

TTAB

EV 079488962 US

"Express Mail" Mailing Label No.

July 5, 2005

Date of Deposit

Case No. 8551/68

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

Aktiebolaget Electrolux,)	
)	Opposition No. _____
Opposer,)	
)	Serial No. 78/413,171
v.)	
)	Trademark: LUXINEPOWER
Luxine, Inc.,)	
)	Published: May 3, 2005
Applicant.)	

NOTICE OF OPPOSITION

U.S. Patent and Trademark Office		07/11/2005	SMILSON1	00000045	78413171
Trademark Trial and Appeal Board		01	FC:6402		300.00 OP
Madison East, Concourse Level					
Room C55					
600 Dulany Street					
Alexandria, VA 22314					

In the matter of the application of LUXINE, INC. ("Applicant") for registration of the mark LUXINEPOWER, Application Serial No. 78/413,171, published in the *Official Gazette* (Trademarks) of the United States Patent and Trademark Office of May 3, 2005.

Aktiebolaget Electrolux, a Swedish corporation with offices at St. Göransgatan 143, SE-105 45 Stockholm, Sweden ("Opposer"), believes that it would be damaged by registration of the mark shown in Serial No. 78/413,171 and hereby opposes same.



07-05-2005

U.S. Patent & TMO/TM Mail Rcpt Dt. #72

Grounds for Opposer's opposition of registration are as follows:

1. Opposer, directly and through its related companies, is a manufacturer of kitchen and household appliances and related goods.
2. Opposer, directly and through its related companies, is engaged in the extensive development, manufacture, promotion, offering for sale, and sale of products under the trademarks ELECTROLUX and LUX, and also a family of LUX formative trademarks, and has been so engaged long prior to Applicant's application. Opposer, directly and through its predecessors and related companies, has used the trademark ELECTROLUX in commerce since at least as early as June 26, 1920.
3. Opposer is the owner of a number of federal trademark registrations for its ELECTROLUX and LUX trademarks and its family of LUX formative trademarks on the Principal Register, including the following:

Reg. No.	Mark	Goods
195,691	ELECTROLUX	Electrically-driven vacuum cleaners
248,774	ELECTROLUX	Refrigerators
2,385,804	LUX	Electric vacuum cleaners and vacuum cleaner suction nozzles therefor
2,687,068	ELECTROLUX	Refrigerators, mechanical refrigerating apparatuses of all types both household and commercial, and parts thereof
2,714,007	ELECTROLUX	Gas and electric ranges
2,747,782	ELECTROLUX	Dishwashing machines
2,759,369	ELECTROLUX	Air conditioners
2,808,980	ELECTROLUX	Freezers
2,822,948	ELECTROLUX	Air purifiers
2,854,144	ELECTROLUX	Microwave ovens
2,870,365	LUX	Electric rug and carpet shampooers and parts thereof namely, brushes, hoses, nozzles, tanks and motors; electric floor polishers and parts thereof, namely pads, hoses and motors

4. Opposer's products sold under the ELECTROLUX, LUX, and family of LUX formative trademarks have been extensively and continuously offered to the public through several and various channels of trade. Opposer has extensively used the aforesaid marks in interstate commerce throughout the United States.

5. By reason of such publicity and use, as well as the wide distribution of Opposer's products under the aforesaid marks, the public and relevant trade and purchasers have come to recognize the trademarks ELECTROLUX and LUX, and its family of LUX formative trademarks, as signifying Opposer and its products. Opposer has built up extensive good will in connection with the offering and sale of products under the aforesaid marks.

6. Notwithstanding Opposer's prior rights in and to the ELECTROLUX and LUX trademarks and its family of LUX formative trademarks, Applicant filed the above-identified intent-to-use application Serial No. 78/413,171 for registration of the trademark LUXINEPOWER for the following goods:

Electric and non-electric kitchen appliances and equipment, namely, commercial and domestic kitchen countertop work surfaces consisting of single or multiple induction heating elements, and ovens with a cook surface consisting of single or multiple induction heating elements for induction cooking and integral parts therefor; induction heaters designed as food warmers.

This application was published for opposition as aforesaid.

OPPOSITION BASED ON LIKELIHOOD OF CONSUMER CONFUSION

7. Applicant's mark LUXINEPOWER is confusingly similar to Opposer's ELECTROLUX and LUX trademarks, and its family of LUX formative trademarks. Applicant's registration and use of LUXINEPOWER in connection with electric and non-

electric kitchen appliances and equipment, namely, commercial and domestic kitchen countertop work surfaces consisting of single or multiple induction heating elements, and ovens with a cook surface consisting of single or multiple induction heating elements for induction cooking and integral parts therefor; induction heaters designed as food warmers is likely to cause confusion, deception and mistake.

8. Accordingly, Applicant's application for the mark LUXINEPOWER must be refused registration under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

WHEREFORE, Opposer believes that it would be damaged by said registration, and prays that Applicant's application be denied.

The filing fee for this Opposition in the amount of \$300.00 is enclosed.

AKTIEBOLAGET ELECTROLUX

Dated: July 5, 2005

By:



Thomas M. Williams
William D. Jackson

BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, Illinois 60610
Telephone: (312) 321-4200
Facsimile: (312) 321-4299

Attorneys for Opposer