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U.S. Patent & TMOrg/TM Mail Rcpt Dt. #58

TTAB

I hereby certify that on the date specified below, this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514.

9/30/03
Date

Ross Merritt
Ross Merritt

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

SBL MACHINERY CO., LTD.,)	
)	OPPOSITION NO.
Opposer,)	
)	Serial No. 78/203,386
v.)	
)	
P.E. PRINTECH EQUIPMENT INC.,)	
)	Docket No. 830091.801
Applicant.)	
_____)	

Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3514

NOTICE OF OPPOSITION

Opposer SBL Machinery Co., Ltd. (hereinafter "Opposer SBL"), which has a place of business at No. 68, Min Chuan St. Shu-Lin Chen, Taipei Hsein, Taiwan, believes that it would be damaged by registration of the mark shown in United States Trademark Application Serial No. 78/203,386 filed by P. E. Printech Equipment Inc. (hereinafter "Applicant Printech") and published for opposition on September 30, 2003, and therefore Opposer opposes that registration on behalf of itself. The application may be summarized as follows:

10/24/2003 ZCLIFT01 00000104 78203386

01 FC:6402

300.00 OP

Application Serial No.: 78/203,386
Filed: January 15, 2003
Applicant: P. E. Printech Equipment Inc.
Mark: SBL
For: Machines for die cutting and creasing, foil stamping, hologramming, embossing and debossing of paper, paper board, and corrugated and plastic board;
International Class: 7
Published: September 30, 2003

A copy of page TM 265 of the Official Gazette of Trademarks showing the mark as published is attached as Exhibit 1 to this Notice of Opposition.

The grounds for this Opposition are as follows:

1. Since at least as early as 1987, Opposer SBL has been in the business of manufacturing and marketing machinery for die cutting, die making, foil stamping and related uses.
2. Commencing at least as early as December 30, 1991, well prior to the January 15, 2003 filing date of Applicant Printech's intent-to-use application, Opposer SBL, through its licensees, representatives and/or agents, has used and is now using the mark SBL in the United States on machines for die cutting and creasing, foil stamping, hologramming, embossing and debossing of paper, paper board, and corrugated and plastic board, and folding and gluing machines for paper and plastic sheets.
3. Opposer SBL's SBL mark and trade name symbolize extensive goodwill and consumer recognition, which have been developed by substantial sales of goods under the mark and through substantial and extensive advertising, promoting and popularizing of the mark in the United States.

4. As a result of such use and advertising of Opposer SBL's SBL mark, the mark is well known in the United States and are recognized as identifying the high-quality goods of Opposer SBL, and the mark and the associated goodwill are valuable assets of Opposer.

5. Applicant Printech has applied to register SBL for the goods described in the subject application—i.e., machines for die cutting and creasing, foil stamping, hologramming, embossing and debossing of paper, paper board, and corrugated and plastic board. Applicant Printech's SBL mark is identical to Opposer's SBL's trademark and trade name and this is confusing and deceptive, in that the trade and purchasing public will be confused by the SBL mark and deceived into believing that Applicant's SBL goods are related to Opposer SBL or its SBL products.

6. Applicant Printech's mark SBL for the goods described in the subject application is confusingly and deceptively similar to Opposer SBL's identical mark SBL as used on identical goods, such that the trade and purchasing public are likely to be confused by and deceived into believing that Applicant Printech's goods originate with or are otherwise authorized by, sponsored by, licensed by, or associated with Opposer SBL.

7. Upon information and belief, neither Applicant Printech nor any predecessor-in-interest of Applicant has acquired any rights in SBL as a trademark or service mark prior to January 15, 2003, the filing date of the intent-to-use application opposed herein.

8. In view of the similarity of the parties' respective marks and goods, Applicant Printech's mark SBL so resembles the SBL mark used by and associated with Opposer SBL in the United States, and not at any time abandoned, that Applicant's use and registration of its proposed mark is likely to cause confusion, or to cause mistake or to deceive.

9. The machines for die cutting and creasing, foil stamping, hologramming, embossing and debossing of paper, paper board, and corrugated and plastic board described in Applicant Printech's application are so closely related to Opposer SBL's goods that if the parties' respective goods are marketed and sold under confusingly similar marks, a likelihood of confusion will result.

10. Applicant Printech selected its SBL mark with knowledge of Opposer SBL's SBL mark.

11. By reason of all of the foregoing, Opposer SBL would be greatly damaged by the registration of SBL to Applicant Printech.

WHEREFORE, Opposer SBL prays that this Opposition be sustained and the application be denied and the mark refused registration.

Opposer herewith submits this Notice of Opposition in duplicate along with the requisite filing fee in the amount of three hundred dollars (\$300). Please charge any additional fees or credit any excess to our Deposit Account No. 19-1090. A duplicate copy of this notice is enclosed.

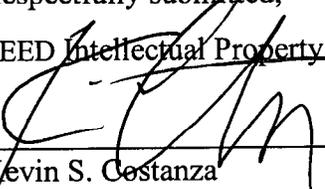
Correspondence Address

Please direct all communications to:

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DATED this 30th day of September, 2003.

Respectfully submitted,
SEED Intellectual Property Law Group PLLC



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Attorneys for Opposer
SBL MACHINERY CO., LTD.

Enclosures:
Postcard
Check for \$300
Exhibit 1
Copy of Notice of Opposition

419340_1.DOC

CLASS 7—(Continued).

