

ESTTA Tracking number: **ESTTA267178**

Filing date: **02/18/2009**

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	Jayco, Inc.		
Entity	Corporation	Citizenship	Indiana
Address	903 S. Main Street Middlebury, IN 46540 UNITED STATES		

Attorney information	Bradley M. Stohry ICE MILLER LLP One American Square Suite 2900 Indianapolis, IN 46282-0200 UNITED STATES stohry@icemiller.com, ipdocket@icemiller.com, jansen@icemiller.com Phone:317-236-2100
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### Applicant Information

Application No	77579793	Publication date	02/17/2009
Opposition Filing Date	02/18/2009	Opposition Period Ends	03/19/2009
Applicant	Heartland Recreational Vehicles, LLC 1001 All Pro Drive Elkhart, IN 46514 UNITED STATES		

### Goods/Services Affected by Opposition

Class 012. All goods and services in the class are opposed, namely: recreational vehicles, namely, fifth wheel trailers and travel trailers
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### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Mark Cited by Opposer as Basis for Opposition

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	EAGLE		
Goods/Services	Recreational vehicles including travel trailers and fifth wheel products		

Attachments	INDY-2287785-v1-Jayco_-_Notice_of_Opposition_re__E.pdf ( 4 pages )(15118 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/bms/
Name	Bradley M. Stohry
Date	02/18/2009

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

In the Matter of Trademark Serial No. 77/579,793  
For the Mark EAGLE RIDGE  
Filed on September 26, 2008

Jayco, Inc.,	)	
	)	
Opposer	)	
	)	
v.	)	Opposition No.: _____
	)	
Heartland Recreational Vehicles, LLC,	)	
	)	
Applicant	)	

**NOTICE OF OPPOSITION**

Jayco, Inc., an Indiana corporation, having a place of business at 903 S. Main Street, Middlebury, Indiana 46540 ("Opposer"), believes that it will be damaged by the registration of the above-identified EAGLE RIDGE mark, and hereby opposes the same. The application for the EAGLE RIDGE mark (the "EAGLE RIDGE Application") is owned by Heartland Recreational Vehicles, LLC, which is an Indiana limited liability company, having a place of business at 1001 All Pro Drive, Elkhart, Indiana 46514 ("Applicant"). The grounds for opposition are as follows:

1. Opposer is a leading provider of recreational vehicles including travel trailers and fifth wheel products. Opposer's products are sold throughout the United States.
2. Opposer is the owner of the EAGLE trademark, which Opposer uses in connection with several product lines of its travel trailers and fifth wheels.
3. While Opposer has not obtained a trademark registration for the EAGLE mark, Opposer has been using the EAGLE mark to identify the source of its products in commerce

since at least as early as 1991. Since that time, Opposer has established substantial goodwill in the EAGLE mark.

4. The EAGLE mark has come to indicate and stand for the high quality products offered by Opposer.

5. As a result of the extensive use of the EAGLE mark by Opposer, the EAGLE mark has become, and continues to be, a valuable property right of Opposer.

6. The description of services for the EAGLE RIDGE Application indicates that Applicant provides "recreational vehicles, namely, fifth wheel trailers and travel trailers."

7. Applicant is a direct competitor of Opposer, as the products provided by Applicant (i.e., fifth wheel trailers and travel trailers) are exactly the same as those that are provided by Opposer, and Applicant targets the same market as is targeted by Opposer.

8. The EAGLE RIDGE Application was filed by the Applicant under Section 1(b) and the Applicant has yet to file a Statement of Use or otherwise provide the USPTO with evidence of its use of the EAGLE RIDGE mark. However, upon information and belief, Applicant has recently begun making use of the EAGLE RIDGE mark.

9. Opposer's actual, continuous, and continuing use of the EAGLE mark began long before any use by Applicant of its EAGLE RIDGE mark.

10. Because of the similarities between the EAGLE mark and the EAGLE RIDGE mark (as well as the similarities between Opposer's and Applicant's products and target markets), on information and belief, Applicant adopted the EAGLE RIDGE mark in a blatant attempt to trade on the goodwill that has been acquired by Opposer in its EAGLE mark.

11. The use and registration of the EAGLE RIDGE mark is likely to cause confusion, mistake, and/or lead to deception as to the origin of Applicant's products. The likelihood of

confusion is especially apparent in this instance because the EAGLE RIDGE mark encompasses the entirety of the EAGLE Mark, the products sold by Applicant are identical to those that are sold by Opposer, and Applicant targets the exact same market that is targeted by Opposer.

12. The EAGLE RIDGE Application is likely to result in confusion and substantial damage and injury to Opposer. Persons familiar with Opposer's EAGLE mark are likely to buy Applicant's products under the mistaken belief that they originate with, or are licensed, sponsored or approved by Opposer. Any such confusion would inevitably result in loss of sales to Opposer, and tarnish Opposer's goodwill and reputation established in the EAGLE mark.

WHEREFORE, Opposer prays that Trademark Serial No. 77/579,793 be rejected.

Dated this 18th day of February, 2009.

Respectfully submitted,

By: s/Bradley M. Stohry

*Attorney for Opposer*

Bradley M. Stohry

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