

ESTTA Tracking number: **ESTTA85429**

Filing date: **06/14/2006**

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 Grid USA
Granted to Date of previous extension	06/14/2006
Address	25 Research Drive Westborough, MA 01582 UNITED STATES
Correspondence information	Danny Awdeh, Esq. Finnegan, Henderson, Farabow, Garrett & Dunner LLP 901 New York Ave., NW Washington, DC 20001 UNITED STATES danny.awdeh@finnegan.com Phone:202-408-4353

Applicant Information

Application No	78636707	Publication date	02/14/2006
Opposition Filing Date	06/14/2006	Opposition Period Ends	06/14/2006
Applicant	FPL Group, Inc. LAW/JB 700 Universe Blvd. Juno Beach, FL 33408 UNITED STATES		

Goods/Services Affected by Opposition

Class 039. All goods and services in the class are opposed, namely: Transmission and Distribution of electricity

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Signature	/Danny Awdeh/
Name	Danny Awdeh
Date	06/14/2006

Registration Nos. 2,551,591 and 2,611,203 for NATIONAL GRID and NATIONAL GRID (and Design) for “electricity distribution,” both having constructive first use dates of September 13, 1999.

5. The foregoing registrations are valid and subsisting and constitute *prima facie* evidence of the validity of the marks and registrations.

6. The mark NATIONAL GRID was first used in the United States at least as early as April 2000 and the mark NATIONAL GRID (and Design) was first used in the United States at least as early as May 2000.

7. The mark NATIONAL GRID has been continuously used in the United States since the first use dates in Paragraph 6, in connection with the advertising, promotion, sale, and offering for sale of electricity and gas distribution services.

8. As a result of extensive use, advertising, and promotion, the NATIONAL GRID mark is strong and well-known.

Applicant’s GRIDFLORIDA Mark

9. On May 25, 2005, Applicant filed intent-to-use Application Serial No. 78/636,707 for the mark GRIDFLORIDA for “transmission and distribution of electricity.”

10. National Grid Electricity Transmission plc’s rights in the NATIONAL GRID Mark predates the May 25, 2005 filing of Applicant’s GRIDFLORIDA application.

Likelihood of Confusion, 15 U.S.C. § 1052(d)

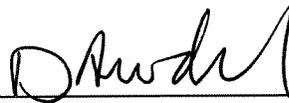
11. The NATIONAL GRID mark for “electricity distribution,” on the one hand, and the GRIDFLORIDA mark as sought to be registered by Applicant for “transmission and distribution of electricity,” on the other hand, are similar in appearance, sound, spelling, meaning, and commercial impression and are used for, or intended to be used for, identical or closely related services.

12. Registration of Applicant's GRIDFLORIDA mark is opposed on the grounds that the mark so resembles the NATIONAL GRID mark as to be likely to cause confusion, to cause mistake, or to deceive under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

WHEREFORE, Opposer believes that it is being and will be damaged by the registration of Applicant's GRIDFLORIDA mark in Application Serial No. 78/636,707 and requests that the opposition be sustained, and that registration to Applicant be refused.

Respectfully submitted,

Date: June 14, 2006



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