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

Proceeding	78740442
Applicant	LEVY-GARDNER-LAVEN PRODUCTIONS, INC.
Applied for Mark	THE RIFLEMAN
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re In re Application of
LEVY-GARDNER-LAVEN
PRODUCTIONS, INC.
Application No. 78/740,442
Filed: October 25, 2005
Mark: THE RIFLEMAN

Applicant

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BRIEF OF APPLICANT/APPELLANT

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I. DESCRIPTION OF THE RECORD

The applicant and appellant Levy-Gardner-Laven Productions, Inc. ("Applicant") hereby submits to the Trademark Trial and Appeal Board its Brief in support of its Appeal of the Office Action dated November 17, 2006. The Examining Attorney has issued a final refusal to register Applicant's "THE RIFLEMAN" block letter mark (the "Mark") in Class 13 pursuant to Section 2(d) because of the existence of prior registration no. 3,007,779 in Class 13 for the mark "RIFLEMAN" by Leupold & Stevens, Inc. ("Registrant").

This Appeal is based on the arguments cited herein, and the evidence attached hereto.

This Brief is being filed pursuant to Section 2.142 of the Trademark Rules of Practice within a time period consisting of sixty days from the timely filing on May 11, 2007 of Applicant's Notice of Appeal as extended for an additional sixty days from the date of the Order of June 19, 2007.

II. INTRODUCTION AND STATEMENT OF ISSUES

Applicant respectfully submits that its Mark will not cause confusion, mistake or deception with the mark of the prior registration, that the Section 2(d) Refusal must be reversed, and that its mark should be registered on the Principal Register. Applicant argues herein that its registration and use of its "THE RIFLEMAN" mark will not create a likelihood of confusion among consumers with the prior Registrant's registration

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