

ESTTA Tracking number: **ESTTA113234**

Filing date: **12/06/2006**

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	Weyerhaeuser Company
Granted to Date of previous extension	12/09/2006
Address	33663 Weyerhaeuser Way South Federal Way, WA 98003 UNITED STATES

Attorney information	Jessica Stone Levy Preston Gates & Ellis LLP 925 Fourth Avenue Suite 2900 Seattle, WA 98104 UNITED STATES trademarks@prestongates.com Phone:2066237580
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**Applicant Information**

Application No	78265981	Publication date	10/10/2006
Opposition Filing Date	12/06/2006	Opposition Period Ends	12/09/2006
Applicant	Norbord Industries Inc. 1 Toronto Street, Ste 500 Toronto, Ontario, M5C 2W4 CANADA		

**Goods/Services Affected by Opposition**

Class 019. All goods and services in the class are opposed, namely: Oriented strand board to be used for furniture frames; oriented strand board to be used for furniture frames
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Signature	/Jessica Stone Levy/
Name	Jessica Stone Levy
Date	12/06/2006

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

In the matter of Application  
Serial No. 78/265,981 Published in the  
Official Gazette on October 10, 2006

WEYERHAEUSER COMPANY,

Opposition No.

Opposer,

v.

NORBORD INDUSTRIES, INC.

Applicant.

TO THE COMMISSIONER OF TRADEMARKS:

NOTICE OF OPPOSITION

Weyerhaeuser Company, a corporation of the State of Washington having a place of business at 33663 Weyerhaeuser Way South, Federal Way, Washington 98003 (hereafter "Opposer") believes that it will be damaged by registration of the designation FRAMEWERX for "Oriented strand board to be used for furniture frames," application Serial No. 78/265,981, and hereby opposes the same.

As grounds of opposition it is alleged that:

1. Opposer is the owner by assignment of U.S. Trademark Registration No. 1,908,490 for the mark FRAMEWORKS, for "structural wood products, namely structural trusses and joists; structural beams, headers and columns." Said registration, issued August 1, 1995, is valid and subsisting, in full force and effect, and Opposer is the owner of all right, title and interest in and to the registration.

2. Upon information and belief, applicant Norbord Industries Inc. (“Applicant”), is a Canadian corporation having an address at 1 Toronto Street, Ste 500 Toronto, Ontario CANADA M5C 2W4.

3. Applicant filed its application to register the FRAMEWERX trademark on June 23, 2003.

4. Since at least as early as June 1, 1994, and long prior to the filing date of the application herein opposed, Opposer and its predecessors in interest have used the FRAMEWORKS trademark in connection with structural wood products, namely structural trusses and joists, structural beams, headers and columns.

5. Opposer and its predecessors in interest have achieved widespread and substantial sales of structural trusses and joists, structural beams, headers and columns under the FRAMEWORKS trademark, and that trademark is now recognized and relied upon by the trade and the public as identifying the structural trusses and joists, structural beams, headers and columns manufactured and sold by Opposer and as distinguishing them from those of competitors.

6. Opposer’s residential wood products sold under the FRAMEWORKS trademark are regularly used alongside and sold along with Opposer’s own oriented strand board for structural framing and industrial applications in residential and commercial construction.

7. Upon information and belief, Applicant’s residential wood products sold under the FRAMEWERX trademark are intended to be used for structural framing and industrial applications in residential and light commercial construction.

8. Opposer and Applicant are direct competitors in the oriented strand board market.

9. The FRAMEWERX mark identified in Application Serial No. 78/265,981, when used by Applicant in association with "Oriented strand board to be used for furniture frames" as identified in the application, is nearly identical and thus confusingly similar to Opposer's FRAMEWORKS trademark and is likely to cause confusion, or to cause mistake, or to deceive within the meaning of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d), with consequent injury to Weyerhaeuser, to the trade and to the public..

WHEREFORE, Opposer believes that it will be damaged by the registration of Applicant's said designation and prays that the application Serial No. 78/265,981 be denied.

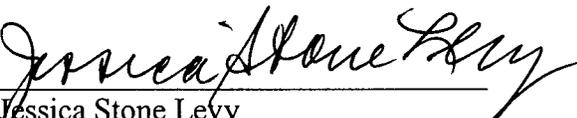
Please recognize as attorneys for opposer in this proceeding Jessica Stone Levy, J. Christopher Lynch, Mark H. Wittow, Marc C. Levy, and the law firm of Preston Gates & Ellis LLP, 925 Fourth Avenue, Suite 2900, Seattle, Washington, 98104.

Please address all communications to Jessica Stone Levy, at Preston Gates & Ellis.

The filing fee believed to be in the amount of \$300.00 accompanies this submission.

DATED this 6<sup>th</sup> day of December, 2006.

PRESTON GATES & ELLIS

By   
Jessica Stone Levy  
Attorneys for Opposer