



05-06-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #76

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

ARROW TRADING CO., INC.,

Opposer,

v.

VICTORINOX, A.G. and WENGER, S.A.,

Applicants.

Opposition No. 103,315

Attorney Docket No. 7594-016-999

TRADEMARK TRIAL AND  
APPEAL BOARD  
02 MAY 18 AM 12:22

STIPULATION

WHEREAS Opposer, Arrow Trading Co., Inc., has served subpoenas on the third parties, Swiss Army Brand, Inc. ("SABI") and Precise Imports, Inc. ("Precise"), to testify at trial herein and produce documents, and the Applicants and subpoenaed parties have objected to the subpoenas as seeking information that is irrelevant, confidential and not a proper subject of rebuttal testimony,

IT IS HEREBY STIPULATED AND AGREED as follows:

1. SABI and Precise are the exclusive distributors in the United States of SA<sup>1</sup> knives manufactured by Applicants, Victorinox A.G. and Wenger, S.A. respectively; there exists no agreement between SABI and Precise concerning the distribution or marketing of SA knives;

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<sup>1</sup> Whereas an issue has been raised in this proceeding by Arrow Trading Co., Inc. whether the name "Swiss Army" is a trademark, and the parties have been unable to agree to use the convention presenting the name "SWISS ARMY" in all capital letters, so as to suggest it is a trademark or in initial capital letters only, so as to suggest it is not, and whereas the purpose of this stipulation is not to resolve this legal issue, the parties have agreed to use the convention SA in lieu of either <Swiss Army> or <SWISS ARMY>.

SABI and Precise have separate marketing plans, which they keep secret from each other; in such marketing plans, SABI and Precise have from time to time identified each other as competitors and have formulated plans designed to make consumers believe their SA knives are preferable to those distributed by the other. SABI and Precise consciously compete with each other in the distribution and marketing of SA knives in the United States to the same classes of consumers and potential purchasers and do not cooperate in creating or executing marketing plans for or in the marketing of SA knives;

2. There exist no examples of comparative advertising for SA knives created or published by or for SABI or Precise since at least 1995; and SABI has been unable to locate or identify any such advertising used by it; however, in the past Precise used the material prepared by it Annexed as Exhibits 25, 26 and 27 to Opposer's Notice of Reliance.

3. Other than the license agreement itself, neither SABI nor Precise possess any documents concerning the license between Applicants, Victorinox A.G. and Wenger, S.A., on the one hand, and SABI and Precise on the other. Neither SABI nor Precise claim to own the trademark SWISS ARMY for knives

4. Applicants stipulate to the authenticity of the license between Victorinox A.G. and Wenger, S.A., on the one hand, and SABI and Precise on the other.

5. Neither SABI nor Precise have direct knowledge (*i.e.*, knowledge other than what they may have heard from their respective licensors or their attorneys since the filing of the application that is the subject of this opposition) of the terms of the oral agreement between Applicants Victorinox and Wenger concerning the production of SA knives.

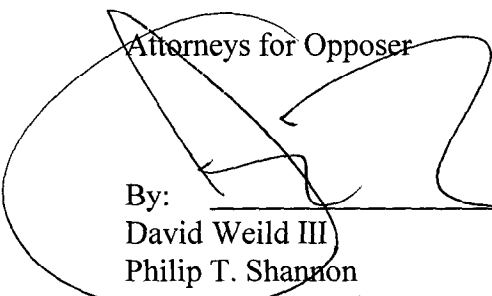
6. The subpoenas served on SABI and Precise are hereby withdrawn, and Opposer is permitted in lieu of such testimony to file this stipulation and rely upon its contents as part of its

trial testimony, subject to the right of Applicants, Victorinox and Wenger to object to the relevance hereof or whether it is proper rebuttal evidence.

Dated: April 25, 2002

By: 

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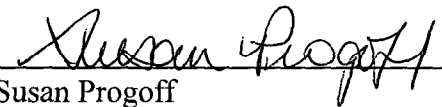
  
Attorneys for Opposer

Dated: April 24, 2002

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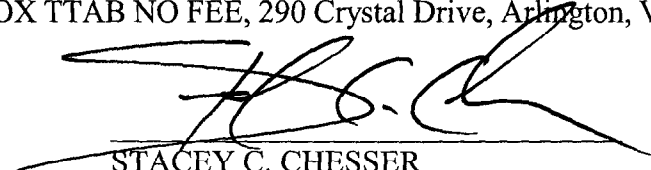
Attorneys for Applicants

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

ARROW TRADING CO., INC.	X	
	:	
v.	:	Opposition No. 103,315
	:	
Opposer,	:	
	:	
VICTORINOX, A.G. and WENGER, S.A.,	:	
	:	
Applicants.	:	
	X	

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence, and the **STIPULATION** attached hereto, is being deposited with the United States Postal Service as first class mail in an envelop addressed to: Assistant Commissioner for Trademarks, BOX TTAB NO FEE, 290 Crystal Drive, Arlington, VA 22202-3513, on this date May 3, 2002

  
STACEY C. CHESSER


**CERTIFICATE OF SERVICE**

I hereby certify that on this day, May 3, 2002, a true and correct copy of the foregoing document, entitled **STIPULATION** was served upon Applicants' counsel by hand delivery as follows:

Jonathan Moskin, Esq.  
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-and-

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05-06-2002

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May 3, 2002

**VIA FIRST CLASS MAIL**

Box: TTAB - NO FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Re: **Stipulation (In Triplicate):**  
**Applicants :** Victorinox AG and Wenger SA  
**Opposer :** Arrow Trading Co., Inc.  
**Opposition No. :** 103,315

Dear Sir:

We enclose herewith the following documents in connection with the filing of the above identified Stipulation (In Triplicate):

- (X) Stipulation (In Triplicate);
- (X) Certificate of Mailing; and
- (X) An acknowledgment postcard.

Please acknowledge receipt of the above-referenced documents by date stamping the enclosed postcard.

The Commissioner is authorized to charge any additional fee which may be required to our deposit account No. 07-2490.

Respectfully submitted,

GURSKY & EDERER, LLP

By:

STACEY C. CHESSER

SCC:ea

TTAB