

ESTTA Tracking number: **ESTTA89162**

Filing date: **07/11/2006**

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

Proceeding	91168324
Party	Plaintiff Z-TECH INC. ,
Correspondence Address	RAY R. REGAN LAW OFFICE OF RAY R. REGAN, P.A. P.O. BOX 1442 CORRALES, NM 87048 rayregan@rayregan.com
Submission	Other Motions/Papers
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Date	07/11/2006
Attachments	BriefingStatement.pdf (5 pages)(91747 bytes)

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

Z-TECH, INC.,)	
)	
Opposer,)	
)	
vs.)	Opposition No. 91168324
)	
ACI INTERNATIONAL,)	
)	
Applicant)	
)	
)	
_____)	

Serial No. 78/529,121
Mark: SPRING Z

**BRIEFING STATEMENT
FOR
MOTION AND BRIEF OF OPPOSER
FOR DEFAULT JUDGMENT AND OTHER RELIEF**

Z-Tech, Inc. (“Plaintiff” or “Opposer”) notifies the Trademark Trial and Appeal Board (“Board”) that the time for Applicant to file a brief in response to Opposer’s Motion and Brief of Opposer for Default Judgment and Other Relief (“Motion”) has lapsed, and that the Motion therefore is ripe for entry of a Default Judgment in favor of Opposer, and for other relief as requested in the Motion,

AND FURTHER states that:

1. Opposer filed the Motion through the ESTTA system on 20 June 2006.
2. The ESTTA Tracking No. for the Motion is ESTTA86181.
3. Opposer served a copy of the Motion on counsel for Applicant on 20 June 2006 by first class mail.
4. A brief in response to the Motion was to have been filed within 20 days of service of the Motion if the Motion was served by first class mail, or by 10 July 2006.
5. No brief in response to the Motion was filed or served by Applicant.

WHEREFORE OPPOSER PRAYS FOR

A. Granting a default judgment in favor of Opposer so that Applicant will not be damaged by registration of the trademark SPRING Z.

B. Finding and concluding that Applicant's marks identified in the Notice of Opposition are likely to be confused with Opposer's marks and that such confusion will occur on or in connection with Applicant's goods.

C. Finding and concluding that Applicant's marks are likely to be mistaken for Opposer's marks, and lead to deception as to the origin of Applicant's goods.

D. Finding and concluding that Applicant's marks are likely to be mistaken for Opposer's marks as to be likely, when applied to the goods of Applicant, to cause confusion, mistake, or deception within the meaning of 15 U.S.C. § 1114.

E. Finding and concluding that registration of Applicant's marks in connection with the mark SPRING Z sought for registration by Applicant is denied and refused.

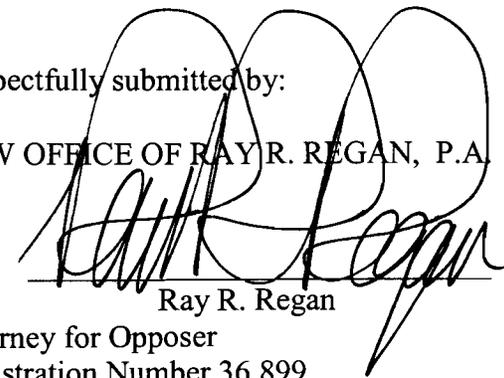
F. Forfeiting Applicant's right to object to Opposer's marks as provided in TBMP §403.03.

G. Granting such other and further relief as may be just and equitable in the circumstances.

Respectfully submitted by:

LAW OFFICE OF RAY R. REGAN, P.A.

By:



Ray R. Regan

Attorney for Opposer
Registration Number 36,899
P. O. Box 1442, Corrales, New Mexico 87048
Registration No. 36,899

OR AN ORDER from the Board:

avor of Opposer determining that Opposer would
RING Z as shown in Serial No. 78/529,121.

applicant's mark SPRING Z so nearly resembles
position, paragraphs 4-12 ("Opposer's Marks"),
and lead to mistake and/or deception when used

applicant's mark SPRING Z would cause confusion,
of Opposer's footwear goods that bear Opposer's

applicant's mark SPRING Z so resembles Opposer's
s set forth in Applicant's application (which are
of goods sold by Opposer), to cause confusion,
U.S.C. §1052(d), Lanham Act §2(d).

registration of Application No. 78/529,121 in
the goods identified in the Application should be

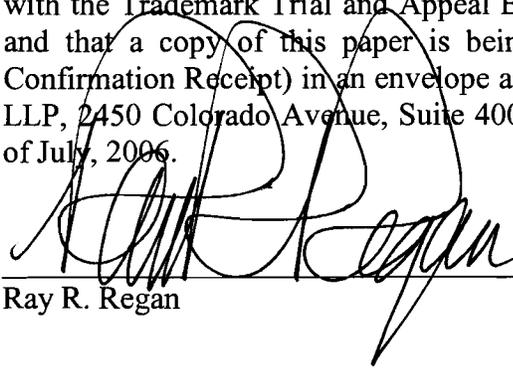
ject to the Discovery Request on their merits as

relief as to the Board seems just and appropriate

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CERTIFICATE OF MAILING

I HEREBY CERTIFY that the originals of this paper were filed with the Trademark Trial and Appeal Board, P.O. Box 1419, Alexandria, Virginia 22304-1419, and that a copy of this paper is being mailed (with a Confirmation Receipt) in an envelope addressed to the Board, 2450 Colorado Avenue, Suite 400 E, Santa Ana, California 92705, on the 14th day of July, 2006.



Ray R. Regan

MAILING AND SERVICE

paper is being filed via electronic transmission
O. Box 1451, Alexandria, Virginia 22313-1451;
d via first class mail (Priority Mail, Delivery
to Louis J. Bovasso, Esq. at Greenberg Traurig,
a Monica, California 90404, on the 11^o day