

ESTTA Tracking number: **ESTTA172106**

Filing date: **10/31/2007**

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	Sandvik Intellectual Property AB
Granted to Date of previous extension	12/05/2007
Address	SE 811 81 Sandviken, SWEDEN
Party who filed Extension of time to oppose	Sandvik AB and Sandvik Intellectual Property AB
Relationship to party who filed Extension of time to oppose	Sandvik Intellectual Property AB is a wholly owned subsidiary of Sandvik AB.

Attorney information	Adrienne L. White WRB-IP LLP 1217 King Street Alexandria, VA 22314 UNITED STATES adrienne@wrb-ip.com Phone:703-299-0037
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Applicant Information

Application No	77070141	Publication date	08/07/2007
Opposition Filing Date	10/31/2007	Opposition Period Ends	12/05/2007
Applicant	Boart Longyear International Holdings Inc. 2640 West 1700 South Salt Lake City, UT 841270314 UNITED STATES		

Goods/Services Affected by Opposition

Class 007. First Use: 2003/00/00 First Use In Commerce: 2003/00/00
All goods and services in the class are opposed, namely: Drill bits for earth drilling equipment

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration	2606248	Application Date	09/13/1996
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No.			
Registration Date	08/13/2002	Foreign Priority Date	03/29/1996
Word Mark	ALPHA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 007. First use: First Use: 1983/03/00 First Use In Commerce: 1983/03/00 Power operated machine tools, namely, drills for cutting metal in industrial applications		

Attachments	Notice of Opposition final.pdf (2 pages)(53440 bytes)
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Signature	/Linda M. Goldman/
Name	Linda M. Goldman and Adrienne L. White
Date	10/31/2007

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

Sandvik Intellectual Property AB	:	
	:	
Opposer,	:	
	:	Opposition No. _____
v.	:	
	:	Application No. 77/070,141
Boart Longyear International Holdings, Inc.	:	Mark: ALPHA (stylized)
	:	Date Published: August 7, 2007
Applicant	:	

NOTICE OF OPPOSITION

Sandvik Intellectual Property AB (“Opposer”) is a Swedish corporation located and doing business at SE-811 81, Sandviken, Sweden.

Opposer believes that it would be damaged by the registration of the mark shown in U.S. Application Serial No. 77/070,141, filed December 22, 2006, for the mark ALPHA (stylized), for drill bits for earth drilling equipment, in International Class 7, published for opposition in the Trademark Official Gazette of August 7, 2007, and listing as Applicant Boart Longyear International Holdings, Inc., and hereby opposes same.

As grounds for opposition, it is alleged that:

1. Opposer and its related companies are a world-leading provider of high-technology equipment for, inter alia, metal cutting and mining, including an extensive range of products for drilling and mechanical rock excavation.
2. Opposer is the owner of the marks ALPHA, SANDVIK ALPHA, and SANDVIK ALPHA 330 (“Opposer’s Marks”) for drilling products.
3. Opposer is the owner of U.S. Trademark Registration No. 2,606,248 for the mark ALPHA for “Power operated machine tools, namely, drills for cutting metal in industrial applications” in International Class 7, issued on August 13, 2002. Registration No. 2,606,248 is valid and incontestable under Section 15 of the Trademark Act.

4. Opposer, through its related companies, has used Opposer's marks in the United States to identify its goods since a time long prior to the filing date of the application herein opposed and prior to the dates of first use alleged therein as those dates are construed by the Trademark Office, and such use has not been abandoned.
5. Opposer has developed and now owns valuable good will which is symbolized by Opposer's marks.
6. Applicant's mark ALPHA (stylized) so resembles Opposer's marks used by Opposer for closely related goods as to be likely, when applied to Applicant's goods, to cause confusion, or to cause mistake, or to deceive.
7. Because of the similarity of Applicant's mark ALPHA (stylized) to Opposer's marks, persons familiar with Opposer and its goods will be misled into believing that Applicant's goods emanate from, or are sponsored by or otherwise associated with Opposer in some way, thereby damaging Opposer.
8. On information and belief, Applicant has not used Applicant's mark ALPHA (stylized) in connection with its goods in the U.S. prior to December 31, 2003.

WHEREFORE, Opposer prays that this opposition be sustained and that registration of the mark in Application Serial No. 77/070,141 be denied.

The Commissioner is hereby authorized to charge the filing fee for this opposition to Account No. 503015.

Respectfully submitted,

Sandvik Intellectual Property AB

/ Linda M. Goldman /

Adrienne L. White

Linda M. Goldman

Attorneys for Opposer

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Date: October 31, 2007