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January 26, 2006

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

\*Not Admitted in D.C.

**ATTN: TRADEMARK TRIAL AND APPEAL BOARD**

Re: Notice of Opposition to Registration of VENICE  
U.S. Serial No. 76/485,978  
Filed : January 29, 2003  
Published : October 11, 2005  
Attorney Docket No.: 1539-203L

Sir:

Submitted herewith is a notice of opposition to the above application.

Please charge the required Government opposition fee of \$300 to Deposit Account No. 02-2135. Also, please charge any additional fees or credit any overpayment to Deposit Account No. 02-2135. An extra copy of this letter is attached for that purpose.

Respectfully submitted,

ROTHWELL, FIGG, ERNST & MANBECK, P.C.

By G. F. Rothwell  
G. Franklin Rothwell  
Attorney for Opposer



01-26-2006

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

In the Matter of Application Serial No76485978,  
published in the *Official Gazette* on October 11, 2005,  
page TM 373.

Venis, S.A.,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. _____
	)	
Atlas Block Co. Limited,	)	
	)	
Applicant.	)	

**NOTICE OF OPPOSITION**

Venis, S.A., a Spanish corporation, (hereinafter "Venis") with an address at Ctra. Nacional 340, Km-56, 500, Villareal, Castellon, 12540, Spain believes that it will be damaged by registration of the mark of VENICE for:

**-concrete retaining walls and blocks therefor in International Class 19-**  
as set forth in application Serial No. 76/485978, filed January 29, 2003, and published October 11, 2005 (hereinafter "the Application"), owned by Atlas Block Co. Limited, a Canadian corporation (hereinafter "Atlas"), with an address at Box 670, Midland, Ontario, Canada, L4R 4P4, and hereby opposes the same. As grounds for this opposition it is alleged that:

1. Since long prior to January 29, 2003, (the filing date of the Application based on intent to use) Venis has held significant common law and statutory rights in the mark VENIS as applied to non-metallic tiles, slabs, flags and paving blocks, non-metallic ceramic blocks and slabs for revetment of floors and walls, by virtue of long and extensive use and a federal registration as pleaded hereinafter.

2. Venis is the owner, user and registrant of the mark VENIS as set forth in the following registration:

- Registration No. 2,212,365, for “non-metallic tiles, slabs, flags and paving blocks, non-metallic ceramic blocks and slabs for revetment of floors and walls” in International Class 19.

3. The above-mentioned registration is valid and incontestable. A Copy of the registration with current status and title pleaded in paragraph 2 above is attached as Exhibit A.

4. By virtue of its high quality products sold, advertised, and promoted under the mark VENIS and by virtue of the extensive sales, promotion and advertising of such high quality products, Venis’ goods are well and favorably known throughout the United States.

5. On information and belief, Atlas has made no use of VENICE for any goods to date.

6. Consumers and others familiar with the famous VENIS mark from Venis will assume (mistakenly) that VENICE is a product emanating from the makers of the VENIS mark.

7. The simultaneous use of VENICE for the products recited in the Application on the one hand, and Venis’ products on the other hand, will be likely to cause confusion, deception or mistake, all to the damage of the prior user and registrant, Venis.

WHEREFORE, Venis prays that this opposition be sustained and registration on the application be refused.

Respectfully submitted,



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G. Franklin Rothwell  
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Exhibit A-1 to  
Notice of Opposition filed by  
Venis, S.A.

Int. Cl.: 19

Prior U.S. Cls.: 1, 12, 33 and 50

Reg. No. 2,212,365

**United States Patent and Trademark Office**

Registered Dec. 22, 1998

**TRADEMARK  
PRINCIPAL REGISTER**

# VENIS

VENIS, S.A. (SPAIN CORPORATION)  
CTRA. NACIONAL 340, KM-56,200 VILLAREAL  
12540 CASTELLON DE LA PLANA, SPAIN

VETMENT OF FLOORS AND WALLS , IN  
CLASS 19 (U.S. CLS. 1, 12, 33 AND 50).  
FIRST USE 2-12-1988; IN COMMERCE  
2-15-1988.

FOR: NON-METALLIC TILES, SLABS,  
FLAGS AND PAVING BLOCKS, NON-METAL-  
LIC CERAMIC BLOCKS AND SLABS FOR RE-

SER. NO. 75-285,032, FILED 5-1-1997.

KAREN K. BUSH, EXAMINING ATTORNEY

**STATUS: Section 8 Accepted and Section 15  
Acknowledged**

**TITLE: Venis, S.A.**