

ESTTA Tracking number: **ESTTA898655**

Filing date: **05/23/2018**

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	W.C. Bradley/Zebco Holdings, Inc.
Granted to Date of previous extension	05/23/2018
Address	6101 East Apache Street Tulsa, OK 74115 UNITED STATES

Attorney information	Todd A. Nelson Gable Gotwals 100 West Fifth Street Suite 1100 Tulsa, OK 74103 UNITED STATES Email: iplaw@gablelaw.com Phone: 918-595-4800
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Applicant Information

Application No	87373359	Publication date	01/23/2018
Opposition Filing Date	05/23/2018	Opposition Period Ends	05/23/2018
Applicant	Cajun Custom Rods, Inc. 3500 BEACHWOOD COURT, SUITE 206 JACKSONVILLE, FL 32224 UNITED STATES		

Goods/Services Affected by Opposition

Class 028. First Use: 2012/00/00 First Use In Commerce: 2012/00/00
All goods and services in the class are opposed, namely: fishing rods; custom fishing rods

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.	3326003	Application Date	03/04/2005
Registration Date	10/30/2007	Foreign Priority Date	NONE
Word Mark	CAJUN ADVANTAGE		

Design Mark	CAJUN ADVANTAGE		
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2005/07/00 First Use In Commerce: 2005/07/00 fishing line		

U.S. Registration No.	3104931	Application Date	05/28/2004
Registration Date	06/13/2006	Foreign Priority Date	NONE

Word Mark	CAJUN LINE		
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Design Mark	CAJUN LINE		
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2002/07/00 First Use In Commerce: 2002/07/00 fishing line		

U.S. Registration No.	2843887	Application Date	07/01/2002
Registration Date	05/18/2004	Foreign Priority Date	NONE

Word Mark	CAJUN RED CAST
Design Mark	
Description of Mark	NONE
Goods/Services	Class 028. First use: First Use: 2003/09/01 First Use In Commerce: 2003/09/01 Fishing line

U.S. Registration No.	2952983	Application Date	07/01/2002
Registration Date	05/17/2005	Foreign Priority Date	NONE
Word Mark	CAJUN RED		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2003/10/00 First Use In Commerce: 2003/10/00 Fishing line		

U.S. Registration No.	2814931	Application Date	07/01/2002
Registration Date	02/17/2004	Foreign Priority Date	NONE
Word Mark	CAJUN RED LIGHTNIN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2002/07/00 First Use In Commerce: 2002/07/00 Fishing line		


U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	DELTA		
Goods/Services	fishing reels, fishing rod and reel combinations		

Related Proceedings	Notice of Opposition filed on May 23, 2018 regarding U.S. Trademark Application Serial No. 87/373,347 for the Cajun Delta application.
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Attachments	78580558#TMSN.png(bytes) 78427080#TMSN.png(bytes) NOP.pdf(111089 bytes)
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Signature	/todd a. nelson/
Name	Todd A. Nelson
Date	05/23/2018

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

In re: 87/373,359
Filed: March 16, 2017
Mark: 
Published: January 23, 2018


W.C. BRADLEY/ZEBCO HOLDINGS, INC., §
Opposer, §
v. §
CAJUN CUSTOM RODS, INC., §
Applicant. §

§ Opposition No. _____
§
§
§
§

NOTICE OF OPPOSITION

W.C. Bradley / Zebco Holdings, Inc., a Georgia corporation having its principal place of business at 6101 E. Apache, Tulsa, Oklahoma 74115 (“Opposer” or “WCB”), by and through its undersigned counsel, believes it will be damaged by the registration of the mark shown in Application Serial Number 87/373,359, filed March 16, 2017 by Cajun Custom Rods, Inc., 3500 Beachwood Court, Suite 206, Jacksonville, Florida 32224 (“Applicant”).

As grounds for opposition it is alleged that:

1. Applicant seeks to register “” in International Class (“IC”) 028 for fishing rods and custom fishing rods.
2. The cited Application Serial No. 87/373,359 was filed as a use-based application with a stated date of first use in 2012.

3. Opposer has used the mark DELTA in connection with certain of its fishing reels and fishing rod combinations in interstate commerce since at least 2009.

4. Opposer's DELTA mark is symbolic of extensive goodwill and consumer recognition with Opposer.

5. Opposer, as the successor-in-interest to Shakespeare Company's Cajun fishing products, is the owner of all right, title and interest in the following incontestable registrations on the Principal register:

U.S. Registration No. 3,326,003 for CAJUN ADVANTAGE in IC 028 for fishing line since at least 2005.

U.S. Registration No. 3,104,931 for CAJUN LINE in IC 028 for fishing line since at least 2002.

U.S. Registration No. 2,843,887 for CAJUN RED CAST in IC 028 for fishing line since at least 2003.

U.S. Registration No. 2,952,983 for CAJUN RED in IC 028 for fishing line since at least 2003.


U.S. Registration No. 2,814,931 for CAJUN RED LIGHTNIN in IC 028 for fishing line since at least 2002.

6. In an Office Action dated June 10, 2017, the trademark examining attorney asserted Opposer's U.S. Registration Nos. 3,326,003, 3,104,931, 2,843,887, 2,952,983 and 2,814,931 as a potential basis for rejection of Applicant's application on the stated grounds that, pursuant to the Trademark Act § 2(d), there would be a likelihood of confusion between the marks.

7. Upon information and belief, Applicant made a false statement of fact in its response to the June 10, 2017 Office Action.

8. Opposer has expended considerable time, effort, investment and expense in promoting its CAJUN and DELTA marks and has established valuable goodwill in the marks.

9. Consumers are likely to be and will be confused as to the source or origin of Applicant's goods or misled into mistakenly believing that there is a connection, affiliation or sponsorship of Applicant's goods by Opposer.

10. Opposer will be damaged by the registration of the  mark on the Principal Register.

11. Opposer filed and was granted an extension of time through May 23, 2018 to oppose Applicant's mark. Accordingly, Opposer has timely filed this opposition.

12. Opposer's rights in Opposer's marks arose prior to any alleged rights of Applicant in Applicant's mark.

13. Opposer has not granted Applicant any permission, consent or license to use Applicant's mark for Applicant's goods.

CONCLUSION

WHEREFORE, Opposer, W.C. Bradley/Zebco Holdings, Inc., prays that the application for registration of Applicant's mark be rejected, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

Date: May 23, 2018

Respectfully Submitted,

/todd a. nelson/

Todd A. Nelson
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Attorneys for Opposer,
W.C. Bradley/Zebco Holdings, Inc.

CERTIFICATE OF TRANSMITTAL - ESTTA

Date of Deposit May 23, 2018

I hereby certify that this correspondence is being transmitted to the UNITED STATES PATENT AND TRADEMARK OFFICE via the ESTTA system on May 23, 2018.

/todd a. nelson/

Todd A. Nelson

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Notice of Opposition has been served on Applicant, by mailing said copy on May 23, 2018, via First Class Mail, postage prepaid to:

Erik M. Pelton, Esq.
Erik M. Pelton & Associates, PLLC
PO Box 100637
Arlington, Virginia 22210

/todd a. nelson/

Todd A. Nelson