

EXHS

TTAB

Attorney Docket No. 02131.0057

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

DASSAULT FALCON JET CORP.,)
))
Opposer,))
))
v.))
))
FALCON AIR FREIGHT, INC.,))
))
Applicant.))

Opposition No. _____

Serial No. 76/358,596



02-10-2003

U.S. Patent & TMO/c/TM Mail RcptDt. #22

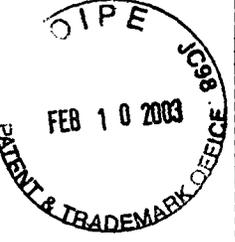
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

ATTN: BOX TTAB FEE

NOTICE OF OPPOSITION

Dassault Falcon Jet Corporation, through its attorneys, believing that it is being, and will be damaged by the registration of the mark FALCON AIR FREIGHT, INC. & Design depicted in Application Serial No. 76/358,596, alleges as follows:

1. Dassault Falcon Jet Corp. ("Opposer") is a corporation of Delaware having a place of business at Teterboro Airport, 200 Riser Road, Little Ferry, New Jersey 07643.
2. Upon information and belief, Applicant Falcon Air Freight, Inc., ("Applicant") is a corporation of Massachusetts, with a place of business at 88 Black Falcon Avenue, Suite 238, Boston, Massachusetts 02210.



FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP
1300 I Street, NW
Washington, DC 20005
202.408.4000
www.finnegan.com

0272472003 0100000245 76358596

01 FC:6402 300.00 DP

3. Opposer offers goods and services in the field of aviation, including the leasing, outfitting, servicing, overhauling, and manufacturing of aircraft and aircraft parts ("Opposer's Goods and Services").

4. Since at least as early as January 2, 1925, Opposer and its predecessors have continuously and extensively used the marks FALCON and FALCON JET to identify Opposer's Goods and Services. Through substantial advertising and strong sales, Opposer has developed valuable goodwill in its FALCON and FALCON JET marks.

5. Opposer's FALCON and FALCON JET marks are the subject of numerous valid and subsisting U.S. Federal Trademark registrations, including:

- (a) Registration No. 203,691 for the mark FALCON;
- (b) Registration No. 1,261,648 for the mark FALCON;
- (c) Registration No. 1,250,724 for the mark FALCON JET;
- (d) Registration No. 1,255,262 for the mark FLACON JET; and
- (e) Registration No. 1,935,708 for the mark FALCON 2000.

Printouts of these registrations from the USPTO Database, detailing the goods and services identified by these registrations, are attached as Exhibits A, B, C, D, and E, respectively (collectively, "Opposer's Marks").

6. Upon information and belief, Applicant filed an application on January 15, 2002 for the mark FALCON AIR FREIGHT, INC. & Design, which has been assigned Serial No. 76/358,596 ("Applicant's Mark"). A printout of this application from the USPTO is attached as Exhibit F.

FINNEGAN
HENDERSON
FARROW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

7. As published, the application for Applicant's Mark covers:
"Transportation services namely transportation of freight by air and truck in International Class 39."

8. The services identified by Applicant's Mark are identical or closely related to the goods and services offered under Opposer's Marks, which have been in use since at least as early as January 2, 1925. As such, Opposer's rights pre-date Applicant's filing date, and any rights Applicant may have in Applicant's Mark.

9. Applicant's Mark so resembles Opposer's Marks as to be likely to cause confusion, or to cause mistake, or to deceive when used in connection with Applicant's services.

10. For these reasons, Opposer is being, and will be damaged by the registration of the mark shown in Application Serial No. 76/358,596.

WHEREFORE, Opposer requests that registration of the Applicant's Mark be refused and that this opposition be sustained.

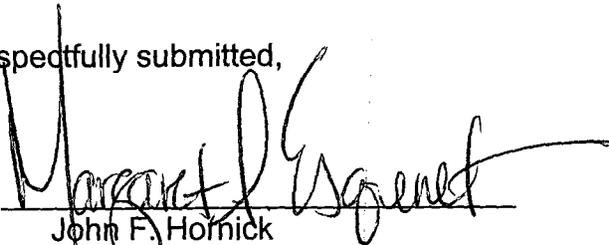
FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

A duplicate copy of this Notice of Opposition and the required opposition fee of \$300 are enclosed. If the filing fee is found to be insufficient for any reason, please charge the deficiency to our Deposit Account No. 06-0916.

Respectfully submitted,

By:



John F. Hornick
Margaret A. Esquenet
FINNEGAN, HENDERSON, FARABOW
GARRETT & DUNNER, LLP
1300 I Street, N.W.
Washington, DC 20005-3315
202/408-4000
202/408-4400 (fax)

Attorneys for Opposer,
Dessault Falcon Jet Corporation

February 10, 2003

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com