

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

Applicant: Packadorms, LLC

International Class: 39

Serial No.: 76/260,524

Published for Opposition: November 11, 2003  
*Official Gazette*: Page TM 457

Filed: May 22, 2001

Mark: PACKADORMS and Design Attorney Docket No.: WEYE62582

Goods: storage of personal items, belongings and furniture in International Class 39

WEYERHAEUSER COMPANY, a Washington  
corporation

Opposition No. \_\_\_\_\_

## NOTICE OF OPPOSITION

Opposer,

v.

PACKADORMS, LLC, a Connecticut limited  
liability company,

Applicant.

03-12-2004

U.S. Patent &amp; TMO/TM Mail Rpt Dt. #22

03/17/2004 KIBBONS 00000096 76260524

01 FC:6402 300.00 DP

NOTICE OF OPPOSITION

Seattle, Washington 98101

March 9, 2004

TO THE COMMISSIONER FOR TRADEMARKS  
TRADEMARK TRIAL AND APPEAL BOARD:

Weyerhaeuser Company, a corporation of the State of Washington, having a place of  
business at 33663 Weyerhaeuser Way South, Federal Way, Washington 98003 (hereinafter  
"Opposer"), believes that it will be damaged by registration of the mark shown by Application  
Serial No. 76/260,524, filed May 22, 2001, and published for opposition in the *Official Gazette*

1 of November 11, 2003, and hereby opposes the same.

2 As grounds for the opposition, Opposer alleges as follows:

3 1. On information and belief, Packadorms, LLC is a limited liability company  
4 created under the laws of the State of Connecticut, and having a place of business at 101 South  
5 Eagleville Road, Apartment 17A, Storrs, Connecticut 06268 (hereinafter "Applicant").

6 2. Continuously since long prior to any date upon which Applicant can rely, Opposer  
7 has used trademarks comprised of and including a distinctive depiction of elephants portrayed in  
8 a standing position, organized in a queue, and touching one another trunk to tail. Opposer has  
9 used said marks in association with wood products.

10 3. Opposer is the owner of U.S. Trademark Registration No. 2,535,705 for one  
11 depiction of the marks described in Paragraph 2 herein. Registration No. 2,535,705 issued  
12 February 5, 2002, and asserts a date of first use of June 1, 1994 for the goods claimed by said  
13 registration.

14 4. Opposer will be damaged by the registration sought by Applicant insofar as the  
15 registration will be *prima facie* evidence of the validity of the registration, Applicant's ownership  
16 of the mark claimed by U.S. Application Serial No. 76/260,524, and Applicant's exclusive right  
17 to use the mark claimed by U.S. Application Serial No. 76/260,524 in association with the  
18 services claimed by said application when, in fact, Applicant is not entitled to such rights by  
19 virtue of Opposer's prior and continuous use of the mark shown by U.S. Trademark Registration  
20 No. 2,535,705 in association with the goods claimed by U.S. Trademark Registration  
21 No. 2,535,705, and Opposer's prior use of trademarks comprised of and including a distinctive  
22 depiction of elephants portrayed in a standing position, organized in a queue, and touching one  
23 another trunk to tail in association with the sale of wood products.

24 5. The mark shown by U.S. Application Serial No. 76/260,524, when used in  
25 association with the services claimed by said application, so resembles Opposer's marks  
26 comprised of and including a distinctive depiction of elephants portrayed in a standing position,  
27

1 organized in a queue, and touching one another trunk to tail, and so resembles the mark shown by  
2 U.S. Trademark Registration No. 2,535,705, as to be likely to cause confusion, or to cause  
3 mistake, or to deceive within the meaning of Section 2(d) of the Lanham Act,  
4 15 U.S.C. § 1052(d).

5 6. Based upon the foregoing, registration of the mark shown by U.S. Application  
6 Serial No. 76/260,524 is likely to cause injury and damage to Opposer.

7 WHEREFORE, Opposer respectfully requests that the registration of the mark shown by  
8 U.S. Application Serial No. 76/260,524 be denied pursuant to Section 2(d) of the Lanham Act,  
9 15 U.S.C. § 1052(d), and that this Opposition be sustained.

10 Accompanying the duplicate signed copies of this Notice of Opposition is our Check  
11 No. 154244 for the required filing fee in the amount of \$300.00 (\$300.00 per class). Please  
12 charge any excess fees to Deposit Account No. 03-1740 of Opposer's counsel noted below.

13 Please direct all correspondence to Cindy L. Caditz of Christensen O'Connor Johnson  
14 Kindness<sup>PLLC</sup> at the following address:

15 Cindy L. Caditz, Esq.  
16 Christensen O'Connor Johnson Kindness<sup>PLLC</sup>  
17 1420 Fifth Avenue, Suite 2800  
Seattle, WA 98101-2347

18 Please direct all telephone calls to Cindy L. Caditz at 206-682-8100.

19 Respectfully submitted,

20 CHRISTENSEN O'CONNOR  
21 JOHNSON KINDNESS<sup>PLLC</sup>

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23 Cindy L. Caditz  
24 Attorneys for Opposer

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CERTIFICATE OF MAILING

I hereby certify that this NOTICE OF OPPOSITION to U.S. Service Mark Application Serial No. 76/260,524 for the mark PACKADORMS and Design is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to the Commissioner for Trademarks, BOX TTAB FEE, Trademark Trial and Appeal Board, 2900 Crystal Drive, Arlington, VA 22202-3513, on the below date.

Date: March 9, 2004 Jeffrey Harbert

CLC:jh