

ESTTA Tracking number: **ESTTA951940**

Filing date: **02/04/2019**

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	FITCH MINIS, LLC
Granted to Date of previous extension	02/06/2019
Address	13 Kingswood Circle Verona, WI 53593 UNITED STATES

Attorney information	Joseph T. Leone DeWitt LLP 2 East Mifflin Street, Suite 600 Madison, WI 53703 UNITED STATES jtl@dewittllp.com 608-395-6743
----------------------	--

**Applicant Information**

Application No	87358520	Publication date	10/09/2018
Opposition Filing Date	02/04/2019	Opposition Period Ends	02/06/2019
Applicant	Gorilla Movers of Wisconsin LLC 686 Progress Way #3 Sun Prairie, WI 53590 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 039. First Use: 2015/04/21 First Use In Commerce: 2015/04/21 All goods and services in the class are opposed, namely: Moving company services
--

**Grounds for Opposition**

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

**Mark Cited by Opposer as Basis for Opposition**

U.S. Application No.	88059083	Application Date	07/31/2018
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	GORILLA SELF STORAGE		

Design Mark	<b>GORILLA SELF STORAGE</b>
Description of Mark	NONE
Goods/Services	Class 039. First use: First Use: 2018/02/22 First Use In Commerce: 2018/02/22 Providing self-storage facilities for others

Attachments	88059083#TMSN.png( bytes ) TTAB--190204--Notice of Opposition_Gorilla_Movers.pdf(475077 bytes )
-------------	--

Signature	/Jos. T. Leone/
Name	Joseph T. Leone
Date	02/04/2019

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

---

FITCH MINIS, LLC,

Opposer,

v.

Appl No. 87/358,520

GORILLA MOVERS OF WISCONSIN  
LLC

Opposition No.

Applicant.

---

**NOTICE OF OPPOSITION**

---

Fitch Minis, LLC (hereinafter referred to as the “Opposer”) believes it will be damaged by registration of the Applicant's mark, Serial No. 87/358,520 for “GORILLA MOVERS,” which is the subject of this Opposition and hereby opposes the registration thereof. The grounds for the Opposition are as follows:

1. Since at least as early as February 22, 2018, Opposer has been operating a self-storage facility for others in a facility located at 5328 Verona Road, Fitchburg, Wisconsin, under the name Gorilla Self Storage and the associated logo shown below:



2. Opposer is the owner of the State of Wisconsin word mark GORILLA SELF STORAGE, for use in conjunction with “providing self-storage facilities for others.” The application for this state trademark alleges a date of first use for the recited services of February 22, 2018 (02/22/2018). A true and complete copy of the application and the corresponding state

trademark registration certificate are attached hereto as Exhibit 1 and incorporated herein by reference.

3. Opposer is the owner of the State of Wisconsin logo mark LOGO: A GORILLA CROUCHING ON ALL FOUR LIMBS ABOVE THE WORD "GORILLA" IN UPPERCASE LETTERS, for use in conjunction with "providing self-storage facilities for others." The application for this state trademark alleges a date of first use for the recited services of February 22, 2018 (02/22/2018). A true and complete copy of the application and the corresponding state trademark registration certificate are attached hereto as Exhibit 2 and incorporated herein by reference.

4. The trademarks referenced in paragraphs 2 and 3 are referred to herein as "Opposer's Marks."

5. On March 4, 2017, Applicant filed federal trademark application Serial No. 87/358,520, for GORILLA MOVERS for use in conjunction with "moving company services," in International Class 039. This application is referred to herein as "the Application." The GORILLA MOVERS mark itself is referred to herein as Applicant's Mark. The Application alleges a date of first use and first in commerce at least as early as April 21, 2015. The Application was published for opposition on October 9, 2018.

6. In a letter dated August 7, 2018 (before the Application was published for opposition), Applicant, through its counsel, threatened Opposer with "a federal lawsuit... for trademark infringement." Attached hereto as Exhibit 3 and incorporated herein by reference is a true and complete copy of Applicant's August 7, 2018 letter.

7. On information and belief, Applicant operates a moving company.

8. On information and belief, Applicant has not in the past and does not now provide self-storage facilities for others.

9. At least as of September 11, 2018, Applicant did not advertise on its website that Applicant provided self-storage facilities for others. See Exhibit 4, attached hereto and incorporated herein by reference. Exhibit 4 is a true and complete copy of Applicant's website as it appeared on September 11, 2018, at the "View our Services" link ([www.gorillamoversofwi.com/services/](http://www.gorillamoversofwi.com/services/)).

