

ESTTA Tracking number: **ESTTA1134229**

Filing date: **05/17/2021**

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	STIGA Sports AB
Granted to Date of previous extension	05/16/2021
Address	TÅ#NG LINDSTRÅ#MS VÅ#G 7 ESKILSTUNA, 633 46 SWEDEN
Attorney information	JOSH A. PARTINGTON HARNESS, DICKEY & PIERCE, PLC 11730 PLAZA AMERICA DR. #600 RESTON, VA 20190 UNITED STATES Primary Email: dcdocketing@hdp.com Secondary Email(s): aminarik@hdp.com 703-668-8000
Docket Number	104TM-500549

**Applicant Information**

Application No.	88706887	Publication date	11/17/2020
Opposition Filing Date	05/17/2021	Opposition Period Ends	05/16/2021
Applicant	2723531 ONTARIO INC. SUITE 1401 480 UNIVERSITY AVENUE TORONTO, ONTARIO, M5G1V2 CANADA		

**Goods/Services Affected by Opposition**

Class 018. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Hunting bags; sports packs; sports-man's hunting bags; All-purpose sports packs and sports bags used for hunting, survival and tactical purposes, and waterfowl decoy backpacks
Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Performance clothing, namely, outerwear, namely, coats, hats, and gloves used for hunting and tactical shooting sports; footwear used for hunting and tactical shooting sports; performance sporting wear, namely, casual and lifestyle clothing, namely, coats, hats, gloves, sweat shirts, shirts, pants, shorts, socks used for hiking, winter performance, hunting and shooting sports; performance sporting wear, namely, footwear used for hiking, winter performance, hunting and shooting sports; balaclavas; camouflage clothing for hunting, namely, coats, hats, gloves, sweat shirts, shirts, pants, shorts; gloves; hats; mittens; clothing, namely,

neck warmers, and neck warmers in the nature of scarves

Class 028. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: Archery bows; toy bows and arrows; toy air pistols; waterfowl hunting decoys; crossbows

## Grounds for Opposition

Priority and likelihood of confusion

Trademark Act Section 2(d)

## Mark Cited by Opposer as Basis for Opposition


U.S. Registration No.	6077239	Application Date	05/08/2019
Registration Date	06/16/2020	Foreign Priority Date	11/13/2018
Word Mark	NONE		
Design Mark			
Description of Mark	The mark consists of a stylized hexagon; cutting through the center of the hexagon, from top right to bottom left, is a stylized letter "S".		
Goods/Services	Class 018. First use: First Use: 0 First Use In Commerce: 0 Gym bags; duffle bags; roller bags; shoe bags for travel; rucksacks; handbags; travelling trunks; travel baggage; carrying bags; umbrellas; unworked or semi-worked leather; coin pouches as coin purses; pocket wallets Class 025. First use: First Use: 0 First Use In Commerce: 0 Clothing, namely, shirts, t-shirts, tracksuits, shorts, trousers, skirts, jackets, hoodies; footwear, namely, shoes, socks; headwear, namely, caps, headbands Class 028. First use: First Use: 0 First Use In Commerce: 0 Games, namely, table soccer games and table hockey games; toys, namely, balancebikes; toy scooters; table tennis tables, table tennis nets; table tennis bats;rackets; table tennis balls; badminton rackets; shuttlecocks; tennis nets; tennis rackets; tennis balls; padel rackets;padel balls; covers specially adapted for table tennis bats, badminton rackets,tennis rackets and padel rackets; floorball sticks; floorball goals; floorball goal targets; floorball balls; pumps specially adapted for use with soccer balls; soccer marking cones, namely, sports		

