

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

-----X
REFLEXITE CORPORATION)
 Opposer,)
)
 v.) Opposition No.
)
REEMAY, INC.,)
 Applicant.)
-----X

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514	
on <u>9/15/04</u>	<u>Marianne Lentini</u>
Date	Signature
<u>Marianne Lentini</u>	
Typed or printed name of person signing certificate	

NOTICE OF OPPOSITION

In the matter of an application for registration of the mark REFLEKT, Serial No. 76/557,461, filed October 23, 2003 by Reemay, Inc. of Old Hickory, Tennessee, and published for Opposition in the Official Gazette of August 3, 2004 on page TM196, Reflexite Corporation, a Connecticut corporation and having its principal place of business at 120 Darling Drive, Avon, Connecticut 06001-4217, believes that it would be damaged by registration of the mark as sought in the foregoing application and hereby opposes the same.

On August 26, 2004, Reflexite Corporation filed a request under Rule 2.102 for an extension of time for filing a Notice of Opposition against the above application for a period of thirty (30) days.

The grounds of the opposition are as follows:

1. By the application herein opposed, Applicant seeks to register the REFLEKT mark as a trademark in Class 9. A copy of the mark as it was published in the Official Gazette is attached hereto as Exhibit A. This Opposition opposes the registration of such mark.

2. Opposer is and has been the owner of all right, title, and interest in the mark REFLEXITE for use in connection with light reflective safety clothing, namely, vests, hats, jackets, arm bands, wrist bands, head bands, and belts; light reflective lifesaving apparatus, namely, life jackets, vests and rafts; highway and traffic light reflective safety devices, namely, barricades, traffic cones, triangles, barrels, and signs and markers, for use in parking areas, to delineate traffic lanes, to mark construction sites, for use at airports, on buildings, and in outdoor areas; and safety reflectors for attachment to vehicles. Also, the mark is for use in connection with light reflective material in the form of tapes, bands, sheeting and various shapes, formed from synthetic resin and laminates thereof for application to vehicles, clothing, signs, buildings, barricades and roadways; and synthetic plastic sheet material used for reflective and decorative purposes and indicia such as numbers and letters formed therefrom. Such reflective products are used for visually warning others of the presence of a wearer or a hazardous condition. These products have been marketed to and used in the reflective technology fields by Opposer and Opposer's customers for years before the filing of Applicant's trademark application.

3. The mark REFLEXITE was adopted by Opposer and has been used in connection with the advertising, promotion and offering of reflective products for safety and decorative purposes in interstate commerce and in connection with Opposer's business, continuously for over fifty (50) years.

4. Opposer's REFLEXITE trademark is of significant value to Opposer as an identification of source in connection with the promotion and offering of its goods and in connection with its business. Opposer's REFLEXITE mark distinguishes such goods from the goods of others.

5. Opposer registered the REFLEXITE trademark on the Principal Register as Registration Nos. 788,829 and 1,582,360, and the registrations are now incontestable.

6. The REFLEXITE mark as used and registered by Opposer for its products and the REFLEKT mark as sought to be registered by Applicant are confusingly similar. The use of the REFLEKT mark by Applicant so resembles Opposer's registered mark as to be likely to cause confusion, or to cause mistake, or to deceive.

7. The various products identified in Applicant's application as shown in Exhibit A are the same as the products which Opposer sells under the REFLEXITE mark. The Opposer's products are in the same line of products, namely safety vests. As a result, customers of Opposer and others in the trade are likely to be confused into believing that there is some connection between Applicant's products and the well known and well recognized products of Opposer.

8. Through the use and promotion of Opposer's REFLEXITE trademark in connection with its goods for over fifty-three (53) years, purchasers and prospective purchasers of such goods and of goods in the same general class, and customers and prospective customers of Opposer have come to associate the REFLEXITE mark with the goods and business of Opposer.

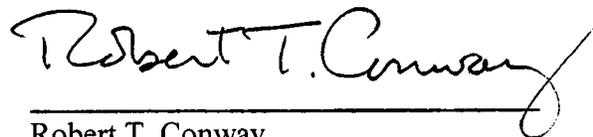
9. Purchasers and customers, as well as prospective purchasers and customers, familiar with Opposer's goods and business identified by the REFLEXITE trademark are likely to be misled into believing, contrary to fact, that Applicant's products provided under the REFLEKT mark opposed herein, emanate from or are in some way sponsored by Opposer, all to

Opposer's irreparable damage through loss and/or dilution of its goodwill as symbolized by the REFLEXITE mark.