10. On November 5, 2018, Opposer requested and was granted a 30-day extension of time in which to oppose Applicant's Application. On December 7, 2018, Opposer requested and was granted an additional 60-day extension of time in which to Oppose Applicant's Application. The 60-day extension sets a deadline of February 6, 2019 for Opposer to oppose Applicant's Application. This Notice of Opposition, which is filed February 4, 2019, is thus timely filed.

11. The use and registration by the Applicant of Applicant's Mark is likely to cause confusion, mistake and deception in the minds of the public and to lead to unnecessary trademark litigation between Applicant and Opposer regarding services (namely "providing self-storage services to others") that the Applicant did not offer at the time the Application was published for opposition and which Applicant does not offer now.

12. The registration of GORILLA MOVERS should be denied under Section 2(d) of the Federal Trademark Act. If the Applicant succeeds in registering the mark GORILLA MOVERS, there will be statutory rights created thereby which will be in violation of the earlier established rights of the Opposer in the relevant services, all to the harm of Opposer's good will and with resultant diminution of Opposer's rights in Opposer's Marks. Hence, registration of the Applicant's Mark would result in damage and injury to Opposer and to the public.

WHEREFORE, Opposer files this Notice of Opposition and prays that this Opposition be sustained, that the Application herein opposed be rejected, that registration of Applicant's Mark be refused, and for such other further relief as the Board deems just and proper.

Dated this 4<sup>th</sup> day of February 2019.

*/Jos. T. Leone/*

---

Joseph T. Leone, Esq.  
Dewitt Ross & Stevens, S.C.  
2 E Mifflin Street, Suite 600  
Madison, Wisconsin 53703

# State of Wisconsin



Department of Financial Institutions

*To All to Whom These Presents Shall Come, Greetings!*

*I, Jay Risch, Secretary of the Wisconsin Department of Financial Institutions, do hereby certify that pursuant to Chapter 132 of the Wisconsin Statutes,*

## **FITCH MINIS, LLC**

*Has filed for record in this department, a statement of adoption of the mark*

## **GORILLA SELF STORAGE**

*This registration is valid for a period of ten years from 8/15/2018, unless revoked sooner for cause.*

*IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department on August 16, 2018.*



A handwritten signature in black ink, appearing to read "Jay Risch".

*Jay Risch, Secretary  
Department of Financial Institutions*

DFI/TRD/ORIGCERT-G





State of Wisconsin – Department of Financial Institutions  
**Registration of Tradename/Trademark**  
 Per Chapter 132 Wisconsin Statutes

OFFICE USE ONLY		
Received Date:	AUG 10 2018	
File Date:	AUG 15 2018	
Trademark/name ID:	20180002787	

- Registration is effective for 10 years.
- Filing fee is \$15.00 – Make checks payable to Department of Financial Institutions.

1. This is a:  first time registration  renewal registration

2. Date of first use

Month(MM)	Day(DD)	Year (YYYY)
02	22	2018

3. Legal name of organization or individual applying for this registration  
**Fitch Minis, LLC**

4. Street address or physical location of business	City	State	Zip
5328 Verona Road	Fitchburg	WI	53711
5. Certificate mailing address (if different from physical location)	City	State	Zip
DeWitt Ross & Stevens, 2 E. Mifflin St., Ste. 600	Madison	WI	53703

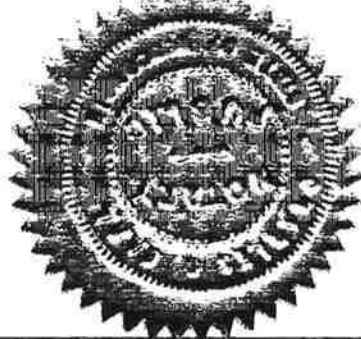
6. Exact name or phrase to be registered. If registering a design, please provide a written description and include an example.  
**GORILLA SELF STORAGE**

