

ESTTA Tracking number: **ESTTA1316770**
Filing date: **10/18/2023**

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	World Triathlon Corporation
Granted to date of previous extension	10/18/2023
Address	3407 W. DR. MARTIN LUTHER KING JR. BLVD SUITE 100 TAMPA, FL 33607 UNITED STATES
Attorney information	WILLIAM G. GILTINAN CARLTON FIELDS, PA PO BOX 3239 ATTN: IP DEPT. TAMPA, FL 33601 UNITED STATES Primary email: trademarks@carltonfields.com Secondary email(s): trademarks@carltonfields.com 8132294395
Docket no.	

Applicant information

Application no.	97363357	Publication date	06/20/2023
Opposition filing date	10/18/2023	Opposition period ends	10/18/2023
Applicant	Lowe, Raymond 4371 WINTERS CHAPEL ROAD, APT. 713 ATLANTA, GA 30360 UNITED STATES		

Goods/services affected by opposition

Class 025. First Use: None First Use In Commerce: None
All goods and services in the class are opposed, namely: Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms

Grounds for opposition

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

Marks cited by opposer as basis for opposition

U.S. registration no.	2911298	Application date	03/18/2004
Register	Principal		

Registration date	12/14/2004	Foreign priority date	NONE
Word mark	IRONMAN		
Design mark			
Description of mark	NONE		
Goods/services	Class 025. First use: First Use: Aug 1, 2000 First Use In Commerce: Oct 1, 2000 Clothing for men, women and youths namely, shirts, shorts, jackets, swimwear, socks, gloves, hats, headbands, wristbands and wetsuits, marketed in association with contests consisting of running, biking and swimming		

U.S. registration no.	5358824	Application date	04/24/2017
Register	Principal		
Registration date	12/19/2017	Foreign priority date	NONE
Word mark	IRONMAN		
Design mark			
Description of mark	NONE		
Goods/services	Class 025. First use: First Use: Aug 1, 2001 First Use In Commerce: Oct 1, 2001 Clothing for men, women and youths, namely, pants, t-shirts, caps in the nature of headwear, bicycling shorts, hoodies, outerwear in the nature of fleece pullovers, jackets and gloves, footwear, insoles, heel inserts, clothing belts, athletic sleeves, underwear, bras, sweaters, robes, sweat shirts, visors in the nature of headwear marketed in association with contests involving running, swimming and biking		

U.S. registration no.	4904644	Application date	07/01/2015
Register	Principal		
Registration date	02/23/2016	Foreign priority date	NONE
Word mark	IRONMAN		
Design mark			
Description of mark	The mark consists of the word "IRONMAN" with a dot above the "M".		
Goods/services	Class 025. First use: First Use: Feb 2003 First Use In Commerce: Feb 2003 Insoles marketed in association with events consisting of running, biking and swimming		

U.S. registration no.	2998100	Application date	08/03/2004
Register	Principal		
Registration date	09/20/2005	Foreign priority date	NONE
Word mark	IRONMAN		
Design mark			
Description of mark	NONE		

Goods/services	Class 025. First use: First Use: Apr 22, 2004 First Use In Commerce: Apr 27, 2004 Bicycling gloves
----------------	---

U.S. registration no.	5328088	Application date	03/27/2017
Register	Principal		
Registration date	11/07/2017	Foreign priority date	NONE
Word mark	IRONMAN		
Design mark			
Description of mark	The mark consists of the word "IRONMAN" with a dot above the "M".		
Goods/services	Class 025. First use: First Use: Oct 1, 2000 First Use In Commerce: Oct 1, 2000 Clothing for men, women and youths, namely, shirts, pants, shorts, t-shirts, hats, caps, swimwear, bicycling shorts, jackets, hoodies, outerwear, namely, pullovers and vests, socks, footwear, headbands, wristbands as clothing, gloves, wetsuits, insoles, heel inserts, belts, athletic sleeves, underwear, bras, sweaters, [robes,] sweat shirts, visors being headwear marketed in association with contests involving running, swimming and biking		

Attachments	Notice of Opposition IRON MANIACS.PDF(1449097 bytes)
-------------	---

Signature	/William G. Giltinan/
Name	WILLIAM G. GILTINAN
Date	10/18/2023

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

World Triathlon Corporation

Opposer,

vs.

