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Date of Deposit December 9, 2002

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By *Kathie J. Kopycik*

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

|                         |   |                              |
|-------------------------|---|------------------------------|
| HANCOR, INC.,           | ) | Opposition No. _____         |
|                         | ) |                              |
| Opposer,                | ) |                              |
|                         | ) |                              |
| vs.                     | ) | Application Serial No.       |
|                         | ) | 76/123,560                   |
| DANBY OF NORTH AMERICA, | ) |                              |
|                         | ) | Published in the Official    |
|                         | ) | Gazette on November 12, 2002 |
| Applicant.              | ) |                              |

09/04/2003 WANDERSD 00000062 501432 76123560  
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**NOTICE OF OPPOSITION**

COMES NOW, the Opposer, Hancor, Inc., an Ohio corporation located and doing business at 401 Olive Street, Findlay, Ohio 45840 ("Opposer") and believing that it will be damaged by registration of the mark shown in Serial No. 76/123,560, opposes the same.

As grounds of opposition, it is alleged that:

1. Opposer is the owner of United States Trademark Registration No. 1,940,853 for the mark SURE-LOK, registered on the Principal Register on issued on December 12, 1995, for "plastic corrugated pipe and tubing with smooth interior using an integral bell coupler for drainage systems, storm sewers, and sanitary sewers, in Class 17." This registration was based on an application that was filed in the United States Patent and Trademark Office on October 26, 1994, which is a date prior to the filing of Applicant's application.

2. United States Trademark Registration No. 1,940,853 is valid and subsisting, and is prima facie evidence of Opposer's exclusive right to use said mark in commerce on the goods specified in the registration. This registration has become incontestable.

3. Opposer's longstanding, continuous and commercially successful use of the mark SURE-LOK is symbolic of extensive good will and consumer recognition built up by Opposer through substantial amounts of time, effort and expense in advertising and promotion of the SURE-LOK mark and has come to serve as a unique identifier of Opposer's plastic corrugated pipe and tubing.

4. Applicant, Danby of North America, filed Application Serial No. 76/123,560 on September 6, 2000 to register the mark PANEL LOK in International Class 17 to identify plastic, polyvinylchloride (PVC), material in panel form for use in lining pipe.

5. Application Serial No. 76/123,560 was published in the Official Gazette on November 12, 2002.

6. In view of the similarity of the respective marks and the related nature of the goods and/or services of the respective parties, it is alleged that Applicant's mark so resembles Opposer's registered mark, as to be likely to cause confusion, or to cause mistake, or to deceive by suggesting that Applicant's goods are associated with or approved, endorsed, authorized or sponsored by Opposer.

7. Opposer's mark SURE-LOK has acquired fame throughout the United States.

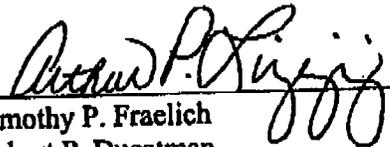
8. Applicant has filed for registration of the mark PANEL LOK after Opposer's mark SURE-LOK became famous, indicating a willful intent to trade upon Opposer's reputation and to cause dilution of Opposer's famous mark.

9. Considering the famous nature of Opposer's mark, it is alleged that Applicant's registration and use of PANEL LOK would dilute the distinctive quality of Opposer's famous SURE-LOK mark, would blur the unique association between Opposer's mark and its goods or services and Applicant's mark and its goods or services, and would tarnish Opposer's famous mark.

WHEREFORE, Opposer prays that Application Serial No. 76/123,560 be rejected, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

Dated this 9th day of December, 2002

By: \_\_\_\_\_

  
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772490-046

December 9, 2002

VIA EXPRESS MAIL

**BOX TCAB FEE**

Assistant Commissioner for Trademarks

2900 Crystal Drive

Arlington, Virginia 22202-3513

Re: Notice of Opposition Against United States Trademark Application Serial No. 76/123,560  
Filed: September 6, 2000  
Published in the November 12, 2002 Trademark *Official Gazette*  
Mark: PANEL LOK  
in the name of Danby of North America

Dear Sir:

Enclosed for filing is a Notice of Opposition against the above noted trademark application. Also enclosed is a check in the amount of \$300 for filing this Notice of Opposition.

Attorney for Opposer does not believe that any additional fees are due for the submission of this paper. If any additional fees are due, please charge Jones, Day, Reavis & Pogue's Deposit Account No. 50-1432, account no. 772490046064.

Very truly yours,

Arthur P. Licygiewicz

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Date of Deposit December 9, 2002

Enclosure (in triplicate)

cc: Ms. Kathie J. Kopczyk

I hereby certify that this paper or fees is being deposited with the United States Postal Service for mailing. The date of deposit above and is a true and correct copy for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513

By Kathie J. Kopczyk





UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Mailed: March 26, 2003

Applicant: Danby of North America  
Serial No.: 76123560  
Filed: 09/06/2000  
Mark: PANEL LOK

ARTHUR P. LICYGIEWICZ  
JONES, DAY, REAVIS & POGUE  
NORTH POINT 901 LAKESIDE AVENUE  
CLEVELAND, OH 44114

Shelley Jamison, Legal Assistant

The Board has received the notice of opposition filed  
DECEMBER 9, 2002 on behalf of HANCOR, INC.

However, the request had not been associated with the  
file of this case at the time the subject application  
matured into Registration No. 2697026. The Board  
regrets this situation, but it is without authority to  
vacate the issuance of said registration.

The application file is hereby forwarded to the  
Assistant Commissioner for Trademarks for  
consideration of the cancellation of the inadvertently  
issued registration, following which further  
appropriate action will be taken with respect to  
notice of opposition.