	<p>field markers; game accessories for playing soccer, namely, reusable write on soccer referee cards; soccer ball nets; soccer goals; soccer targets; soccer ball rebounders; football balls; basketball backboards; basketball net rims, namely, basketball hoops; basketball nets; basketball bases, namely, bases for portable stands holding basketball backboards; basketball stands, namely, stands and supports specially adapted for holding basketball backboards; basketball balls; football tables, namely, tables for table football; ice hockey tables namely, hockey table top games; game stands, namely, floor-stands for holding table soccer games and table hockey games; gymnastic training stools; gymnastic platforms being exercise platforms; sleds being sport articles; springboards; skis; ski poles; edges of skis; toboggans; sledges for use in downhill amusement rides; foam boards for recreational use for riding downhill on snow; mattresses for recreational use for riding downhill on snow; skateboards; roller skates; in-line roller skates; protective paddings for riding bikes, scooters, skateboards or roller skates; roller skis</p>
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Attachments	<p>79269080#TMSN.png( bytes )  2021-05-17 Notice of Opposition.pdf(55443 bytes )  Exhibit 1.pdf(144577 bytes )</p>
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Signature	/Josh A. Partington/
Name	JOSH A. PARTINGTON
Date	05/17/2021

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

STIGA Sports AB	)	
Opposer,	)	Opposition No. _____
	)	Serial No. 88/706,887
v.	)	
	)	
	)	Mark:
2723531 Ontario Inc.	)	Published: November 17, 2020
Applicant.	)	Filed: November 26, 2019
_____	)	

**NOTICE OF OPPOSITION**

Opposer, STIGA Sports AB (“Opposer”), a Swedish joint stock company with an address of Box 642, Eskilstuna SE-631 08, Sweden, believes that it will be damaged by the registration of the

 mark that is the subject of Application Serial No. 88/706,887, published in the *Trademark Official Gazette* of November 17, 2020, and hereby opposes the same.

As grounds in support of its Opposition, Opposer asserts as follows:

1. Opposer offers a range of bags, clothing, sporting goods, and games under its design

mark:  .

2. Opposer is the owner of the following valid and subsisting United States trademark registration:

<u>Mark</u>	<u>Reg. No.</u>	<u>Issued</u>	<u>Class:Goods</u>
	6,077,239	6/16/2020	<p><b>Class 18:</b> Gym bags; duffle bags; roller bags; shoe bags for travel; rucksacks; handbags; travelling trunks; travel baggage; carrying bags; umbrellas; unworked or semi-worked leather; coin pouches as coin purses; pocket wallets.</p> <p><b>Class 25:</b> Clothing, namely, shirts, t-shirts, tracksuits, shorts, trousers, skirts, jackets, hoodies; footwear, namely, shoes, socks; headwear, namely, caps, headbands.</p> <p><b>Class 28:</b> Games, namely, table soccer games and table hockey games; toys, namely, balance bikes; toy scooters; table tennis tables, table tennis nets; table tennis bats; rackets; table tennis balls; badminton rackets; shuttlecocks; tennis nets; tennis rackets; tennis balls; padel rackets; padel balls; covers specially adapted for table tennis bats, badminton rackets, tennis rackets and padel rackets; floorball sticks; floorball goals; floorball goal targets; floorball balls; pumps specially adapted for use with soccer balls; soccer marking cones, namely, sports field markers; game accessories for playing soccer, namely, reusable write on soccer referee cards; soccer ball nets; soccer goals; soccer targets; soccer ball rebounders; football balls; basketball backboards; basketball net rims, namely, basketball hoops; basketball nets; basketball bases, namely, bases for portable stands holding basketball backboards; basketball stands, namely, stands and supports specially adapted for holding basketball backboards; basketball balls; football tables, namely, tables for table football; ice hockey tables namely, hockey table top games; game stands, namely, floor-stands for holding table soccer games and table hockey games; gymnastic training stools; gymnastic platforms being exercise platforms; sleds being sport articles; springboards; skis; ski poles; edges of skis; toboggans; sledges for use in downhill amusement rides; foam boards for recreational use for riding downhill on snow; mattresses for recreational use for riding downhill on snow; skateboards; roller skates; in-line roller skates; protective paddings for riding bikes, scooters, skateboards or roller skates; roller skis.</p>

(hereinafter referred to as “Opposer’s Design Mark”). The registration for Opposer’s Design Mark is *prima facie* evidence of Opposer’s ownership of and exclusive right to use Opposer’s Design Mark identified in such registration in commerce in connection with the goods so identified. A printout from the USPTO’s TSDR database for this registration is attached as Exhibit 1.

3. In addition to its rights under its federal registration as set forth above, Opposer relies herein upon its common law rights in Opposer’s Design Mark.

