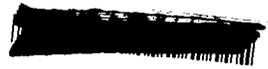


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Trademark Application Serial No. 78/265991
Filed: June 23, 2003
Mark: ROLLALIGN
Published in the Official Gazette on May 18, 2004 at TM 261



06-16-2004
U.S. Patent & TMO/TM Mail Rcpt Dt. #78

Pruftechnik Dieter Busch AG,)
)
Opposer,)
)
v.)
)
Seiffert Industrial Sales Company, Inc.,)
)
Applicant.)
_____)

Opposition No. _____

06/30/2004 GTHOMAS2 00000048 192380 78265991
01 FC:6402 300.00 DA

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

NOTICE OF OPPOSITION

Sir:

Pruftechnik Dieter Bush AG (hereinafter "Opposer"), having a place of business at Oskar-Messter-Strasse 19-21, D-85737 Ismaning, Germany, believes that it will be damaged by registration of the mark ROLLALIGN, published for opposition on May 18, 2004 in the Official Gazette at page TM 261, and hereby respectfully opposes registration of the same.

As grounds for opposition, it is alleged that:

1. Opposer is in the business of the development, manufacture, sale and service of electronic and electrical instruments, with an emphasis on measurement and alignment systems.

2. Opposer has for many years provided goods and services relating to alignment systems. These goods have been provided under various marks, including Opposer's *ROTALIGN* mark, registered on October 13, 1998 as U.S. Registration No. 2,195,594. The registration is valid, subsisting and uncanceled.

3. Since at least as early as April, 1994, Opposer has used its mark *ROTALIGN* as a trademark in connection with manufacturing, marketing, promoting and offering for sale the goods "optical, laser optical and electrical sensors for use in shaft alignment."

4. Opposer has, through advertisement and sale of the goods "optical, laser optical and electrical sensors for use in shaft alignment" under its mark *ROTALIGN* in the United States, established this mark with the purchasing public as a designation for goods originating with Pruftechnik Dieter Busch AG. Opposer has built up valuable goodwill in the *ROTALIGN* mark such that the mark has come to identify Opposer's products in the shaft alignment area.

5. Applicant has filed an intent-to-use application, Serial No. 78/265991, for the mark *ROLLALIGN* on June 23, 2003 for the goods "optical and laser apparatus, namely, lasers and reflectors with mounting hardware for aligning rollers in industrial equipment."

6. The goods identified by Applicant in Application Serial No. 78/265991 are substantially the same to those goods manufactured and sold by Opposer under its registered mark, *ROTALIGN*.

7. Applicant's *ROLLALIGN* mark so resembles Opposer's registered mark *ROTALIGN* as to be likely, when applied to the goods set forth in Applicant's application, to cause confusion, mistake, or deception in the meaning of Section 2(d) of the Trademark Act.

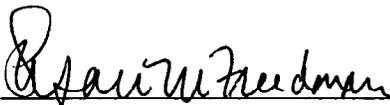
8. Upon information and belief, Applicant has made no use of the mark ROLLALIGN in the United States prior to June 23, 2003, the filing date of its Application Serial No. 78/265991.

9. Use and registration of the mark ROLLALIGN by Applicant for the goods set forth in Application Serial No. 78/265991 is likely to form a basis for confusion, cause mistake, and deceive the public, all to Opposer's damage.

WHEREFORE, Opposer prays that this opposition be sustained and that registration to Applicant be refused.

Respectfully submitted,

PRUFTECHNIK DIETER BUSH AG

By: 
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Date: June 16, 2004