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

VILLAGE BANCORP, INC.,)	Opposition No.:
)	
Opposer,)	Application Serial No.: 75/932718
)	
v.)	Published in the Official
)	Gazette on October 23, 2001
VILLAGE BANK & TRUST, SSB,)	
)	
Applicant.)	



08-06-2002
U.S. Patent & TMO/TM Mail Rcpt Dt. #74

NOTICE OF OPPOSITION

Opposer, Village Bancorp, Inc., believes that it will be damaged by registration of Applicant's mark, Village Bank & Trust (Applicant's mark), for banking services and opposes the registration.

As grounds for opposition, Opposer alleges:

1. Opposer, a Delaware bank holding corporation, has proprietary rights in the term, mark, advertising style and trade name "Village Bank and Trust" (Opposer's mark).
2. Opposer has through its licensees continuously used Opposer's mark in commerce for banking services since at least as early as July, 1998.
3. Applicant seeks to register the mark "Village Bank & Trust" (Applicant's mark) for banking services.
4. Opposer opposes issuance to Applicant of a registration for Applicant's mark on two grounds: priority of use and likelihood of confusion.

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PRIORITY OF USE

5. Applicant's claimed date of first use and first use in commerce of Applicant's mark, July 9, 1999, postdates Opposer's first use and first use in commerce of Opposer's mark.

6. Given Opposer's priority of use, Opposer will be damaged by the registration sought by Applicant because registration will give statutory rights to Applicant in violation and derogation of prior and superior rights of Opposer.

LIKELIHOOD OF CONFUSION

7. The services identified in Applicant's application, namely "banking services", are identical to those with which Opposer through its licensees uses Opposer's mark.

8. Applicant's mark is virtually identical to Opposer's mark in appearance, sound, connotation and commercial impression.

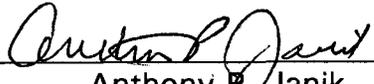
9. Given these circumstances, Applicant's use and registration of Applicant's mark is likely to cause confusion, deception and mistake, damage Opposer, its business, the trade and the consuming public by, among other things, supporting and assisting Applicant in the confusing and misleading use of Applicant's mark and giving statutory rights to Applicant in violation and derogation of prior and superior rights of Opposer.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's mark and prays that Application Serial No. 75/932718 be rejected, that

no registration issue to Applicant and that this opposition be sustained in favor of Opposer.

Respectfully submitted,

VILLAGE BANCORP, INC.

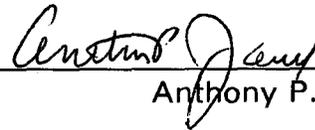
By 
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Certified Mail No.: 7001 1140 0002 7455 5611

Date of Deposit: July 31, 2002

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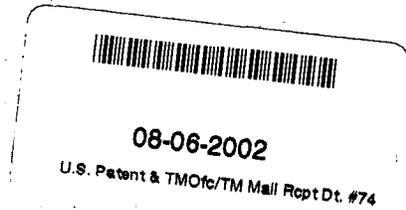
July 31, 2002

VIA CERTIFIED MAIL: 7001 1140 0002 5611

Assistant Commissioner For Trademarks

Box: TTAB - FEE

2900 Crystal Drive
Arlington, VA 22202-3513



**RE: FILING NOTICE OF OPPOSITION -
SERIAL NO. 75/932,718 FOR THE MARK: VILLAGE BANK & TRUST**

Dear Sir:

Enclosed please find an **original** and two copies of a Notice of Opposition to be filed against Village Bank & Trust, SSB, Serial Number 75/932,718 for the mark **Village Bank & Trust**. Also, I have enclosed our lawfirm check in the amount of \$300 to cover filing fees.

Very truly yours,

Anthony P. Janik

APJ/k,
Enclosures

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