SN 78-133,118. STRASBAUGH, SAN LUIS OBISPO, CA.
FILED 6-4-2002.

nCompass

FOR SEMICONDUCTOR WAFER PROCESSING MACHINES, NAMELY, CHEMICAL MECHANICAL PLANARIZERS, SILICON WAFER CARRIERS, SILICON WAFER LOADERS, SILICON WAFER ENDPOINT DETECTORS, SILICON WAFER GRINDERS, SILICON WAFER POLISHERS AND REPLACEMENT PARTS THEREFOR; PHOTONICS, OPTICAL AND TELECOMMUNICATION COMPONENT PROCESSING MACHINES, NAMELY, CHEMICAL MECHANICAL PLANARIZERS, SILICON WAFER CARRIERS, SILICON WAFER LOADERS, SILICON WAFER ENDPOINT DETECTORS, SILICON WAFER GRINDERS, SILICON WAFER POLISHERS AND REPLACEMENT PARTS THEREFOR; ALL FOR THE RESEARCH, FAILURE ANALYSIS, PROCESSING AND PRODUCTION OF SEMICONDUCTOR SUBSTRATES, THIN FILMS, SILICON DISCS, SILICON WAFERS, OPTICAL COMPONENTS, PHOTONICS COMPONENTS AND TELECOMMUNICATION COMPONENTS (U.S. CLS. 13, 19, 21, 23, 31, 34 AND 35).

SN 78-137,510. NORDDEUTSCHE SEEKABELWERKE GMBH & CO. KG, NORDENHAM, FED REP GERMANY.
FILED 6-21-2002.

SECA

OWNER OF ERPN CMNTY TM OFC REG. NO. 741538, DATED 11-18-1999, EXPIRES 2-9-2008.
THE ENGLISH TRANSLATION OF THE SPANISH WORD "SECA" IN THE MARK IS "DRY".

FOR BELTS, NAMELY, PROFILE BELTS, TOOTHED BELTS, V-BELTS AND ROUND BELTS WITH AND WITHOUT REINFORCED INSERTS FOR NON-VEHICLE MACHINERY DRIVING PURPOSES AND FOR CONVEYORS (U.S. CLS. 13, 19, 21, 23, 31, 34 AND 35).

SN 78-143,551. THERMAL DYNAMICS CORPORATION, WEST LEBANON, NH. FILED 7-12-2002.

SL100

FOR PLASMA CUTTING EQUIPMENT, NAMELY, PLASMA CUTTING TORCHES AND REPLACEMENT PARTS THEREFOR (U.S. CLS. 13, 19, 21, 23, 31, 34 AND 35).
FIRST USE 10-1-2002; IN COMMERCE 10-1-2002.

CLASS 7—(Continued).

SN 78-146,441. W-H ENERGY SERVICES, INC., HOUSTON, TX. FILED 7-23-2002.

COIL TUBING SERVICES COIL TUBING & NITROGEN SPECIALISTS

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "COIL TUBING SPECIALIST", APART FROM THE MARK AS SHOWN.

SEC. 2(F).
FOR DOWNHOLE MOTORS AND PARTS THEREFOR FOR MILLING USING COIL TUBING APPLICATIONS IN THE OIL AND GAS DRILLING, PRODUCTION, AND WORKOVER INDUSTRIES (U.S. CLS. 13, 19, 21, 23, 31, 34 AND 35).

FIRST USE 1-0-1998; IN COMMERCE 1-0-1998.

SN 78-151,354. MACNAUGHT PTY. LIMITED, TURRELLA, AUSTRALIA, FILED 8-6-2002.

RETRACTA

OWNER OF AUSTRALIA REG. NO. 542110, DATED 9-13-1990, EXPIRES 9-13-2007.

FOR NON-METAL MECHANICAL HOSE REELS (U.S. CLS. 13, 19, 21, 23, 31, 34 AND 35).

FIRST USE 12-30-1990; IN COMMERCE 12-31-1990.

SN 78-194,249. GRACO SOUTH DAKOTA INC., SIOUX FALLS, SD. FILED 12-13-2002.



OWNER OF U.S. REG. NO. 1,739,450.

FOR ACCESSORIES FOR AIRLESS SPRAYING EQUIPMENT (USED FOR SPRAYING LIQUIDS LIKE PAINTS, COATINGS, OR OTHER VISCOUS FLUIDS UNDER HIGH PRESSURE) SAID ACCESSORIES BEING— SPRAY GUNS, SPRAY GUN TIPS AND ORIFICES, SPRAY POLES, ROLLERS, FILTERS, ADAPTERS, SWIVELS AND GUARDS (U.S. CLS. 13, 19, 21, 23, 31, 34 AND 35).
FIRST USE 11-7-2001; IN COMMERCE 11-7-2001.

SN 78-203,386. P.E. PRINTECH EQUIPMENT INC., RICHMOND, BRITISH COLUMBIA, CANADA, FILED 1-15-2003.

SBL

FOR MACHINES FOR DIE CUTTING AND CREASING, FOIL STAMPING, HOLOGRAMMING, EMBOSsing AND DEBOSSING OF PAPER, PAPER BOARD, AND CORRUGATED AND PLASTIC BOARD. (U.S. CLS. 13, 19, 21, 23, 31, 34 AND 35).