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

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World Confections, Inc.

Opposer

Mark: ALPINE CONFECTIONS

v.

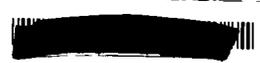
Serial No.: 76362977

Kencraft Inc.

Filed: January 24, 2002

Applicant

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NOTICE OF OPPOSITION  
PURSUANT TO 15 U.S.C SECTION 1063

10-01-2003

U.S. Patent & TMOrc/TM Mail Rcpt Dt. #78

In the matter of trademark application Serial No. 76362977 filed by Applicant, Kencraft Inc. ("Applicant"), for ALPINE CONFECTIONS as a trademark for candy ("Applicant's Goods"), published for opposition in the Official Gazette of June 3, 2003, at TM 441, the time to oppose having been extended Opposer, World Confections, Inc., a corporation organized and existing under the laws of the State of New York and located and doing business located and doing business at 185 30<sup>th</sup> Street, Brooklyn, New York, 11232, believes that it will be damaged by the registration of the alleged mark shown in Application Serial No. 76362977 and opposes the registration under the provisions of 15 U.S.C. §1063 (Trademark Act of 1946, Section 13).

As grounds of opposition, it is alleged that:

1. Opposer is the owner of the mark ALPINE CONFECTIONS, and variations thereof ("Opposer's Mark") as a trademark, trade name, and as a service mark as applied to a wide range of goods and services directed to wholesale and retail consumers.

2. Opposer is now and for many years has been trading as and known by the Opposer's Mark, identifying Opposer as the source of a wide variety of goods, including fruit flavored gummy candy the same being substantially identical to and generally related to Applicant's Goods offered or intended to be offered under its alleged mark ALPINE CONFECTIONS.

3. Opposer is now and has been, for many years prior to any date which may be claimed by Applicant, engaged in the use Opposer's Mark for fruit flavored gummy candy and goods and services related thereto.

4. Opposer is now and has been, for many years prior to any date which may be claimed by Applicant, engaged in the sale of a wide variety of fruit flavored gummy candy and goods and services related thereto under Opposer's Mark.

5. Since long prior to any date which may be claimed by Applicant, Opposer on its own behalf has been, and is now engaged in the sale of the goods identified in paragraphs 3 and 4 hereinabove under the Opposer's Mark in interstate commerce.

6. Opposer filed an application serial no. 76365845 for the trademark ALPINE CONFECTIONS in international class 30, dated February 1, 2002, which application was rejected on Applicant's application for the trademark ALPINE CONFECTIONS in international class 30, serial no 76362977, said application being the subject of the opposition herein.

7. The use by Opposer of the Opposer's Mark for the Opposer's goods and services alleged herein, is long prior to any date which may be lawfully claimed by Applicant, and Opposer has priority.

8. Upon information and belief, Applicant distributes and sells its goods through the same channels of trade as Opposer, and direct its respective goods to the same ultimate consumer as Opposer.

9. The Opposer's Mark and Applicant's ALPINE CONFECTIONS mark are confusingly similar when applied to the goods of the parties.

10. The goods of Applicant and Opposer are substantially related in part and generally related in part, and Applicant's intended use of ALPINE CONFECTIONS in connection with its goods is without the consent or permission of Opposer.

11. Since Opposer owns the Opposer's Mark by virtue of prior use, mistake or deception as to the source of origin of the goods will arise and will injure and damage the Opposer and its goodwill.

12. The registration of the mark ALPINE CONFECTIONS to Applicant will cause the relevant purchasing public to erroneously assume and thus be confused, misled, or deceived, that Applicant's goods are made by, licensed by, controlled by,

13. Opposer believes that it is and will be damaged by registration of the mark applied by Applicant.

WHEREFORE, Opposer prays that the application for registration of ALPINE CONFECTIONS, Serial No. 76362977 filed on January 24, 2002, be denied and that this Opposition be sustained.

Respectfully submitted for Opposer  
World Confections, Inc.

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

  
Stephen L. Baker  
BAKER and RANNELLS PA  
626 Thompson St.  
Raritan, New Jersey 08869  
(908) 722-5640

Dated: September 26, 2003

CERTIFICATE OF MAILING

I hereby certify that this correspondence 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, Virginia 22202

Date of deposit: September 26, 2003

Name of Applicant, Assignee,  
or Registered Representative: Baker and Rannells PA

Signature:  \_\_\_\_\_

Date of Signature: September 26, 2003