Proceeding No. _____

Raymond Lowe,


Applicant.

_____ /




NOTICE OF OPPOSITION

Opposer, World Triathlon Corporation, a Florida corporation, with an address of 3407 W. Dr. Martin Luther King Jr. Blvd, Suite 100, Tampa, FL 33607, believes, that it will be damaged by registration of the mark IRON MANIACS, Application Serial No. 97/363,357, published in the Official Gazette on June 20, 2023, and hereby opposes the same. As grounds for the oppositions, Opposer alleges as follows:




1. Opposer is the owner of the trademark IRONMAN, which it has used in connection with entertainment services, namely, organization and presentation of sporting events consisting of running, swimming and cycling competitions (commonly referred to as triathlons) and other goods and services related to those triathlons, and of all common law rights and associated goodwill in those trademarks. Opposer has continuously used this mark in commerce since at least as early as 1978.






2. Opposer is the owner of over seventy U.S. Federal Trademarks for IRONMAN, **IRONMAN**, IRONWOMAN, IRONKIDS, IRON GIRL, Iron  Girl, IRONDAD, IRONMOM, **IRONMOM**, IRONMATE, IRONSPORT, and other marks containing those marks for various

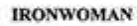




goods and services.

3. Opposer’s marks IRONMAN, , IRONWOMAN, IRONKIDS, IRON GIRL, , IRONDAD, IRONMOM, , IRONMATE, and IRONSPORT constitute a family of marks (“the IRON____ Family Marks”).


4. Opposer is owner of the following U.S. federal trademark registrations for the IRON____ Family Marks and are collectively referred to as “Opposer’s Class 25 Registrations”:

Mark with Image	Registration #	Registration Date	First Use Date	Description Combined
IRONMAN (WORD) (MADRID BASE) 	2,911,298	12/14/2004	8/1/2000	025 - Clothing for men, women and youths namely, shirts, shorts, jackets, swimwear, socks, gloves, hats, headbands, wristbands and wetsuits, marketed in association with contests consisting of running, biking and swimming
IRONMAN (WORD) (MADRID BASE) 	5,358,824	12/19/2017	8/1/2001	025 - Clothing for men, women and youths, namely, pants, t-shirts, caps in the nature of headwear, bicycling shorts, hoodies, outerwear in the nature of fleece pullovers, jackets and gloves, footwear, insoles, heel inserts, clothing belts, athletic sleeves, underwear, bras, sweaters, robes, sweat shirts, visors in the nature of headwear marketed in association with contests involving running, swimming and biking
IRONMAN DESIGN (MADRID BASE) 	4,904,644	2/23/2016	2/28/2003	025 - Insoles marketed in association with events consisting of running, biking and swimming

<p>IRONMAN DESIGN</p> 	2,998,100	9/20/2005	4/22/2004	25 - Bicycling gloves
<p>IRONMAN DESIGN (MADRID BASE)</p> 	5,328,088	11/7/2017	10/1/2000	025 - Clothing for men, women and youths, namely, shirts, pants, shorts, t-shirts, hats, caps, swimwear, bicycling shorts, jackets, hoodies, outerwear, namely, pullovers and vests, socks, footwear, headbands, wristbands as clothing, gloves, wetsuits, insoles, heel inserts, belts, athletic sleeves, underwear, bras, sweaters, robes, sweat shirts, visors being headwear marketed in association with contests involving running, swimming and biking
<p>IRON GIRL</p> 	2,787,785	12/2/2003	10/15/1994	025 - clothing and physical fitness apparel for the general female consumer market, namely, [sport tops, tanktops,] t-shirts, sweatshirts, [jackets, warm-up suits, sweatpants, pants, shorts, leotards, leggings, tights, bodysuits, sweatbands, headbands, hats, gloves, and socks]
<p>IRON GIRL GRACE DESIGN</p> 	2,990,637	8/30/2005	8/2/2004	25 - Clothing namely shirts, tank tops, shorts, skirts, hats, belts, jackets and sweatshirts
<p>IRONKIDS (WORD)</p> 	6,808,897	8/2/2022	3/31/1990	025 - Clothing for men, women and youths, namely, t-shirts, headwear, jackets

