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September 14, 2006

TTAB

File C200 4

**VIA FEDERAL EXPRESS - PRIORITY OVERNIGHT**

Trademark Trial and Appeal Board  
U.S. Patent and Trademark Office  
Madison East, Concourse Level  
Room C 55  
600 Dulany Street  
Alexandria, VA 22314

RE: Notice of Opposition (with Certificate of Mailing)  
Opposition to Serial no. 78600948  
Published in the Official Gazette August 22, 2006

Gentle persons:

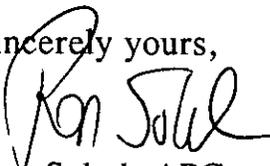
Here is the \$300 fee, an original Notice of Opposition (with Certificate of Mailing), and a copy if you would be so kind to conform and return to me in the envelope provided. If you require any thing else, please let me know. Many thanks for your time and attention to this paperwork.

09/19/2006 SWILSON1 00000024 78600948

01 FC:6402

300.00 OP

Sincerely yours,

  
Ron Sokol, APC

encls.  
RJS/ms

09-15-2006

U.S. Patent & TMOtc/TM Mail Rcpt Dt. #34



2. Centric Parts is in the after market, branded, automobile and vehicle parts business, focusing exclusively and solely on the manufacture and distribution of brake and clutch parts.

3. One of Centric Parts' key products is a branded brake pad marketed as Posi Quiet. Centric Parts obtained a Federal trademark for Posi Quiet on June 29, 2004 (bearing registration number 3,858,527), having applied for it on or about July 15, 2002. The trademark issued for Posi Quiet describes the product as "positive molded brake pad for land vehicles in Class 12". Centric Parts makes no claim to exclusive use of the common word "quiet". Instead, the dominant part of the trademark is the word "Posi", as further explained below. Centric Parts has been marketing Posi Quiet brake brakes since the year 2002.

4. In addition, Centric Parts has spent substantial time, effort and money to make the name Posi Quiet well known in the after-market automobile and vehicle brake parts industry. Similarly, Centric Parts also obtained a trademark for its trade name Centric Parts (bearing serial number 3,030,604), on or about December 13, 2005; however, it is significant that Centric Parts obtained the trade mark Posi Quiet before it obtained a trademark for its own business trade name. Centric Parts has also spent considerable time, effort and money to establish its trade name Centric Parts as well known and recognized in the subject after-market automobile and vehicle parts industry (again, focused on brake and clutch parts only). The objective has been to make Posi Quiet extremely well known in the subject industry, and to then further market it as a product exclusively from Centric Parts, of particular quality based on the "positive mold" technology by which it is made, and as a key after-market brake part for which Centric Parts is most well known.

5. One of Centric Parts direct competitors is Autopart International, Inc. ("AI"), a large conglomerate. Centric Parts believes that a few years ago, AI bought a smaller parts company, or took over another parts company, and then made a "strategic decision" on how to get the "biggest

splash” for a brake part it determined to market. Thus, Centric Parts has learned that AI is utilizing the same manufacturer in Canada for its brake pads as does Centric Parts, and seeking to sell its brake pads to the same customers and the same end user, as if they were the Posi Quiet brake pads from Centric Parts. Hence, AI is now seeking to obtain a trademark for the name Posi Met (serial number listed above), for goods which fall into the same exact classification (number 12), and are described the same as well – “land vehicle parts, namely brake pads”.

6. Centric Parts believes that it will be sorely damaged by registration of the mark shown in the above-identified application, and hereby vigorously opposes the same.

7. The grounds for opposition are:

a. Substantial likelihood of confusion, mistake or deception, involving not just related but virtually identical goods, the same trade channels, and marks strikingly similar as to appearance, sound, connotation and commercial expression.

b. Clear attempt by AI to palm off the success of the well known and already established Posi Quiet brake pad line of Centric Parts, to thereby try to “jump start” their marketing of a directly competing, new brake pad to the same and related customers in the identical, limited after-market industry;

c. AI has previously argued (to the Trademark Examining attorney) that the Trademark Office should distinguish the name Posi Met because of use of the word “Met” for metal brake pad, but Centric Parts’ Posi Quiet brake pads are available in metallic, as well as ceramic.

d. Further, the word Posi as used by Centric Parts in the name “Posi Quiet” refers to the positive mold manufacturing process, which is identical to the attempt by AI to use the identical, unique word “Posi”. It does not mean “positively quiet” or “positively metallic”, which is what AI would ask the Trademark Office to believe. The Federal trademark registration obtained for

Posi Quiet reads "For: Positive molded brake pad for land vehicles." Hence, Posi has always been the critical, unique and dominant part of the trade name Posi Quiet trademarked over two years ago by Centric Parts, and marketed for over 4 years. The word "Quiet" in Posi Quiet, as the word "Met" in Posi Met, are each typical and ordinary (if not generic); not the featured word, sound or reference point of either.

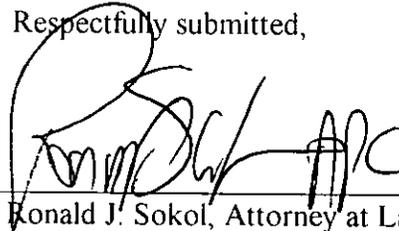
e. Centric Parts pioneered the marketing term "positive mold", bringing it to the end user as an attribute (positive molding as a technology for manufacturing has been around for quite some time, but was never previously used as a marketing tool).

f. Finally, Centric Parts is the only supplier in North America to consistently discuss and amplify this "positive molding" manufacturing process.

8. Against this back drop of virtually identical product (brake pads), made by the same manufacturer, marketed to the same parties and end users in the exact same, limited industry, and each with the same unique word Posi combined with an otherwise generic or ordinary word (Quiet or Met), Centric Parts respectfully submits that the above referenced trademark application should be disallowed.

DATED: September 14, 2006

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ronald J. Sokol", written over a horizontal line.

Ronald J. Sokol, Attorney at Law  
Attorney for CWD, LLC, dba Centric Parts

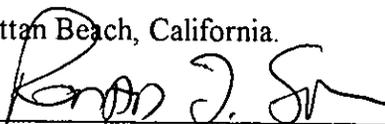
**CERTIFICATE OF MAILING**

I, Ronald J. Sokol, declare:

1. I am over the age of 18.
2. I am an attorney at law, duly licensed to practice in the State of California, and always in good standing since my admission to the Bar in June 1978. I am also authorized to practice law in several Federal Courts in the State of California as well.
3. In my capacity as counsel for CWD, LLC, dba Centric Parts, I prepared a Notice of Opposition to Posi Met, serial number 78600948. On September 14, 2006, I caused the original such Notice of Opposition, and a copy to be conformed, to be sent via Federal Express, priority over night delivery, to the Trademark Trial and Appeal Board, U. S. Patent and Trademark Office, Madison East, Concourse Level, Room C 55, 600 Dulany Street, Alexandria, VA 22314, to be signed for upon delivery. I did this in order to make sure the Notice of Opposition was received by the Board prior to September 21, 2006 (the proposed trademark having been published in the Official Gazette on August 22, 2006).

I declare under penalty of perjury, under the laws of the State of California and the United States of America, that the foregoing is true and correct.

Executed this 14th day of September, 2006, at Manhattan Beach, California.



Ronald J. Sokol