

ESTTA Tracking number: **ESTTA63532**

Filing date: **01/25/2006**

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**

Name	National Bearings Company
Granted to Date of previous extension	01/25/2006
Address	1596 Manheim Pike P.O. Box 4726 Lancaster, PA 17604 UNITED STATES
Correspondence information	Scott Landis Attorney Barley Snyder, LLC. 126 East King Street Lancaster, PA 17602 UNITED STATES slandis@barley.com, smcfarland@barley.com Phone:717-399-1503

**Applicant Information**

Application No	78315818	Publication date	09/27/2005
Opposition Filing Date	01/25/2006	Opposition Period Ends	01/25/2006
Applicant	Federal-Mogul World Wide, Inc. 26555 Northwestern Highway Southfield, MI 48034 UNITED STATES		

**Goods/Services Affected by Opposition**

<p>Class 007. All goods and services in the class are opposed, namely: Anti-friction bearings for use in land vehicle engines</p>
<p>Class 012. All goods and services in the class are opposed, namely: Anti-friction bearings for use in vehicle transmissions and wheels, namely, wheel bearings, roller bearings, tapered roller bearings, cylindrical roller bearings, and needle bearings; ball bearings, namely, hanger bearings, adapter bearings, clutch release bearings, thrust bearings, and angular contact bearings for use in land vehicles; front wheel drive components, namely integral spindle bearings, and hub seals sold as a unit for use in land vehicles; transmission repair kits consisting of bearings, seals, snap-rings, washers, shims, gaskets, O-rings screws, plugs, springs, pins, sleeves, spacers, retainers, friction discs, and bushings sold as a unit for use in land vehicles; differential repair kits consisting of bearings, seals, gaskets, shims, and O-rings sold as a unit for use in land vehicles</p>

Attachments	national.pdf ( 4 pages )
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Signature	/scott f. landis/
Name	Scott Landis
Date	01/25/2006



believes that it will be damaged by registration of the mark NATIONAL BEARINGS COMPANY, shown in the above-identified application, and hereby opposes the same.

The grounds for opposition are as follows:

1. Since before the Applicant's filing date, Opposer has used the mark "NATIONAL" ("Opposer's Mark") in connection with its goods, including but not limited to ball bearings for various uses.
2. Opposer's Mark is also the subject to the following two federal trademark registrations for use in connection with "ball bearings for use in machinery":
  - a.) "National," filed April 16, 2002, registered December 23, 2003, registration number 2796780, first use in commerce January 12, 1918.
  - b.) "National Bearings Company" (and design), filed May 1, 2002, registered October 12, 2004, first use in commerce May 30, 1980.
3. Opposer is a nationally known manufacturer and seller of ball bearings and customers from all over the nation buy goods bearing Opposer's Mark.
4. As a result of Opposer's long and extensive use of its mark, Opposer's Mark has come to identify Opposer as the source of its goods in the minds of relevant consumers.
5. Applicant applied to register the mark "NATIONAL" (Applicant's Mark) on October 20, 2003, as an intent to use application in connection with anti-friction bearings for use in vehicle

transmissions and wheels, namely, wheel bearings, roller bearings, tapered roller bearings, cylindrical roller bearings, and needle bearings; ball bearings, namely, hanger bearings, adapter bearings, clutch release bearings, thrust bearings, and angular contact bearings for use in land vehicles; front wheel drive components, namely integral spindle bearings, and hub seals sold as a unit for use in land vehicles; transmission repair kits consisting of bearings, seals, snap-rings, washers, shims, gaskets, O-rings, screws, plugs, springs, pins, sleeves, spacers, retainers, friction discs, and bushings sold as a unit for use in land vehicles; differential repair kits consisting of bearings, seals, gaskets, shims, and O-rings sold as a unit for uses in land vehicles; as well as anti-friction bearings for use in land vehicle engines. Applicant's Mark was published for opposition on September 27, 2005.

6. Applicant's Mark is NATIONAL. Opposer's Mark is NATIONAL. Applicant's Mark and Opposer's Mark are identical in appearance, connotation and sound. Applicant's Mark and Opposer's Mark are used on identical, nearly identical, and/or highly related goods, which goods will be sold in the same channels of trade.

7. Applicant has filed an intent to use application for its mark. Opposer has been using its mark in the United States and continues to use its mark in the United States since long before Applicant's filing date.

8. Opposer believes it will be damaged by the registration of Applicant's Mark because it so resembles Opposer's Mark, previously used in the United States and not abandoned, that it is likely, when used on or in connection with the goods of the Applicant, to cause confusion, or to

cause mistake or to deceive. Such confusion would irreparably harm and damage Opposer because Opposer has no control over the nature or quality of the goods and/or services produced by the Applicant under the Applicant's Mark.

9. By reason of the foregoing, Opposer will be damaged by the registration of Applicant's Mark.

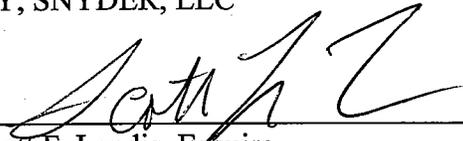
WHEREFORE, Opposer respectfully requests that this Opposition be sustained and that the registration by Applicant of the mark NATIONAL be refused.

Respectfully submitted,

BARLEY, SNYDER, LLC

Date: 1/25/06

By:

  
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Scott F. Landis, Esquire  
Court I. D. No. 69798  
Attorney for National Bearings Company

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