

ESTTA Tracking number: **ESTTA168082**

Filing date: **10/11/2007**

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	Armada Group, Ltd.
Granted to Date of previous extension	10/13/2007
Address	641 Alpha Drive Pittsburgh, PA 15238 UNITED STATES

Attorney information	Laura Possessky Gura & Possessky, PLLC 1629 K Street, NW Suite 300 Washington, DC 20006 UNITED STATES laura@gurapossessky.com Phone:(202) 508-1055
----------------------	---

Applicant Information

Application No	79025916	Publication date	08/14/2007
Opposition Filing Date	10/11/2007	Opposition Period Ends	10/13/2007
International Registration No.	0890484	International Registration Date	02/16/2006
Applicant	Armada Shipping S.A. Route Petit-Moncory 1 CH-1752 Villars-sur-Glâne SWITZERLAND		

Goods/Services Affected by Opposition

Class 039. All goods and services in the class are opposed, namely: transportation of goods by boat, truck, rail and aircraft; freight brokerage; packaging goods for transportation and storage of goods in general

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	77164115	Application Date	04/24/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ARMADA SUPPLY CHAIN SOLUTIONS		

Design Mark	
Description of Mark	The mark consists of stylized letters accompanied by circle design containing stylized depiction of ship sails on water .
Goods/Services	Class 035. First use: Business consulting services relating to product distribution, operations management services, logistics, reverse logistics, supply chain, and production systems and distribution solutions; Business management services, namely, managing logistics, reverse logistics, supply chain services, supply chain visibility and synchronization, supply and demand forecasting and product distribution processes for others Class 039. First use: Supply chain, logistics and reverse logistics services, namely, storage, transportation and delivery of documents, packages, raw materials, and other freight for others by air, rail, ship or truck

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	ARMADA		
Goods/Services	supply chain distribution services principally for the restaurant and food service industry and retail food service business		

Attachments	77164115#TMSN.jpeg (1 page)(bytes) ARMADA Opposition.pdf (5 pages)(657762 bytes)
-------------	--

Signature	/lpossessky/
Name	Laura Possessky
Date	10/11/2007

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

In the Matter of Trademark Application Serial No. 79025916

Filed: February 16, 2006

Mark: ARMADA

By: Armada Shipping, S.A.

Published in the Official Gazette on August 14, 2007

.....x
:
ARMADA GROUP, LTD. :
:
Opposer, :
:
v. : Opposition No. _____
:
ARMADA SHIPPING, S.A. :
:
Applicant. :
:
:
:
.....x

Commissioner for Trademarks
United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Armada Group, Ltd. ("Opposer"), a Pennsylvania corporation with its principal place of business at 641 Alpha Road, Pittsburgh, Pennsylvania 15238, believes that it will be damaged by registration of the mark shown in the above-identified application as it applies to registration in International Class 39 and hereby opposes the same.

The grounds for opposition are as follows:

1. Applicant, Armada Shipping, S.A. (hereinafter "Applicant"), seeks to obtain registration under the provisions of the Trademark Act of 1946 of the mark, ARMADA, in International Class 39 under Section 66(a) of the Trademark Act (15 U.S.C. §1141(f)) for use in connection with "transportation of goods by boat, truck, rail and aircraft; freight brokerage; packaging goods for transportation and storage of goods in general." In the same application, Applicant also seeks registration of the mark in International Classes 12 and 35. This application, Serial No. 79025916, was filed on February 16, 2006 (hereinafter the "Applicant's Application").

2. On information and belief, Applicant is a Swiss limited liability company with a principal place of business at Route Petit-Moncory 1 CH-1752 Villars-sur-Glâne, Switzerland and is currently using the mark in Europe.

3. Opposer has continuously used the mark, ARMADA, in interstate commerce in connection with supply chain distribution services principally for the restaurant and food service industry and retail food service business since as early as 1999.

4. Through use in connection with its services, and by virtue of significant monetary investment and expenditure of resources, Opposer has developed substantial and valuable goodwill in its mark, ARMADA.