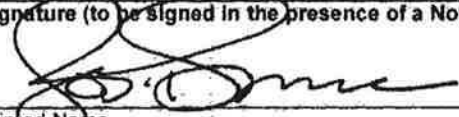
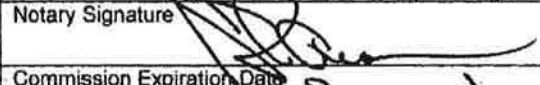
7. Description of business and/or goods for which this registration will be used  
**Providing self-storage facilities for others.**

8. Contact person	Email	Phone
Joseph T. Leone	JTL@dewittross.com	608-395-6743

9. I, the undersigned, certify that: I am the registrant or duly authorized representative; the information in this document is true and correct; the registrant has the right to the use of the subject registration applied for, and that no other persons or entities have such right either in identical form or near resemblance; that any attachments are correct and that the registrant is licensed or registered by a governmental office if required to do so, or is a resident of the United States.

10. Affix notary seal or stamp



Signature (to be signed in the presence of a Notary)	Subscribed and sworn to before me on this date/state/county		
	Date	State	County
	8-8-2018	WI	DANE
Printed Name	Notary Signature		
Joseph T. Leone, Esq.			
Title	Commission Expiration Date		
Attorney for Applicant	Permanent		

This document can be made available in alternate formats, upon request, to qualifying individuals with disabilities.

<b>Address:</b> Trademark Section Department of Financial Institutions PO Box 7847 Madison WI 53707-7847	<b>Contact Information:</b> Phone: 608-266-8915 Fax: 608-264-7965 Email: <a href="mailto:DFI-Trademark@wisconsin.gov">DFI-Trademark@wisconsin.gov</a> TTY: 711
<b>Mail to:</b> 4822 Madison Yards Way, North Tower Madison WI 53705	



*State of Wisconsin*



*Department of Financial Institutions*

*To All to Whom These Presents Shall Come, Greetings!*

*I, Jay Risch, Secretary of the Wisconsin Department of Financial Institutions, do hereby certify that pursuant to Chapter 132 of the Wisconsin Statutes,*

**FITCH MINIS, LLC**

*Has filed for record in this department, a statement of adoption of the mark*

**LOGO: A GORILLA CROUCHING ON ALL FOUR LIMBS,  
ABOVE THE WORD "GORILLA" IN UPPERCASE LETTERS.**

*This registration is valid for a period of ten years from 8/15/2018,  
unless revoked sooner for cause.*

*IN TESTIMONY WHEREOF, I have hereunto set my  
hand and affixed the official seal of the Department on  
August 16, 2018.*



A handwritten signature in black ink, appearing to read 'Jay Risch'.

*Jay Risch, Secretary  
Department of Financial Institutions*

DFI/TRD/ORIGCERT-G

**EXHIBIT**

2



State of Wisconsin – Department of Financial Institutions  
**Registration of Tradename/Trademark**  
 Per Chapter 132 Wisconsin Statutes

OFFICE USE ONLY		
Received Date:	AUG 10 2018	
File Date:	AUG 15 2018	
Trademark/name ID:	20180002786	

- Registration is effective for 10 years.
- Filing fee is \$15.00 – Make checks payable to Department of Financial Institutions.

1. This is a:  first time registration  renewal registration      2. Date of first use

Month(MM)	Day(DD)	Year (YYYY)
02	22	2018

3. Legal name of organization or individual applying for this registration  
**Fitch Minis, LLC**

4. Street address or physical location of business	City	State	Zip
5328 Verona Road	Fitchburg	WI	53711
5. Certificate mailing address (if different from physical location)	City	State	Zip
DeWitt Ross & Stevens, 2 E. Mifflin St., Ste. 600	Madison	WI	53703

6. Exact name or phrase to be registered. If registering a design, please provide a written description and include an example. See attached design. A gorilla crouching on all four limbs, above the word "GORILLA" in uppercase letters.

