

ESTTA Tracking number: **ESTTA26441**

Filing date: **02/21/2005**

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

### Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

#### Opposer Information

<b>Name</b>	Regal Ware, Inc.		
<b>Entity</b>	Corporation	<b>Citizenship</b>	Delaware
<b>Address</b>	1675 Reigle Drive Kewaskum, WI 53040 UNITED STATES		

<b>Attorney information</b>	Joseph A. Kromholz Ryan Kromholz & Manion, S.C. P O Box 26618 Milwaukee, WI 53226 UNITED STATES jkromholz@rkmiplaw.com, ppechulis@rkmiplaw.com, djohnson@rkmiplaw.com Phone:262 783 1300		
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#### Applicant Information

<b>Application No</b>	76574977	<b>Publication date</b>	02/15/2005
<b>Opposition Filing Date</b>	02/21/2005	<b>Opposition Period Ends</b>	03/17/2005
<b>Applicant</b>	Advanced Marketing Int'l., Inc. 4129 Bennett Drive Mt. Dora, FL 32757 UNITED STATES		

## Goods/Services Affected by Opposition

Class 011.

All goods and services in the class are opposed, namely: Electric rice cookers; electric slow cookers

Class 021.

All goods and services in the class are opposed, namely: Cookware, namely saucepans, pots, skillets, steamers, dutch ovens, griddles, and cooking utensils, namely spatulas, strainers, ladles, serving tongs, serving forks, serving spoons, and mixing spoons

<b>Attachments</b>	050221 NOTICE OF OPPOSITION.pdf ( 4 pages ) Exhibit 1.pdf ( 1 page )
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<b>Signature</b>	/Joseph A. Kromholz/
<b>Name</b>	Joseph A. Kromholz
<b>Date</b>	02/21/2005

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2 Daniel R. Johnson, Reg. No. 46,204  
3 RYAN KROMHOLZ & MANION S.C.  
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8 Attorneys for Regal Ware, Inc.

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

11 Regal Ware, Inc. 12 Opposer 13 v. 14 Advanced Marketing Int'l, Inc. 15 Applicant	16 NOTICE OF OPPOSITION 17 Opposition No.: 18 Atty. Docket No. :9513.18067-LIT
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19 Applicant: Advanced Marketing Int'l, Inc.

20 Address: 4129 United Avenue  
21 Mt. Dora, Florida 32757

22 Trademark /Service Mark: WHERE CRAFTSMAN STILL CARE

23 Serial No: 76/574,977

24 Filed: February 10, 2004 Published: February 15, 2005

25 Goods/Services: Class 11 – Environmental Control Apparatus for Electric Rice Cookers;  
26 Electric Slow Cookers

27 Class 21: - Housewares and Glass for Cookware, Namely Saucepans, Pots,  
28 Skillets, Steamers, Dutch Ovens, Griddles and Cooking Utensils, Namely  
Spatulas, Strainers, Ladles, Serving Tongs, Serving Forks, Serving Spoons,  
and Mixing Spoons.

International Class: 11 and 21

NOTICE OF OPPOSITION

In the matter of an application for registration of an alleged trademark Opposer Regal Ware, Inc., a Delaware corporation having a principal place of business at 1675 Reigle Drive, Kewaskum, WI 53040, believes it will be damaged by registration of the above-referenced mark, published in the *Official Gazette* on February 15, 2005, and by and through its attorneys, Ryan Kromholz & Manion, S.C. hereby opposes the same on the following grounds:

1. Opposer is engaged in the manufacture, distribution, and sale in interstate commerce of cookware, including, without limitation, Aluminum and Stainless Steel Cooking Utensils and Electrical Cooking Utensils, in interstate commerce throughout the United States in connection with the sale of Saucepans, Double Boilers, Casseroles, Skillets, Dutch Ovens, Egg Poachers, Griddles, Baking Pans, Cooking Sheets, Mixing Bowls, Tea Kettles, Percolators, Broilers, French Fryers, Ovenettes, Coffee Makers, Toasters, Skillets, Roasters, Griddles, Bean Pot Sets, Patio Service Sets, Service Ranges and Corn Poppers.
2. Prior to the filing of Applicant's application, Opposer adopted, used, and is using the trademark WEST BEND ...WHERE CRAFTSMAN STILL CARE for Aluminum and Stainless Steel Cooking Utensils and Electrical Cooking Utensils, in interstate commerce throughout the United States in connection with the sale of Saucepans, Double Boilers, Casseroles, Skillets, Dutch Ovens, Egg Poachers, Griddles, Baking Pans, Cooking Sheets, Mixing Bowls, Tea Kettles, Percolators, Broilers, French Fryers, Ovenettes, Coffee Makers, Toasters, Skillets, Roasters, Griddles, Bean Pot Sets, Patio Service Sets, Service Ranges and Corn Poppers.
3. Prior to the filing date of Applicant's application, Opposer filed an application to register the mark WEST BEND .... WHERE CRAFTSMEN STILL CARE for Aluminum and Stainless Steel Cooking Utensils –Namely, Saucepans, Double Boilers, Casseroles, Skillets, Dutch Ovens, Egg Poachers, Griddles, Baking Pans, Cooking Sheets, Mixing Bowls, Tea Kettles, Percolators, Broilers, French Fryers, Ovenettes and Electrical Cooking Utensils Namely, Coffee Makers, Toasters, Skillets, Roasters, Griddles, Bean Pot Sets, Patio Service