<p>IRONWOMAN</p> 	2,840,470	5/11/2004	2/1/1996	025 - clothing; namely, shirts, shorts, hats, shoes, headbands and wristbands, pants, pajamas, belts and sweatshirts marketed in association with contest consisting of running, biking and swimming
<p>IRONMOM</p> 	4,895,884	2/2/2016	3/31/2011	025 - Clothing namely, t-shirts, marketed in association with contests consisting of running, biking and swimming
<p>IRONMOM DESIGN</p> 	4,895,883	2/2/2016	3/31/2011	025 - Clothing namely, t-shirts, marketed in association with contests consisting of running, biking and swimming
<p>IRONDAD</p> 	4,955,013	5/10/2016	3/31/2011	025 - Clothing, namely, t-shirts, marketed in association with contests consisting of running, biking and swimming
<p>IRONMATE</p> 	2,827,558	3/30/2004		025 - Clothing for men and women namely, fleece sweat shirts, sweat pants, sweat shorts, and fleece jackets; sport shirts, sport shorts, t-shirts, hats, caps, swimwear, running shorts, pants and shirts, bicycling shorts, pants, shirts and jackets, outerwear coats and jackets, socks, gloves and footwear

<p>IRONSPORT (MADRID BASE 25)</p> <p style="text-align: center; font-size: 2em; font-weight: bold;">IRONSPORT</p>	<p>6,341,827</p>	<p>5/4/2021</p>	<p>6/20/2019</p>	<p>009 - [Bicycle helmets; sport goggles and masks, namely, swim goggles and swim masks]</p> <p>012 - [Bicycles; bicycle accessories, namely, saddles, seats, water bottle cages and holders, pedals and pedal accessories, namely, clips, cleats, straps, tire pumps; pannier and rack trunk bags specially adapted for bicycles]</p> <p>018 - [Luggage; backpacks; sport bags; duffle bags; dry bags; toiletry bags sold empty]</p> <p>025 - Socks</p> <p>028 - [Fitness equipment, namely, jump ropes, resistance bands, kettle bells, dumbbells, exercise weight lifting plates, weight lifting bars, weight sets in the nature of exercise weights and barbells, abdominal toning wheels, ankle and wrist exercise weights, exercise hand grippers, weight lifting hand straps, waist trimmers exercise belts, push-up exercise bars, chin-up exercise bars, sit-up exercise bars, exercise tubing in the nature of resistance band, weight lifting benches, single-station exercise machines, exercise trampolines]</p> <p>025 - [Clothing, namely, shorts, shirts, pants, bike shorts, jackets, gloves, jerseys, hats, sweatpants, sweatshirts, cargo pants, tank tops, T-shirts, yoga pants and tights, swimwear, pullovers, swim caps, board shorts, for men, women and youths]</p>
---	------------------	-----------------	------------------	--

5. Opposer’s Class 25 Registrations are valid, subsisting, in full force and effect, and are evidence of Opposer’s exclusive rights to use such marks in connection with the services listed pursuant to 15 U.S.C. §§ 1057 and 1115. Certificates of Registration of Opposer’s cited IRONMAN and  marks are attached hereto as **Exhibit A**.

6. Opposer has invested a substantial amount of time, effort, and money advertising and promoting the IRON____ Family Marks. By virtue of the extensive use and promotion of those marks, and the sale and promotion of goods and services, namely apparel in connection with endurance sporting events, under those marks, the IRON____ Family Marks have come to be recognized as identifying services finding their origin exclusively in or otherwise associated with Opposer.