7. Description of business and/or goods for which this registration will be used  
**Providing self-storage facilities for others.**

8. Contact person	Email	Phone
Joseph T. Leone	JTL@dewittross.com	608-395-6743

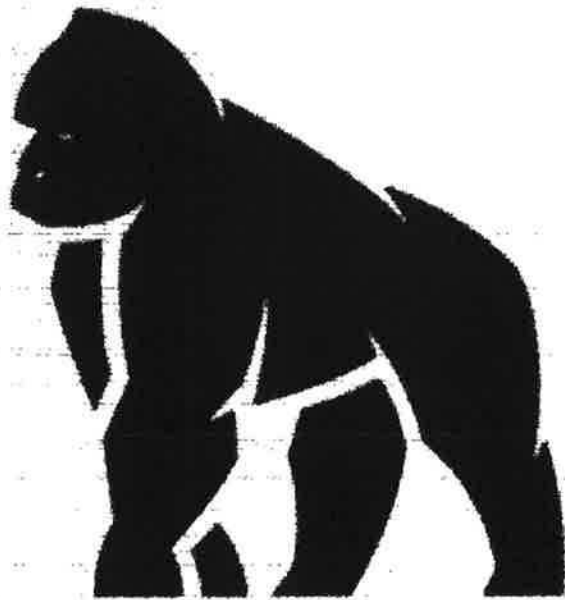
9. I, the undersigned, certify that: I am the registrant or duly authorized representative; the information in this document is true and correct; the registrant has the right to the use of the subject registration applied for, and that no other persons or entities have such right either in identical form or near resemblance; that any attachments are correct and that the registrant is licensed or registered by a governmental office if required to do so, or is a resident of the United States.	10. Affix notary seal or stamp		

Signature (to be signed in the presence of a Notary)	Subscribed and sworn to before me on this date/state/county		
	Date	State	County
Printed Name	8-8-2018	WI	DANE
Joseph T. Leone, Esq.	Notary Signature		
Title	Commission Expiration Date		
Attorney for Applicant	Permanent		

This document can be made available in alternate formats, upon request, to qualifying individuals with disabilities.

**Address:** Trademark Section  
 Department of Financial Institutions  
 PO Box 7847  
 Madison WI 53707-7847  
**Courier:** 4822 Madison Yards Way, North Tower  
 Madison WI 53705

**Contact Information:**  
 Phone: 608-266-8916  
 Fax: 608-264-7965  
 Email: DFI-Trademark@wisconsin.gov  
 TTY: 711



**GORILLA**



August 7, 2018

**BY EMAIL ATTACHMENT**

Gorilla Self Storage  
PO Box 44055, Madison, WI 53744  
5328 Verona Road, Fitchburg, WI 53711  
gorillaselfstorage1@gmail.com

**Re: "Gorilla" Trademark  
Our File No.: 850072**

---

Dear Gorilla Self Storage:

We represent Gorilla Movers of Wisconsin Inc., owner of the trademarks "Gorilla" and "Gorilla Movers" (as well as related marks such as a Gorilla logo) covering the fields of moving services and storage facilities. It has recently come to our attention that you and your business are infringing my client's trademarks by using "Gorilla Self Storage" in connection with a storage facility. This is particularly problematic because both you and my client operate and serve the area in and around Madison, Wisconsin.

We hereby demand that you cease and desist your infringing activity, including that you must stop any use of "Gorilla." This includes removing the name from your website, physical signage, letterhead, and otherwise. You must also cease use of [www.gorillaselfstorage.com](http://www.gorillaselfstorage.com). This being said, you may continue to operate your facility and provide self-storage services: the restriction is limited to the infringing branding.

If you have any questions about these limitations, please contact me. We hope you will cooperate and comply with your legal responsibilities. If you do not, our client may bring a federal lawsuit against you for trademark infringement, the result of which would be a court-ordered injunction against infringing operations plus an award of our attorney fees in bringing the action as well as disgorgement of your infringing profits. Quick action on your part will enable us to correct this branding mishap and avoid further disharmony and consumer confusion as between your and my client's businesses.

Very truly yours,

Kyle Hanson  
Direct: 847 282 0003  
kylehanson@hansonlawgrp.com





[HOME](#) [ABOUT US](#) [VIEW OUR SERVICES](#) [TESTIMONIALS](#) [REQUEST A QUOTE](#) [CONTACT US](#)

### Our Services Include:

- Local/statewide moving
- Full or partial packing
- In-house or in-building
- Loading/unloading
- Office & commercial
- Pianos
- Gun safes
- Hot tubs

### Ask a Question

Name (required)

Email (required)

Phone (required)

Message (required)

Submit »



9/11/2018

View Our Services – Gorilla Movers of Wisconsin

Copyright © 2015  
Gorilla Movers of Wisconsin, LLC

---