

ESTTA Tracking number: **ESTTA1129000**

Filing date: **04/22/2021**

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	Baccus Global LLC		
Entity	Corporation	Citizenship	Florida
Address	621 NW 53RD STREET SUITE 450 BOCA RATON, FL 33487 UNITED STATES		

Attorney information	JHAN LENNON BACCUS GLOBAL LLC 1557 SW 7TH COURT 33486 BOCA RATON, FL 33486 UNITED STATES Primary Email: Jhan@baccusllc.com 561-289-7922		
Docket Number			

Applicant Information

Application No.	90136210	Publication date	03/23/2021
Opposition Filing Date	04/22/2021	Opposition Period Ends	04/22/2021
Applicant	Inskeep, Mathew 1515 SOUTH FEDERAL HWY SUITE 406 BOCA RATON, FL 33432 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: battery jump starters incorporating compressors; power conversion devices incorporating compressors
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
No bona fide intent to use mark in commerce for identified goods or services	Trademark Act Section 1(b), 44(e) or 66(a)
Applicant not rightful owner of mark for identified goods or services	Trademark Act Section 1

Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	AUTOSTOP		
Goods/Services	automotive accessory products, including battery jump starters incorporating compressors, power conversion devices incorporating compressors, compressors, and inflators		

Related Proceedings	920 cv 82127
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Attachments	AutoStop Opposition2.pdf(85935 bytes)
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Signature	/Jhan Lennon/
Name	Jhan Lennon
Date	04/22/2021

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

In the Matter of Serial No. 90/136,210
Mark:

AUTOSTOP

Filing Date: August 25, 2020
Publication Date: March 23, 2021

BACCUS GLOBAL LLC

Opposer,

v.

MATHEW INSKEEP,

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

Baccus Global LLC, a Florida limited liability company, located at 621 NW 53rd Street, Suite 450, Boca Raton, Florida 33487 (“Opposer”), believing that it will be damaged by registration of the trademark shown in Application Serial No. 90/136,210 in International Class 09 (the “Application”), filed by Mathew Inskeep (hereinafter “Applicant”) on August 25, 2020, hereby opposes it pursuant to 15 U.S.C. § 1063.

As grounds for its opposition, Opposer alleges as follows:

Priority and Likelihood of Confusion

1. Commencing long prior to Applicant’s filing date, Opposer has engaged in the creation, manufacture, distribution, sale, advertising and promotion in interstate commerce of automotive accessory products bearing various licensed brands, as well as its own brands, sub-brands and trademarks.

2. Prior to Applicant's filing date, Opposer used, and is now using, the mark AUTOSTOP in connection with automotive accessory products, including battery jump starters incorporating compressors, power conversion devices incorporating compressors, compressors, and inflators, distributed and sold by Opposer in commerce.

3. Opposer will rely herein upon its common law rights in the AUTOSTOP mark.

4. Based on Opposer's extensive use and promotion of the AUTOSTOP mark, the AUTOSTOP mark has come to embody goodwill associated exclusively with Opposer, and consumers identify the AUTOSTOP mark with Opposer.

5. Notwithstanding Opposer's prior rights in the AUTOSTOP mark, on August 23, 2020, the Applicant filed its Application to register the standard character mark AUTOSTOP for goods in International Class 09, namely "battery jump starters incorporating compressors; power conversion devices incorporating compressors."

6. The Application was published in the *Trademark Official Gazette* on March 23, 2021.

7. Applicant's applied-for mark is the exact same as Opposer's AUTOSTOP mark. The goods listed by Applicant in the Application are identical to goods Opposer has offered under the AUTOSTOP mark.

8. There is no issue as to priority. Opposer began using in commerce its AUTOSTOP mark at least as early as October 19, 2019 well prior to the August 25, 2020 filing date of Applicant's Application.

No Bona Fide Intent to Use Mark in Commerce for Identified Goods or Services

9. Paragraphs 1-8, above, are reallaged and incorporated herein by reference as if set forth in full. Applicant lacks a bona fide intent to use the mark in commerce. Applicant, a former

Manager of Opposer, was unanimously removed from his Manager role of Opposer on February 12, 2020. Subsequent litigation ensued and remains pending in cases filed in both state and federal court. Opposer has continued to operate its business and manufacture, distribute, sell, advertise and promote its goods using its AUTOSTOP mark.

10. Due to Applicant's position as a former employee Manager of Opposer, Applicant knew at the time of filing the Application that Opposer owned and used the AUTOSTOP mark in intrastate commerce at least as early as October 19, 2019.

11. Applicant even acknowledges the fact that Opposer used the AUTOSTOP mark at least as early as August 25, 2020—the date of Applicant's filing of its intent-to-use Application--in its federal complaint against Opposer.

12. Applicant filed the Application in effort to claim Opposer's AUTOSTOP mark as his own, solely for the purpose of bolstering his otherwise baseless claims in the related litigation. For example, in his federal complaint, Applicant knowingly and wrongly claims the pending intent-to-use application at issue as a registered trademark.

13. Upon information and belief, Applicant has no manufacturing activity, no sales activity, does not offer goods or services of any kind, and otherwise does not engage in any commercial activity.

14. Upon information and belief, Applicant did not have a bona fide intention to use the mark in commerce on the specified goods at the time of filing the Application.

15. Instead, upon information and belief, Applicant filed the Application solely for the purpose of reserving a right in the Application and in an improper and baseless attempt to bolster its damages claims in the related litigation.

Applicant is Not the Rightful Owner of Mark for Identified Goods

16. Paragraphs 1-15, above, are reallaged and incorporated herein by reference as if set forth in full.

17. Applicant is neither the creator nor originator the AUTOSTOP mark in the standard characters.

18. Due to Applicant's position as a former Manager employee of Opposer, Applicant knew at the time of filing the Application that Opposer owned and used the AUTOSTOP mark in intrastate commerce at least as early as October 19, 2019.

19. The right to use the AUTOSTOP mark has always belonged to Opposer, the entity.

20. At no time did Applicant have an individual right to use Opposer's AUTOSTOP mark.

21. At no point did Opposer assign, sell, or otherwise transfer the rights to the AUTOSTOP mark to Applicant.

22. Upon information and belief, Applicant made false statements as to the rightful owner of the AUTOSTOP mark in its Application.

23. Applicant simply filed its Application to register the AUTOSTOP mark to attempt to usurp the rights of Opposer and with the intent to procure a registration to which Applicant is not entitled.

24. If Applicant is granted the registration herein opposed, it would thereby obtain a *prima facie* exclusive right to the use of Applicant's Mark. Such registration would be a source of damage and injury to Opposer.

WHEREFORE, Opposer requests that registration of Application Serial No. 90/136,210 be denied pursuant to 15 U.S.C. §§ 1052(d) and 1063(a).

The opposition fee for a notice of opposition in one class is filed with this Notice of Opposition.

Please recognize Jhan Lennon, Baccus Global LLC as the attorney for Opposer in connection with this opposition proceeding. Please address all correspondence regarding this proceeding to Baccus Global, Jhan Lennon, General Counsel at jhan@baccusllc.com, 621 NW 53RD Street, Suite 450, Boca Raton, Florida 33487.

Dated: April 22, 2021

Respectfully submitted,

Jhan Lennon
Baccus Global LLC
Attorney for Opposer

SAMS CLUB

<https://web.archive.org/web/20191019063805/https://www.samsclub.com/p/1000-peak-battery-a-1000-peak-battery-a/prod20581005>