

TTAB

Exhibits

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

-----X  
 OMEGA, S.A., X  
 Opposer, X  
 v. X  
 PANCHACHARAM, SHAWN, X  
 Applicant X  
 -----X



02-20-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #70

Opp. No. 117,378  
Serial No. 75/282523

**OPPOSER'S NOTICE OF RELIANCE**

Notice is hereby given that pursuant to 37 C.F.R. §2.121, Opposer, Omega S.A., offers into evidence, and will rely upon the following documents and materials identified below.

1. Certified copies of the following United States trademark registrations of the OMEGA mark:

<u>Reg. No.</u>	<u>Mark</u>	<u>Registration Date</u>
566,370	OMEGA (Stylized)	November 4, 1952
660,541	OMEGA (& Design)	April 15, 1958
708,731	OMEGA (& Design)	December 20, 1960
1,290,661	OMEGA (& Design)	August 21, 1984

Certified copy of the following United States application of the OMEGA mark:

<u>Serial No.</u>	<u>Mark</u>	<u>Filing Date</u>
78/045,789	OMEGA (& Design)	January 31, 2001

Copies of the foregoing certified registrations and copy of certified application are annexed hereto as Exhibit A.

2. OMEGA - Website publications

(a). OMEGA Website

The following website printout of [www.omegawatches.com](http://www.omegawatches.com) is available to the general public via the world wide web, and/or that segment of the men and women's watch, watch accessories and electronic goods consuming public that is relevant to the issues in these proceedings. The foregoing is being introduced in accordance with Trademark Rule 37 C.F.R. §2.122(e). A copy of relevant pages from [www.omegawatches.com](http://www.omegawatches.com) is attached hereto as Exhibit B.

The printed publications are offered to show the strength of the OMEGA mark; its long history in the United States; marketing and advertising literature that feature the OMEGA mark; and example retail sales locations of OMEGA goods throughout the United States; and its notoriety and its offer for sale in retail stores and through other trade channels, as well as use in interstate commerce and electronic commerce on a wide variety of goods, including but not limited to, watches and parts thereof, automatic recording machines and apparatus for use in determining the results of sporting events, and electrical or mechanical equipment for determining elapsed times in games or sporting events, electronic time recorders for automatic precision timing in science and industry.

(b). LEXIS/NEXIS published articles

The following Lexis/Nexis articles reference Opposer's OMEGA mark and associated goods in various trade and consumer publications that are disseminated

throughout the United States, and evidence the strength and notoriety of Opposer's OMEGA mark among the relevant consuming public and trade. These articles are being introduced in accordance with Trademark Rule 37 C.F.R. §2.122(e). Copies of the following list of articles are attached hereto as Exhibit C.

"Swatch Group's Longines Expect 2003 Sales Will Rise" *Bloomberg News*, January 28, 2003.

"To Market, to Market - And Now, the Awards for Product Placement," *The New York Post*, January 2, 2003.

"Movies; The Stuff of Every Film Fan's Wish List," *Los Angeles Times*, December 13, 2002.

"James Bond has Spied More Ways to Lure Pricey Products," *The Post-Crescent*, November 27, 2002.

"Swiss Watch Exports Little Changes in October on U.S. Decline," *Bloomberg News*, November 22, 2002.

"007's Big Ad-Venture," *Variety*, October 7, 2002.

"Loss Threatens Portal to Space History," *Florida Today*, September 15, 2002.

"JFK Exhibition Stops at the Trop," *Daily News*, June 16, 2002.

"Designer Mix for a Casual Look," *The Plain Dealer*, May 13, 2002.

"Gear; What's Next," *Newsday*, September 19, 2001.

"Cindy Crawford and OMEGA Host an Evening Among the Stars," *PR Newswire*, June 27, 2001.

"Swatch Group Opens First Boutique for Upscale OMEGA Brand," *Bloomberg News*, December 5, 2000.

"Authentic Buddy Holly memorabilia rare and valuable," *Tulsa World*, October 21, 2000.

"Battle of the Boxes; Costco coming to Texas with Plans to contest Sam's," *The Dallas Morning News*, September 21, 2000.

"Swatch Group and AOL Time Warner Announce an Innovative Marketing and Technology Collaboration," *Business Wire*, April 25, 2001.

"Stars of the Season," *Crain's Detroit Business*, December 4, 2000.

"Top Stories: SWITZERLAND," *Bloomberg News*, November 26, 2000.

"Yahoo! Shopping Expects Day After Thanksgiving Sales to Increase More Than 60 Percent Over Last Year," *Business Wire*, November 23, 2001.

"Swatch Group: Time to Heal," *PR Newswire*, October 9, 2001.

