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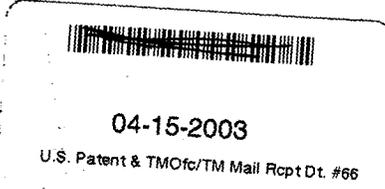
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark application Serial No. 76/393,018
For the mark "HAPPY HANDS" and design
Published in the Official Gazette on November 12, 2002.

Mervyn Shmyr

v.

Packaging Concepts Assoc. Inc.



Certificate of Mailing (37 CFR 1.8a)

I hereby certify that this document (along with any document referred to as being attached or enclosed) is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, on date shown below.

Date April 16, 2003
Jane E. Powles
Jane E. Powles

NOTICE OF OPPOSITION

Mervyn Shmyr, 91178 - 2nd Avenue, Edmonton, Alberta, Canada T6E 6K1
dba Market Expediting Incorporated (Alberta Corporation, 91178 - 2nd Avenue, Edmonton, Alberta, Canada T6E 6K1

05/06/2003 14:57:11

The above-identified opposer believes that he will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same.

The grounds for opposition are as follows:

1. Since at least as early as November 22, 1993, the Opposer has sold in the United States and offered for sale in the United States hand cleaning solvent used primarily for industrial and commercial use.
2. Opposer has used the mark described above continuously in connection with the sale of products noted above under the mark and other hand cleaning solvents under the mark "HAPPY HAND" and is still offering for sale and selling such products in the United States.

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3. As a result of Opposer's sales in the United States under the mark "HAPPY HAND" the purchasing public is identifying Opposer as a source of these products sold under the mark "HAPPY HAND".

4. On information and belief, Applicant filed its application to register "HAPPY HANDS" and design under Application Serial No. 76/393,018 in Classes 3 and 5 which mark was published for opposition on November 12, 2002.

5. Applicant's mark is confusingly similar in sound and appearance to Opposer's "HAPPY HAND" mark, and presents a confusingly similar commercial impression to that conveyed by Opposer's mark. Further, Applicant's products in Class 3, namely, "liquid hand cleaning preparations, premoistened handcleaning wipes, skin lotions" and Applicant's products in Class 5, namely, "sprays in the nature of antibacterial hand sanitizer, itch relief, and first aid" are the same as or closely related to the products offered by the Opposer under his "HAPPY HAND" mark.

6. On information and belief, use and registration by Applicant of "HAPPY HANDS" and design for applicant's products would tend to cause confusion or to cause mistake or mislead purchasers erroneously into the belief that Applicant's products originate with Opposer, or authorized or sponsored or otherwise connected with the products of Opposer. Any further defect found in Applicant's products would reflect upon and seriously injure the reputation which Opposer has established in the "HAPPY HAND" mark. In addition, the prominent usage of "HAPPY HANDS" and design by Applicant would appropriate to Applicant substantial amounts of goodwill which Opposer has established and Opposer would be placed in serious disadvantage in the

sale of his products, and Opposer would be substantially damaged in the conduct of its business.

7. If registration of the mark "HAPPY HANDS" and design is granted to Applicant, the effect would be to create for Applicant statutory rights under the Trademark Act of 1946, and such registration would tend to restrict and interfere with and damage Opposer in the unhampered conduct of Opposer's business.

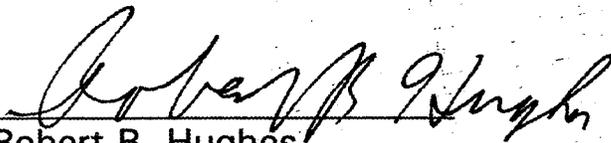
A duplicate copy of this Notice of Opposition and a check in the of \$600 constituting the filing fee for this Notice of Opposition for Classes 3 and 5 are enclosed.

WHEREFORE, Opposer prays that this opposition be sustained, that the application hereby opposed be rejected for such other and further relief as may be deemed appropriate.

Respectfully submitted,

Hughes Law Firm, PLLC

By



Robert B. Hughes,
Attorney for Opposer

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Date: April 11, 2003