5. Opposer has filed an application for registration, Serial No. 77164115, of the mark, ARMADA SUPPLY CHAIN SERVICES and Design, for use in connection with

“Business consulting services relating to product distribution, operations management services, logistics, reverse logistics, supply chain, and production systems and distribution solutions; Business management services, namely, managing logistics, reverse logistics, supply chain services, supply chain visibility and synchronization, supply and demand forecasting and product distribution processes for others” in International Class 35; and, “Supply chain, logistics and reverse logistics services, namely, storage, transportation and delivery of documents, packages, raw materials, and other freight for others by air, rail, ship or truck” in International Class 39 (hereinafter “Opposer’s Application”). The Opposer’s Application was filed on April 24, 2007 on an intent-to-use basis under Section 1(b) of the Trademark Act (15 U.S.C. §1051(b)).

6. On August 12, 2007, the USPTO issued an office action in which the examining attorney cited Applicant’s Application and a second application filed by Applicant for the mark, ARMADA and Design, Serial No. 79033315, as prior pending applications that may raise a 2(d) refusal to register on the basis of likelihood of confusion.

7. Applicant’s mark, ARMADA, as it appears in the Applicant’s Application is identical to Opposer’s mark, ARMADA, and strikingly similar to Opposer’s mark, ARMADA SUPPLY CHAIN SOLUTIONS.

8. The services identified in the Applicant’s Application in International Class 39, namely, “transportation of goods by boat, truck, rail and aircraft; freight brokerage; packaging goods for transportation and storage of goods in general,” are similar to the

services offered by Opposer in connection with its marks, namely, "supply chain, logistics and reverse logistics services, namely, storage, transportation and delivery of documents, packages, raw materials, and other freight for others by air, rail, ship or truck."

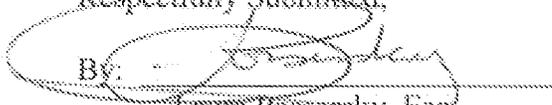
9. If Applicant is permitted to use and register the mark, ARMADA, in connection with the services specified in International Class 39 in Applicant's Application, such use and registration is likely to cause confusion, or to cause mistake, or to deceive, which would cause Opposer irreparable damage as a result of the similarities between Applicant's mark and Opposer's marks, the overlap in Opposer's and Applicant's services, and Opposer's priority use of the mark.

WHEREFORE, Opposer prays that this opposition be sustained and registration on the Application be refused.

Payment has been provided in the requisite amount to cover the statutory filing fee for filing a Notice of Opposition.

Dated: October 11, 2007

Respectfully Submitted,

By: 

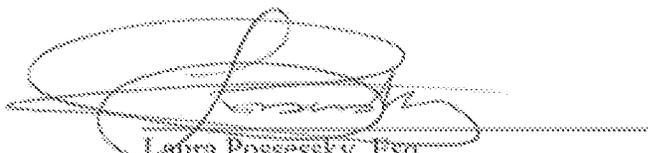
Laura Possessky, Esq.
Gura & Possessky, PLLC
1629 K Street, NW Suite 300
Washington, DC 20006
(202) 508-1055
laura@gurapossessky.com

Attorney for Opposer
Armada Group, Ltd.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Notice of Opposition has been served on Peter J. Karol of Bromberg & Sunstein, LLP, counsel to the Applicant, Armada Shipping, SA, by mailing said copy on October 11, 2007 via First Class Mail, postage prepaid to:

Mr. Peter J. Karol
Bromberg & Sunstein, LLP
125 Summer Street
Boston, MA 02110-1618

A handwritten signature in black ink, appearing to read 'Laura Possessky', is written over a horizontal dotted line. The signature is fluid and cursive, with a large loop at the beginning.

Laura Possessky, Esq.
Gura & Possessky, PLLC
1629 K Street, NW Suite 300
Washington, DC 20006
(202) 508-1055
laura@gurapossessky.com

Attorney for Opposer