

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

CERTIFICATE OF EXPRESS MAILING

I HEREBY CERTIFY that the foregoing being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to Box TTAB-FEE, 2900 Crystal Drive, Arlington, VA 22202-3513, on this 10 day of Dec, 2003.


Tracy Soinger

EV 347731831 US
Express Mail Tracking No.

In the Matter of:

Application Serial No.: 78/170563
Filed: October 3, 2002
Trademark: PREMIUM PRESTIGE
Applicant: BSH Home Appliances Corporation
Published in the
Official Gazette on: November 11, 2003

PRECISION TRADING CORP.,

Opposer

v.

BSH HOME APPLIANCES CORPORATION

Applicant.

NOTICE OF OPPOSITION

Opposer, Precision Trading Corp., a Florida corporation, having its principal place of business at 1430 NW 88th Avenue, Miami, Florida 33172 ("Opposer"), believes it will be damaged by registration of the mark shown in Trademark Application No. 78/170563, and hereby opposes the

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12/19/2003 JBR00451 00000008 78170563

KLUGER, PERETZ, KAPLAN & BERLIN, P.L. • MIAMI CENTER, SEVENTEENTH FLOOR, 201 SO. BISCAYNE BLVD., MIAMI, FL 33131 • (305) 379-9000

same. The grounds for opposition are as follows:

1. Opposer is a leading manufacturer and distributor of consumer electronics and household items.

2. Since at least as early as March 1994, Opposer has been using the mark PREMIUM (the "PREMIUM Mark") in the United States to identify a variety of goods. The PREMIUM Mark is the subject of the following U.S. registrations:

Reg. No. 1,896,775, for electric cooking utensils for domestic use; namely, juicers, hand mixers, [food processors,] coffee makers, blenders [and kettles], in International Class 7; and

Reg. No. 2,608,941, for electric irons, in International Class 9; stand mixers, electric juice extractors, and clothes washing machines, in International Class 7; and clothes dryers, microwave ovens for cooking, electric toasters, electric toaster ovens, refrigerators, gas ranges, electric cooking ovens, freezers, electric slow cookers, and electric rice cookers and electric waffle irons, in International Class 11.

In addition to the foregoing goods, the PREMIUM Mark is also used to identify vacuum cleaners.

3. Applicant is seeking registration of the mark PREMIUM PRESTIGE for use in connection with vacuum cleaners.

4. There is no priority issue in this case. Opposer has continuously used the PREMIUM Mark in commerce in connection with its various products since March 1994, and Applicant's mark PREMIUM PRESTIGE has been filed on an intent-to-use basis.

5. If Applicant is permitted to register its PREMIUM PRESTIGE mark for the goods identified in the subject application, Opposer will be damaged because (a) confusion may result, causing consumers to purchase Applicant's goods under the mistaken impression that they are the goods of Opposer, or are otherwise sponsored by or affiliated with Opposer, and (b) Applicant will

be able to achieve presumptive exclusive rights to the PREMIUM PRESTIGE mark, which may be deemed confusingly similar to Opposer's PREMIUM Mark.

WHEREFORE, Opposer, Precision Trading Corp., respectfully requests that Application Serial No. 78/170563 for PREMIUM PRESTIGE be refused.

This Notice of Opposition is being filed in duplicate as required by the Trademark Rules of Practice together with the statutory fee of \$300.00.

Date: 12-10 —, 2003

Respectfully submitted,

KLUGER, PERETZ, KAPLAN & BERLIN, P.L.
201 S. Biscayne Blvd., 17th Floor
Miami, Florida 33131
Telephone: 305-379-9000
Fax: 305-379-3428

By:


Michael B. Chesal

TTAB

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12-11-2003

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

TRANSMITTAL

Box TTAB - FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Commissioner:

This law firm represents Precision Trading Corp. in connection with its opposition of the above-referenced mark. Please find enclosed the following:

NOTICE OF OPPOSITION

Also enclosed is a check in the amount of \$300.00 in payment of the filing fee, and a return postcard, which we would appreciate the mail room stamping as to the date received, and returning to our offices.

Date: 12-10-, 2003

Respectfully submitted,

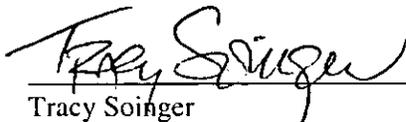
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