

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

FESTINA LOTUS, S.A.

Opposer,

v.

ROMANSON CO., LTD.

Applicant.
_____ /

Opposition No.:

Serial No.: 78/775,902

Mark: J. ESTINA & DESIGN

NOTICE OF OPPOSITION

Opposer, Festina Lotus, S.A., a Spanish company, located at Via Layetana 20-4A Planta Barcelona, 08003 Spain ("Opposer"), believes that it will be damaged by registration of the mark of Application Serial No. 78/775,902 by Romanson Co., Ltd., Applicant herein ("Applicant"), and hereby opposes the same on the grounds that (1) the mark is likely to cause confusion, or to cause mistake or to deceive with respect to (a) Opposer's prior adoption and use of various marks incorporating the term "FESTINA" as identified below (the "FESTINA Marks"), (b) Opposer's registrations for certain of Opposer's FESTINA Marks, as identified below; and (2) registration of Applicant's mark has diluted or will dilute the distinctiveness of Opposer's famous FESTINA Marks by tarnishing them and by blurring the distinctiveness thereof.

1. Opposer is extensively engaged in the business of providing timepieces and watches ("Opposer's Goods").
2. In connection with the above-stated activities, Opposer has used and continues to use Opposer's FESTINA Marks in commerce since at least as early as 1994.

3. Opposer is a leader in the field of timepieces and watches and distributes its products in over 50 countries.

4. As a result of the high quality of Opposer's Goods and the widespread promotion thereof under Opposer's FESTINA Marks, the goods have met with substantial success and customer recognition. Opposer's FESTINA Marks have become symbols of Opposer, its quality goods and its goodwill. In addition, Opposer's FESTINA Marks are famous.

5. In recognition of the valuable rights in and to Opposer's FESTINA Marks, the United States Patent and Trademark Office has granted to Opposer the following registrations (collectively, "Opposer's FESTINA Registrations"):

- Registration No. 1,472,167 for FESTINA & Design covering "all types of clocks and watches and jewelry," filed on June 11, 1985 and registered on January 12, 1988; and
- Registration No. 1,953,931 for FESTINA & Design covering "jewelry, imitation jewelry articles, horological instruments and chronometric instruments, cases for watches" in Class 14, filed on March 17, 1993 and registered on February 6, 1996.

6. In addition, Opposer owns pending Application Serial No. 79/023,297 for the mark FESTINA & Design covering "printed matter, namely, pamphlets, brochures, catalogs, newsletters and magazines in the field of jewelry, watches, clocks and other horological instruments; printed instructional material in the field of jewelry, watches, clocks and other horological instruments; ballpoint pens, holders for paper clips, writing materials, namely, writing implements, pen nibs, pen nibs of gold, stylographic pens, penholders; pencils; pencil holders; boxes for pens" in Class 16, filed on October 27, 2005 and claiming priority as of July 1, 2005.

7. Opposer's FESTINA Registrations identified above are registered on the Principal Register and accordingly, constitute *prima facie* evidence of the validity of the marks, the registrations therefor, Opposer's ownership of the marks and Opposer's exclusive right to use the marks in commerce. Opposer's FESTINA Registrations have also achieved incontestable status and thus, constitutes conclusive evidence of the validity of the marks, the registrations therefor, Opposer's ownership of the marks and its exclusive right to use the marks in commerce for the goods specified in the registrations.

8. On information and belief, Applicant, Romanson Co., Ltd., is a Korean corporation with an address at 77-1 Garak-dong, Songpa-gu Seoul, Republic of Korea.

9. Notwithstanding Opposer's prior use and registration of Opposer's FESTINA Marks, Applicant filed, on December 19, 2005, Application Serial No. 78/775,902 for the mark J.ESTINA & Design ("Applicant's Mark") for "wrist watches, electric watches, desk clocks, alarm clocks, necklaces, rings, bracelets, earrings, medals and brooches" ("Applicant's Goods").

10. The mark in Application Serial No. 78/775,902 is nearly identical to Opposer's FESTINA Marks, differing only by one letter. Applicant's Mark and Opposer's FESTINA Marks are similar in terms of sound, appearance and commercial impression. Further, the design of Opposer's FESTINA mark as shown in Registration No. 1,953,931 and Application Serial No. 79/023,297 comprises a design element consisting of a ceremonial coat of arms above the term "FESTINA," and the mark evokes a regal impression. Applicant's Mark also comprises a design element consisting of a crown design above the terms "J. ESTINA," and the elements in Applicant's Mark appear in approximately the same size and positions as compared to the corresponding elements of Opposer's mark. The marks are strikingly similar in terms of appearance, as evidenced by the designs pictured below:

Opposer's FESTINA & Design Mark:

Applicant's J. ESTINA & Design Mark:



11. Applicant's Goods and Opposer's Goods are very similar or identical, and directly overlap. On information and belief, Applicant's Goods will be marketed and rendered to the same classes of purchaser, and would be marketed and sold through the same channels of trade, as Opposer's Goods.

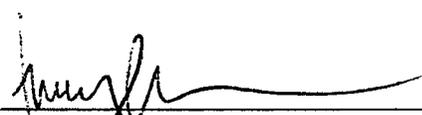
12. In view thereof, purchasers are likely to mistakenly assume that Applicant's Goods originate from, are sponsored by or are in some way associated with Opposer. Applicant's Mark so resembles Opposer's FESTINA Marks as to be likely to cause confusion, or to cause mistake or to deceive. Accordingly, Opposer is likely to be damaged by registration of the mark of Application Serial No. 78/775,902 for the goods recited therein.

13. Further, because Opposer's FESTINA Marks are famous, registration of Applicant's Mark will dilute the distinctiveness of Opposer's FESTINA Marks by tarnishing the Marks and by blurring the distinctiveness thereof.

WHEREFORE, Opposer prays that Application Serial No. 78/775,902 be refused registration, that no registration be issued thereon to Applicant and that this Opposition be sustained in favor of Opposer.

Respectfully submitted,

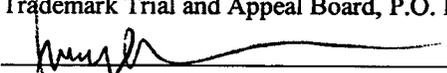
Dated: February 1, 2007

By: 

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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to UNITED STATES PATENT AND TRADEMARK OFFICE, Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451, on February 1, 2007 by


Tracy L. Zawaski