4. Notwithstanding Opposer’s rights in and to Opposer’s Design Mark, Applicant filed an application for registration on the basis of a bona fide intent to use the following mark:




. Applicant, 2723531 Ontario Inc. (“Applicant”), is a Canadian corporation with an address of Suite 1401, 480 University Avenue, Toronto M5G1V2, Canada.

5. Applicant is the listed owner for the following intent to use based application for the



mark (hereinafter referred to as “Applicant’s Design Mark”):

<u>Mark</u>	<u>Serial No.</u>	<u>Class:Goods/Services</u>	<u>Filing and Publication Date</u>
	88/706,887	<i>See below</i>	Filed: 11/26/2019 Published: 11/17/2020

The application to register Applicant’s Design Mark identifies the following goods and services:

## Class 8

*Axes; hunting knives; shovels; sport knives; Side arms not including firearms; blades being weapons in the nature of swords, machetes, fixed blade knives, and hunting knives; blades for meat processing in the nature of butcher knives, fishing knives, and skinning knives; sporting blades in the nature of hunting knives, fishing knives, and diving knives; axes and shovels for sporting and camping; hand tools for machining and gunsmithing, namely, wrenches, screwdrivers, screw wrenches, screw wrench bits, steel files, hammers, mallets, pin punches, vices, and clamps*

## Class 9

*Global positioning systems (GPS) consisting of computers; protective eyeglasses; smartwatches; sports eyewear; telescopic riflescopes; telescopic sights; telescopic sights for firearms; telescopic sights for guns; digital video cameras; wearable activity trackers; navigational instruments, namely, handheld GPS; video and trail cameras; telescopic sights, namely, red dot sights and holographic sights both in the nature of optical or telescopic lens sights for wildlife watching; range finding and bore-sighting equipment, namely, infrared sensors; firearm sights, namely, reflex, optical, and telescopic sights for firearms; gun sights, namely, reflex, optical, and telescopic gun sights; digital trigger gauges*

## Class 13

*Air pistols; ammunition for firearms; bags specially made for ammunition; bandoliers for weapons; bipods for firearms; case covers for firearms; sights, other than telescopic sights, for firearms; firearms; gun sights, namely, non-telescopic gun sights for firearms; hand guns, namely, pistols and rifles; holsters; hunting firearms; magazines for firearms; sights, namely, open sights for use on firearms; rifle slings; sporting firearms; sprays for personal defence purposes; trigger guards for guns and rifles; weapon cases for firearms; air pistols being weapons; tactical holsters, namely, pistol holsters; modular firearm parts, namely, buttstocks, chassis systems, bolts, receivers, flip-up sights, fiber optic sights, grips, hand stops, muzzle breaks, trigger assembly, and upper and lower assembly component parts for guns; replacement and specialized firearm stock systems, namely, rifle stocks and gun stocks; all-purpose sports packs and sports bags used for ammunition and range bags, namely, ammunition bags*

## Class 18

*Hunting bags; sports packs; sportsman's hunting bags; All-purpose sports packs and sports bags used for hunting, survival and tactical purposes, and waterfowl decoy backpacks*

## Class 25

*Performance clothing, namely, outerwear, namely, coats, hats, and gloves used for hunting and tactical shooting sports; footwear used for hunting and tactical shooting sports; performance sporting wear, namely, casual and lifestyle clothing, namely, coats, hats, gloves, sweat shirts, shirts, pants, shorts, socks used for hiking, winter performance, hunting and shooting sports; performance sporting wear, namely, footwear used for hiking, winter performance, hunting and shooting sports;*

*balaclavas; camouflage clothing for hunting, namely, coats, hats, gloves, sweat shirts, shirts, pants, shorts; gloves; hats; mittens; clothing, namely, neck warmers, and neck warmers in the nature of scarves*

Class 28

*Archery bows; toy bows and arrows; toy air pistols; waterfowl hunting decoys; crossbows*

Class 35

*Retail store services featuring sporting goods; Wholesale store services featuring sporting goods*

6. Opposer has priority based on its valid and subsisting prior registration for Opposer's Design Mark.

7. Applicant's Design Mark is nearly identical in appearance and is effectively identical in connotation and commercial impression to Opposer's Design Mark so as to be likely to cause confusion.

