

2. On November 27, 2000, Applicant submitted application Ser. No. 76/171,374 to the United States Patent and Trademark Office. Information about this application is submitted herewith.

3. Opposer owns application Ser. No. 76/049,719.

4. On May 7, 2002, application Ser. No. 76/171,374 was published for opposition.

5. The mark set forth in application Ser. No. 76/049,719 and the mark set forth in application Ser. No. 76/171,374 are confusingly similar.

6. The goods and/or services set forth in application Ser. No. 76/049,719 and the goods and/or services set forth in application Ser. No. 76/171,374 are closely related.

7. The conditions surrounding the marketing of the goods and/or services set forth in application Ser. No. 76/049,719 and the goods and/or services set forth in application Ser. No. 76/171,374 are such that they could be encountered by the same purchasers under circumstances that could give rise to the mistaken belief that the goods and/or services come from a common source.

8. The mark set forth in application Ser. No. 76/049,719 is currently in use in commerce.

9. Opposer will be damaged by the issuance of this registration. Specifically, the mark set forth in application Ser. No. 76/171,374 consists of or comprises a mark which so resembles the mark set forth in application Ser. No. 76/049,719 as to be likely to cause confusion, or to cause mistake, or to deceive, under Trademark Act Section 2(d), 15 U.S.C. 1052(d).

WHEREFORE, Opposer requests that application Ser. No. 76/171,374 be refused registration.

Please charge any fees due in connection with this document to Deposit Account No. 03-3975, 63301/292863.

Respectfully submitted,

OMG AG & Co. KG

By:



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Miscellaneous Potential TTAB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OMG AG & Co. KG,)
)
 Opposer,)
)
 v.)
)
 Ferro Corporation,)
)
 Applicant.)
)
 Our Ref. No. 63301/292863)

Opposition No. _____
 Ser. No. 76/171,374

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 TRADEMARK TRIAL AND
 APPEAL BOARD



AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

Commissioner for Trademarks
 2900 Crystal Drive
 Arlington, Virginia 22202-3513

Sir:

The following Trademark Processing Fees are due in connection with this document:

Fee Code 377, Notice of Opposition, in the amount of \$300.00.

Please charge these fees to Deposit Account No. 03-3975, 63301/292863.

Filed by Paul W. Kruse on September 4, 2002.

Respectfully submitted,

OMG AG & Co. KG

By: 

 Paul W. Kruse
 James R. Menker