7. Opposer's IRON____ Family Marks have become distinctive of Opposer's services, and they represent enormous goodwill of Opposer.

8. Upon information and belief, Raymond Lowe ("Applicant") is an individual with an address of 4371 Winters Chapel Road, Apt. 713, Atlanta, Georgia 30360.

9. On April 14, 2022, Applicant filed Application Serial Number 97/363,357 to register the mark IRON MANIACS in connection with athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms, in International Class 25 on a use basis pursuant to Section 1(b) of the Lanham Act, 15 U.S.C. § 1051(a) ("Applicant's Mark").

10. The IRON____ Family Marks have been registered and used continuously by Opposer on identical items in class 25 since a date long prior to any date on which Applicant can rely.

11. Applicant's Mark is similar to the prior-registered and prior-used marks comprised in the Opposer's Class 25 Registrations in sight and commercial impression.

12. Applicant's Mark is also similar to Opposer's senior common law rights in IRONMAN, **IRONMAN**, IRONWOMAN, IRONKIDS, IRON GIRL, Iron  Girl, IRONDAD, IRONMOM, **IRONMOM**, IRONMATE, and IRONSPORT for clothing and apparel.

13. The goods set forth in the '357 Application in International Class 25 (the "Opposed Goods") include goods that are identical, or closely related, to the goods recited in Opposer's Class 25 Registrations, or for which Opposer has prior-existing common law rights.

14. The '357 Application is an Intent to Use application.

15. Upon information and belief, Applicant has not made use of the IRON MANIACS Mark on all of the goods recited in the '357 Application.

16. Registration of the IRON MANIACS Marks by Applicant in connection with Opposed Goods is likely to cause confusion, cause mistake, or deceive the public into the false belief that such goods come from or are otherwise sponsored by Opposer in violation of Section 2(d) of the Lanham Act, 15 U.S.C. §§ 1052(d) and 1125(a).

17. Applicant's registration of Applicant's Mark for the International Class 25 set forth in App. Ser. No. 97/363,357 (the "Opposed Goods")

18. Opposer is and will continue to be damaged by the registration of Applicant's IRON MANIACS Mark.

19. Opposer obtained extensions of time prior to filing this Notice of Opposition, which is timely-filed.

WHEREFORE, it is respectfully requested that this opposition be sustained and that the registration sought by Application Serial No. 97/363,357 be denied.

Date: October 18, 2023

CARLTON FIELDS, P.A.

/s/ William G. Giltinan

William G. Giltinan

PO Box 3239

Tampa, FL 33601-32239

Tel.: 813-223-7000

Fax: 813-229-4133

Email: trademarks@carltonfields.com

wgiltinan@carltonfields.com

Counsel for Opposer

EXHIBIT A

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 2,911,298

Registered Dec. 14, 2004

**TRADEMARK
PRINCIPAL REGISTER**

IRONMAN

WORLD TRIATHLON CORPORATION (FLORIDA CORPORATION)
PO BOX 1608
43309 US HWY 19 NO.
TARPON SPRINGS, FL 346881608

FOR: CLOTHING FOR MEN, WOMEN AND YOUTHS NAMELY, SHIRTS, SHORTS, JACKETS, SWIMWEAR, SOCKS, GLOVES, HATS, HEADBANDS, WRISTBANDS AND WETSUITS, MARKETED IN ASSOCIATION WITH CONTESTS CONSISTING OF RUNNING, BIKING AND SWIMMING, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 8-1-2000; IN COMMERCE 10-1-2000.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,353,313, 1,375,270 AND OTHERS.

SER. NO. 78-386,890, FILED 3-18-2004.