8. The Classes 18, 25, and 28 goods identified in the application to register Applicant's Design Mark include bags, clothing, and sporting goods that are identical and/or closely related to the goods identified in Opposer's registration of its Opposer's Design Mark and those that Opposer advertises, promotes, offers, and/or sells in connection with Opposer's Design Mark.

9. Accordingly, Applicant's Design Mark so resembles Opposer's prior used and prior registered Opposer's Design Mark so as to be likely, when applied to the goods and services set forth in Applicant's application to register the Applicant's Design Mark, to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act, as amended, 15 U.S.C. §1052(d).

10. If Applicant's mark were to register, Opposer would be damaged as a result of this likely confusion.



WHEREFORE, Opposer prays that this Opposition be sustained and that registration to Applicant be refused.

The filing fee has been submitted electronically. The Commissioner is hereby authorized to charge Deposit Account 08-0750 in the event of any deficiency in the fee.

Respectfully Submitted,

STIGA SPORTS AB

Dated: May 17, 2021

By:         /Josh A. Partington/        

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# EXHIBIT 1.


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**Goods and Services** IC 018. US 001 002 003 022 041. G & S: Gym bags; duffle bags; roller bags; shoe bags for travel; rucksacks; handbags; travelling trunks; travel baggage; carrying bags; umbrellas; unworked or semi-worked leather; coin pouches as coin purses; pocket wallets

IC 025. US 022 039. G & S: Clothing, namely, shirts, t-shirts, tracksuits, shorts, trousers, skirts, jackets, hoodies; footwear, namely, shoes, socks; headwear, namely, caps, headbands

IC 028. US 022 023 038 050. G & S: Games, namely, table soccer games and table hockey games; toys, namely, balance bikes; toy scooters; table tennis tables, table tennis nets; table tennis bats; rackets; table tennis balls; badminton rackets; shuttlecocks; tennis nets; tennis rackets; tennis balls; padel rackets; padel balls; covers specially adapted for table tennis bats, badminton rackets, tennis rackets and padel rackets; floorball sticks; floorball goals; floorball goal targets; floorball balls; pumps specially adapted for use with soccer balls; soccer marking cones, namely, sports field markers; game accessories for playing soccer, namely, reusable write on soccer referee cards; soccer ball nets; soccer goals; soccer targets; soccer ball rebounders; football balls; basketball backboards; basketball net rims, namely, basketball hoops; basketball nets; basketball bases, namely, bases for portable stands holding basketball backboards; basketball stands, namely, stands and supports specially adapted for holding basketball backboards; basketball balls; football tables, namely, tables for table football; ice hockey tables namely, hockey table top games; game stands, namely, floor-stands for holding table soccer games and table hockey games; gymnastic training stools; gymnastic platforms being exercise platforms; sleds being sport articles; springboards; skis; ski poles; edges of skis; toboggans; sledges for use in downhill amusement rides; foam boards for recreational use for riding downhill on snow; mattresses for recreational use for riding downhill on snow; skateboards; roller skates; in-line roller skates; protective paddings for riding bikes, scooters, skateboards or roller skates; roller skis

**Mark**

**Drawing Code** (2) DESIGN ONLY

**Design**

**Search Code** 26.17.09 - Bands, curved ; Bars, curved ; Curved line(s), band(s) or bar(s) ; Lines, curved

**Serial**

**Number** 79269080

**Filing Date**

May 8, 2019

**Current**

**Basis** 66A

**Original**

**Filing Basis** 66A

**Published**

**for** March 31, 2020

**Opposition**

**Registration Number** 6077239

**International**

**Registration Number** 1491252

**Registration**

**Date** June 16, 2020

**Owner** (REGISTRANT) STIGA Sports AB JOINT STOCK COMPANY SWEDEN SE-631 08 Box 642, Eskilstuna SWEDEN

**Attorney of Record**

Charles P. Guarino

**Priority Date** November 13, 2018

**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of a stylized hexagon; cutting through the center of the hexagon, from top right to bottom left, is a stylized letter "S".

**Type of Mark**

TRADEMARK

**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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