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Filing date: **11/11/2017**

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

Proceeding	91237356
Party	Plaintiff Rocket Sports, LLC
Correspondence Address	Rocket Sports, LLC 4 Baederwood Court Derwood, MD 20855 UNITED STATES Email: pwkoda@gmail.com
Submission	Motion to Amend Pleading/Amended Pleading
Filer's Name	Paul W. Koda
Filer's email	pwkoda@gmail.com
Signature	/pwk/
Date	11/11/2017
Attachments	Rocket Sports LLC v Dexter Kan Amended Notice of Opposition.pdf(77262 bytes )

**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

<b>ROCKET SPORTS, LLC</b>	:	
	:	
<b>Opposer,</b>	:	
	:	
vs.	:	<b>Opposition No. 91237356</b>
	:	
<b>DEXTER KAN</b>	:	
	:	
<b>Applicant.</b>	:	

**AMENDED 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. Stephen T. Koda, sole member and owner of Rocket Sports, LLC, 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,” in which all rights, title, and interest in said intent-to-use trademark application were assigned to Opposer on January 20, 2017. This established the Opposer’s mark as having priority

trademark rights over the Applicant's applied for mark as of the Assignor'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's priority date for the intent-to-use trademark 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: November 11, 2017

Respectfully Submitted,

/pwk/  
Paul W. Koda  
Attorney for Opposer  
Koda Law Firm  
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**CERTIFICATE OF SERVICE**

THIS IS TO CERTIFY that on this 11<sup>th</sup> day of November, 2017, a copy of this AMENDED 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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