com Phone: 240-997-1116
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Applicant Information

Application No	87385665	Publication date	08/22/2017
Opposition Filing Date	10/21/2017	Opposition Period Ends	10/21/2017
Applicant	Kan, Dexter 3681 Hollyberry Drive Huntingtown, MD 20639 UNITED STATES		

Goods/Services Affected by Opposition

Class 028. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Lacrosse balls; Lacrosse sticks
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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. Registration No.	5297623	Application Date	06/19/2016
Registration Date	09/26/2017	Foreign Priority Date	NONE
Word Mark	ROCKET SPORTS		

Design Mark	<h1>Rocket Sports</h1>
Description of Mark	NONE
Goods/Services	<p>Class 035. First use: First Use: 2017/01/10 First Use In Commerce: 2017/01/10</p> <p>Marketing services for the sports equipment of others; marketing services in the field of sports equipment; marketing services, namely, promoting or advertising the goods and services of others; marketing, promotional and advertising services provided by mobile telephone connections; marketing, advertising, and promoting the retail goods and services of others through wireless electronic devices; promoting and marketing the goods and services of others by distributing advertising material, coupons and discount offers via text messages; promoting and marketing the goods and services of others by websites and social media; promoting the goods and services of others by means of word-of-mouth and nontraditional marketing programs; promoting the sale of goods and services of others by websites and social media; advertising and marketing services, namely, promoting the goods and services of others; advertising, marketing, and promoting the goods and services of others via websites and social media; on-line advertising and marketing services; providing marketing services for the sports equipment industry; reseller services, namely, distributorship services in the field of sports equipment</p>

Attachments	87076555#TMSN.png(bytes) Rocket Sports LLC v Dexter Kan Notice of Opposition.pdf(70961 bytes)
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Signature	/pwk/
Name	Paul W. Koda
Date	10/21/2017

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

In the Matter of Trademark Application Serial No. 87/385,665
Date of Filing: March 25, 2017
Mark: ROCKET MESH
Date of Publication: August 22, 2017

ROCKET SPORTS, LLC

Opposer,

vs.

DEXTER KAN

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

Rocket Sports, LLC, a Maryland Limited Liability Company
4 Baederwood Court
Derwood, Maryland 20855

In the matter of the application for registration of the mark ROCKET MESH for lacrosse balls and lacrosse sticks, in International Class 28, Ser. No. 87/385,665, filed March 25, 2017 by Dexter Kan, published for opposition in the Trademark Official Gazette for August 22, 2017, Opposer, Rocket Sports, LLC, believes that it will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the registration of the Applicant's mark.

The grounds for opposition are as follows:

1. Opposer, Rocket Sports, LLC, is a Maryland limited liability company with a place of business located at 4 Baederwood Court, Derwood, Maryland 20855.

2. Opposer is in the business of reselling lacrosse equipment manufactured by others, namely lacrosse balls, lacrosse sticks, lacrosse shafts, lacrosse mesh, lacrosse helmets, lacrosse pads, lacrosse apparel, and other sports related apparel.

3. Opposer filed an intent-to-use trademark application, Ser. No. 87/076,555 for the mark ROCKET SPORTS in International Class 35 on June 19, 2016 for “[m]arketing services for the sports equipment of others; marketing services in the field of sports equipment; marketing services, namely, promoting or advertising the goods and services of others; marketing, promotional and advertising services provided by mobile telephone connections; marketing, advertising, and promoting the retail goods and services of others through wireless electronic devices; promoting and marketing the goods and services of others by distributing advertising material, coupons and discount offers via text messages; promoting and marketing the goods and services of others by websites and social media; promoting the goods and services of others by means of word-of-mouth and nontraditional marketing programs; promoting the sale of goods and services of others by websites and social media; advertising and marketing services, namely, promoting the goods and services of others; advertising, marketing, and promoting the goods and services of others via websites and social media; on-line advertising and marketing services; providing marketing services for the sports equipment industry; reseller services, namely, distributorship services in the field of sports equipment,” which established the Opposer’s mark as having priority trademark rights over the Applicant’s applied for mark as of the Opposer’s June 19, 2016 filing date.

4. Opposer was granted Registration on the Principal Register for its ROCKET SPORTS mark, Reg. No. 5,297,623, on September 26, 2017.

5. Applicant filed its intent-to-use trademark application, Ser. No. 87/385,665, on March 25, 2017 to register the mark ROCKET MESH, more than nine months after Opposer filed its application for ROCKET SPORTS, Ser. No. 87/076,555. Applicant's trademark application seeks registration of the mark for lacrosse balls and lacrosse sticks in International Class 28.

6. Upon information and belief, Opposer alleges that its services for the resale of goods and Applicant's goods are offered in similar channels of commerce and offered to similar customers.

7. Upon information and belief, Opposer alleges that the similarity of the Opposer's ROCKET SPORTS mark, Reg. No. 5,297,623, and the Applicant's applied for mark, ROCKET MESH, Ser. No. 87/385,665 has already caused confusion in the marketplace and has already deceived purchasers as to the source or sponsorship of the respective services and goods.

8. Upon information and belief, Opposer alleges that Applicant has and continues to be aware of the confusion in the marketplace between the Opposer's ROCKET SPORTS mark, Reg. No. 5,297,623 and the Applicant's applied for mark, ROCKET MESH, Ser. No. 87/385,665. Applicant has not taken any substantial steps to mitigate this actual confusion in the marketplace. Furthermore, Applicant has intentionally removed evidence of such marketplace confusion on social media.

9. As a result of the confusing similarity between Opposer's mark and Applicant's applied for mark and because the Opposer's services and Applicant's goods

are similar, are in similar channels of commerce, are directed to similar customers, and have caused actual confusion in the marketplace, registration of the mark ROCKET MESH, Ser. No. 87/385,665 in connection with the Applicant's goods is likely to continue to cause confusion or is likely to continue to deceive purchasers as to the source or sponsorship of such goods or services.

WHEREFORE, Opposer, Rocket Sports, LLC, requests that the application for the mark ROCKET MESH, Ser. No. 87/385,665 be rejected and that the registration for the mark ROCKET MESH be refused.

Dated: October 21, 2017

Respectfully Submitted,

/pwk/

Paul W. Koda
Attorney for Opposer
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CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on this 21st day of October, 2017, a copy of this NOTICE OF OPPOSITION was sent by email to dex20000@comcast.net and notifications@trademarkengine.com and was mailed, first class, postage pre-paid to:

Dexter Kan
3681 Hollyberry Drive
Huntingtown, Maryland 20639
Applicant

/pwk/
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