BRENDAN REGAN, EXAMINING ATTORNEY

Int. Cl.: 25

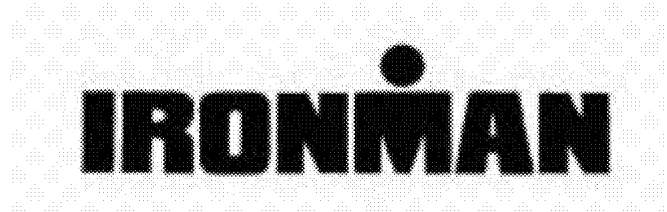
Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 2,998,100

Registered Sep. 20, 2005

**TRADEMARK
PRINCIPAL REGISTER**



WORLD TRIATHLON CORPORATION (FLORIDA CORPORATION)
PO BOX 1608
TARPON SPRINGS, FL 346881608

FIRST USE 4-22-2004; IN COMMERCE 4-27-2004.

SER. NO. 78-461,212, FILED 8-3-2004.

FOR: BICYCLING GLOVES, IN CLASS 25 (U.S. CLS. 22 AND 39).

ANN LINNEHAN, EXAMINING ATTORNEY

United States of America
United States Patent and Trademark Office

IRONMAN

Reg. No. 4,904,644

WORLD TRIATHLON CORPORATION (FLORIDA CORPORATION)
2701 NORTH ROCKY POINT DR., SUITE 1250
TAMPA, FL 33607

Registered Feb. 23, 2016

Int. Cl.: 25

FOR: INSOLES MARKETED IN ASSOCIATION WITH EVENTS CONSISTING OF RUNNING,
BIKING AND SWIMMING, IN CLASS 25 (U.S. CLS. 22 AND 39).

TRADEMARK

FIRST USE 2-0-2003; IN COMMERCE 2-0-2003.

PRINCIPAL REGISTER

OWNER OF U.S. REG. NOS. 2,911,298, 2,998,100, AND 4,219,837.

THE MARK CONSISTS OF THE WORD "IRONMAN" WITH A DOT ABOVE THE "M".

SER. NO. 86-679,959, FILED 7-1-2015.

JENNY PARK, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

IRONMAN

Reg. No. 5,328,088

Registered Nov. 07, 2017

Int. Cl.: 25

Trademark

Principal Register

World Triathlon Corporation (FLORIDA CORPORATION)
3407 W. Dr. Martin Luther King Jr. Blvd
Suite 100
Tampa, FLORIDA 33607

CLASS 25: Clothing for men, women and youths, namely, shirts, pants, shorts, t-shirts, hats, caps, swimwear, bicycling shorts, jackets, hoodies, outerwear, namely, pullovers and vests, socks, footwear, headbands, wristbands as clothing, gloves, wetsuits, insoles, heel inserts, belts, athletic sleeves, underwear, bras, sweaters, robes, sweat shirts, visors being headwear marketed in association with contests involving running, swimming and biking

FIRST USE 10-1-2000; IN COMMERCE 10-1-2000

The mark consists of the word "IRONMAN" with a dot above the "M".

OWNER OF U.S. REG. NO. 1353313, 4466520, 2350149

SER. NO. 87-386,827, FILED 03-27-2017



Joseph Matal

Performing the Functions and Duties of the
Under Secretary of Commerce for
Intellectual Property and Director of the
United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

IRONMAN

Reg. No. 5,358,824

Registered Dec. 19, 2017

Int. Cl.: 25

Trademark

Principal Register

World Triathlon Corporation (FLORIDA CORPORATION)
3407 W. Dr. Martin Luther King Jr. Blvd
Suite 100
Tampa, FLORIDA 33607

CLASS 25: Clothing for men, women and youths, namely, pants, t-shirts, caps in the nature of headwear, bicycling shorts, hoodies, outerwear in the nature of fleece pullovers, jackets and gloves, footwear, insoles, heel inserts, clothing belts, athletic sleeves, underwear, bras, sweaters, robes, sweat shirts, visors in the nature of headwear marketed in association with contests involving running, swimming and biking

FIRST USE 8-1-2001; IN COMMERCE 10-1-2001

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF U.S. REG. NO. 2022721, 2911298, 1873783

SER. NO. 87-422,046, FILED 04-24-2017



Joseph Matal

Performing the Functions and Duties of the
Under Secretary of Commerce for
Intellectual Property and Director of the
United States Patent and Trademark Office