1 sets, Service Ranges, And Corn Poppers. Said mark being registered on the Principal  
2 Register of the United States Patent and Trademark Office at Registration No. 862,553, on  
3 December 24, 1968, a copy of which is attached hereto and incorporated by reference as  
4 exhibit 1. The aforesaid registration is valid and subsisting, unrevoked and uncanceled,  
5 and Opposer is the owner thereof and all of the business and goodwill represented thereby.

6 4. Opposer's use of the above trademark has been continuous from the date of first use recited  
7 in its registration to the present time. On information and belief, Opposer's rights are prior  
8 to those of Applicant.

9 5. Beginning with Opposer's adoption and use of the WEST BEND ....WHERE  
10 CRAFTSMEN STILL CARE, Opposer has widely and extensively advertised and sold  
11 goods bearing said WEST BEND ....WHERE CRAFTSMEN STILL CARE trademark. As  
12 a result of same, the consuming public and trade have recognized and do recognize the  
13 WEST BEND ....WHERE CRAFTSMEN STILL CARE trademark as being used by  
14 Opposer or by a single source, and to associate and identify said mark and name with  
15 Opposer or with a single source, and Opposer derives substantial goodwill and value from  
16 the aforesaid identification by the consuming public.

17 6. On information and belief, the trademarks of the parties are for use on similar goods.

18 7. Applicant's trademark is confusingly similar to Opposer's WEST BEND ....WHERE  
19 CRAFTSMEN STILL CARE trademark.

20 8. Applicant's mark is likely, when applied to Applicant's goods, to cause confusion and  
21 mistake and to deceive, with resultant injury to Opposer, the consuming public, and the  
22 trade.

23 9. Opposer will be damaged by Applicant's proposed registration, because such registration  
24 will support and assist Applicant in the confusing and misleading use of Applicant's mark,  
25 and will give color and exclusive statutory right to Applicant in violation and derogation of  
26 Opposer's prior and superior rights.

1 WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's mark and  
2 respectfully requests that it not be allowed.

3  
4 Respectfully submitted:

5 Date: February 21, 2005

Ryan Kromholz & Manion, S.C.

6  
7 By: /Joseph A. Kromholz/

8 Joseph A. Kromholz  
9 Daniel R. Johnson  
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28 Attorneys for Regal Ware, Inc.

## SUPPLEMENTAL REGISTER Trademark

Ser. No. 268,265, filed P.R. Apr. 4, 1967;  
Am. S.R. Oct. 9, 1968

Made in WEST BEND, Wisconsin  
...where Craftsmen still care

The West Bend Company (Wisconsin corporation)  
400 W. Washington St.  
West Bend, Wis. 53095

For: ALUMINUM AND STAINLESS STEEL COOK-  
ING UTENSILS—NAMELY, SAUCEPANS, DOUBLE  
BOILERS, CASSEROLES, SKILLETS, DUTCH  
OVENS, EGG POACHERS, GRIDDLES, BAKING

PANS, COOKIE SHEETS, MIXING BOWLS, TEA  
KETTLES, PERCOLATORS, BROILERS, FRENCH  
FRYERS, OVENETTES—in CLASS 13 (INT. CL. 21).

For: ELECTRICAL COOKING UTENSILS—NAME-  
LY, COFFEE MAKERS, TOASTERS, SKILLETS,  
ROASTERS, GRIDDLES, BEAN POT SETS, PATIO  
SERVICE SETS, SERVICE RANGES, AND CORN  
POPPERS—in CLASS 21 (INT. CL. 11).

First use, May 1966; in commerce May 1966.

Owner of Reg. No. 635,121.

C. R. FOWLER, *Examiner.*

### Amendment

Registered December 24, 1968

Registration No. 862,553

The West Bend Company

Application to amend having been made by Dart Industries Inc., owner of  
the registration above identified, the drawing is amended to appear as follows:



... where craftsmen still care

Such amendment has been entered upon the records of the Patent and  
Trademark Office and the said original registration should be read as so  
amended.

Signed and sealed this 23rd day of May 1978.

Attest:

*Janice Cooksey*  
Attesting Officer.

*Little & Parker*

Commissioner.

# EXHIBIT 1