"Sam's Seeks Wine and Cheese Crowd Along with Bulk Items, Greenwood Store Stocks Finer Things," *Corpus Christi Caller-Times*, August 21, 2001.

"Craftsman of Bygone Era to Stop Repairing Watches," *San Jose Mercury News*, December 15, 1998.

"Swatch Launches a New Time for New Digital Era: Internet Time," *Business Wire*, November 21, 1998.

"Perfectly Timed for Holiday Gift-Giving Season," *PR Newswire*, October 5, 1998.

"Long a Marketing Scourge, Pirates Keep Riding the Hottest New Trends; Counterfeiters Fake Packaging as Well as Products," *Chicago Tribune*, July 5, 1998.

"Product Linkage Never Dies in the New 007 Adventure," *The Time Union*, December 22, 1997.

"The Macon Telegraph, G.A., Christine T. Samet Column" *The Macon Telegraph*, June 24, 1996.

"Making the Pitch: Managers Vying to Place Products in Movies," *Bloomberg News*, January 15, 1996.

"At the Movies with Jim Lovell; In Space, No Room for Fear," *The New York Times*, July 19, 1995.

"Movie Merchandising Now Targeting Adults," *Houston Chronicle*, June 25, 1995.

"Yacht Racing; For Bermuda Gold Cup, They Only Need Invitations for the Parties," *The New York Times*, October 18, 1992.

"Global News," *Advertising Age*, February 18, 1991.

"Stafford Elected Director of Baroid," *PR Newswire*, November 3, 1989.

"Soviet TV Plans to Sell Commercial Time to Advertisers; Now, Comrades, A Word From Our Sponsor," *Los Angeles Times*, February 3, 1989.

"Zurich," *Advertising Age*, December 5, 1998.

"Jaques Irniger Exists Post at SMH-USA; Watch Manufacturer," *WWD*, August 12, 1998.

"Luxury Watches are Running Fast; Sales of Women's Watches," *WWD*, June 24, 1988.

"Miami," *United Press International*, April 18, 1987.

"Consumer Office Issues Warning on Fake Watches," *The Washington Post*, November 7, 1995.

"Omega Trades in Stars for Product Information," *Chicago Tribune*, April 3, 1985.

"New York," *United Press International*, January 10, 1985.

(c). Third-party website publications

The following website publications are being introduced in accordance with Trademark Rule 37 C.F.R. §2.122(e), that evidence the use, offer for sale and/or sale of Opposer's goods bearing the OMEGA mark on the worldwide web. Copies of the website printouts are attached hereto as Exhibit D.

[www.ebay.com](http://www.ebay.com)

[www.bizrate.com](http://www.bizrate.com)

[www.bacario.com](http://www.bacario.com)

[www.watchbasics.com](http://www.watchbasics.com)

[www.worldofwatches.com](http://www.worldofwatches.com)

[www.prestigetime.com](http://www.prestigetime.com)

www.chronocentric.com

www.emagio.com

www.jomashop.com

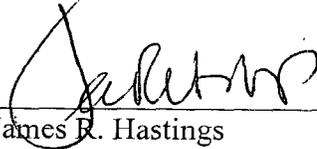
www.topperjewelers.com

www.store.yahoo.com

www.xwlsearch.gator.com

Respectfully submitted for  
Opposer,

By:



James R. Hastings

COLLEN IP

The Holyoke-Manhattan Building

80 South Highland Avenue

Ossining, New York 10562

Tel: (914) 941-5668

Fax: (914) 941-6091

*Attorneys for Opposer*

Dated: February 18, 2003

**CERTIFICATE OF SERVICE**

I, Allyssa A. Tillson, hereby certify that a copy of the foregoing Opposer's Notice of Reliance has been served on counsel for Applicant, Steven D. Smit, Esq., Graves Dougherty Hearon & Moody, 515 Congress Avenue, Suite 2300, Austin, Texas 78701, via overnight FedEx, this 18th day of February 2003.

  
\_\_\_\_\_  
Allyssa A. Tillson

JRH:aat

DATED: February 18, 2003

COLLEN *IP*  
THE HOLYOKE-MANHATTAN BUILDING  
80 SOUTH HIGHLAND AVENUE  
OSSINING, NEW YORK, 10562

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 03-2465.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES PATENT AND TRADEMARK OFFICE, COMMISSIONER OF TRADEMARKS (NO FEE), 2900 CRYSTAL DRIVE, ARLINGTON, VIRGINIA 22202, VIA OVERNIGHT FEDEX.

COLLEN *IP*

BY: \_\_\_\_\_



DATE: February 18, 2003