10. Granting of the registration for REFLEKT as sought by Applicant, through the application herein opposed, would place Applicant in a position to harass and cause annoyance to Opposer and its customers, to the damage of Opposer. Such a registration would inhibit Opposer in its use of its REFLEXITE mark in promoting its goods and business, which would manifest damage upon Opposer. Such a registration would dilute the distinctiveness of Opposer's famous REFLEXITE trademark. Finally, such registration would constitute *prima facie* evidence of an exclusive right of Applicant to use the REFLEKT mark for the products identified in his application herein opposed and for all confusingly similar uses, thereby enabling Applicant to occupy a position in the trade which would further compound confusion on the part of the purchasing public, all to the damage of Opposer.

WHEREFORE, Opposer prays that the application of Serial No. 76/557,461, filed October 23, 2003 for registration of REFLEKT in Class 9, be refused and that this Opposition be sustained.

Respectfully submitted,



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Attorneys for Opposer

Dated: September 15, 2004
@PFDesktop\.:ODMA/MHODMA/HBSR05;iManage;497073;1

CLASS 9—(Continued).

SN 76-557,461. REEMAY, INC., OLD HICKORY, TN. FILED 10-23-2003.

Reflekt

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE REFLEKT, APART FROM THE MARK AS SHOWN, FOR HIGH VISIBILITY SAFETY VEST (U.S. CLS. 21, 23, 26, 36 AND 38).
TRICIA SONNEBORN, EXAMINING ATTORNEY

SN 76-558,619. THE STUDIO E GROUP, LLC, LOS ANGELES, CA. FILED 11-10-2003.

STUDIO E

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.
FOR PRE-RECORDED COMPACT DISCS, AUDIOCASSETTES AND DVDS FEATURING MUSIC (U.S. CLS. 21, 23, 26, 36 AND 38).
ELIZABETH J. WINTER, EXAMINING ATTORNEY

SN 76-558,656. NAMCO LTD., TOKYO, JAPAN, FILED 11-10-2003.

PAC-MAN CRISIS

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.
OWNER OF U.S. REG. NOS. 1,259,524, 2,744,493 AND OTHERS.
FOR VIDEO GAME CARTRIDGES AND COMPUTER GAME PROGRAMS (U.S. CLS. 21, 23, 26, 36 AND 38).
EUGENIA MARTIN, EXAMINING ATTORNEY

CLASS 9—(Continued).

SN 76-558,657. NAMCO LTD., TOKYO, JAPAN, FILED 11-10-2003.

PAC-MAN PUZZLE

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.
OWNER OF U.S. REG. NOS. 1,259,524, 2,744,493 AND OTHERS.
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PUZZLE", APART FROM THE MARK AS SHOWN, FOR VIDEO GAME CARTRIDGES AND COMPUTER GAME PROGRAMS (U.S. CLS. 21, 23, 26, 36 AND 38).
EUGENIA MARTIN, EXAMINING ATTORNEY

SN 76-558,658. NAMCO LTD., TOKYO, JAPAN, FILED 11-10-2003.

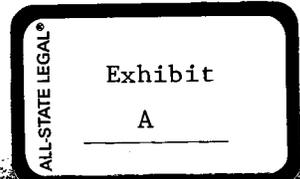
CHAIN SHOT

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.
FOR VIDEO GAME CARTRIDGES AND COMPUTER GAME PROGRAMS (U.S. CLS. 21, 23, 26, 36 AND 38).
EUGENIA MARTIN, EXAMINING ATTORNEY

SN 76-559,166. UXCOMM, INC., BEAVERTON, OR. FILED 11-10-2003.

UXCOMM

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.
FOR COMPUTER SOFTWARE FOR THE MANAGEMENT OF COMPUTING AND COMMUNICATIONS SYSTEMS (U.S. CLS. 21, 23, 26, 36 AND 38).
FIRST USE 6-0-2002; IN COMMERCE 6-0-2002.
BRIAN PINO, EXAMINING ATTORNEY



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BROOK
SMITH &
REYNOLDS, P.C.

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on <u>9/15/04</u>	<u>Marianne Lentini</u>
Date	Signature
<u>Marianne Lentini</u>	
Typed or printed name of person signing certificate	

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

Re: U.S. Trademark Application
Serial No. 76/557,461 for REFLEKT
Our File No. 1571.0216-000

Dear Sirs:

Enclosed for filing in the above-referenced application is a Notice of Opposition, in duplicate, with Certificate of Mailing, transmittal letter and Exhibit A.

A check in the amount of \$300.00 (one class) is enclosed to cover the filing fee associated herewith. Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH &
REYNOLDS, P.C.



Robert T. Conway

RTC/ml
Enclosures

@PFDesktop1:ODMA/MHODMA/HBSR05;iManage;499454;1



09-17-2004

U.S. Patent & TMO/TM Mail Rpt Dt. #64