

ESTTA Tracking number: **ESTTA172256**

Filing date: **11/01/2007**

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	Columbus McKinnon Corporation
Granted to Date of previous extension	11/03/2007
Address	140 John James Audubon Parkway Amherst, NY 14228 UNITED STATES

Attorney information	Tara Hart-Nova Phillips Lytle LLP 3400 HSBC Center Buffalo, NY 14203 UNITED STATES thartnova@phillipslytle.com Phone:716-847-8400
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### Applicant Information

Application No	78745667	Publication date	09/04/2007
Opposition Filing Date	11/01/2007	Opposition Period Ends	11/03/2007
Applicant	COOPER BRANDS, INC. 600 TRAVIS, SUITE 5800 HOUSTON, TX 77002 UNITED STATES		

### Goods/Services Affected by Opposition

Class 006. All goods and services in the class are opposed, namely: METAL CHAIN ASSEMBLIES, NAMELY SELF-LOCKING HOOKS FOR USE IN OVERHEAD LIFTING
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### 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. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	CAMLOK		
Goods/Services	plate lifting girder, pulling and gentle grip clamps		

Attachments	int21.PDF ( 3 pages )(73254 bytes )
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### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Tara Hart-Nova/
Name	Tara Hart-Nova
Date	11/01/2007

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

COLUMBUS MCKINNON CORPORATION	)	
	)	
<i>Opposer,</i>	)	Opposition No. _____
	)	
vs.	)	Application Serial No. 78/745,667
	)	
COOPER BRANDS, INC.	)	
	)	
	)	
<i>Applicant.</i>	)	
	)	

**NOTICE OF OPPOSITION**

Columbus McKinnon Corporation (“Opposer”), a New York corporation, located and doing business at 140 John James Audubon Parkway, Amherst, New York 14228, believes that it will be damaged by registration of the mark shown in Application Serial No. 78/745,667, filed November 2, 2005, by Cooper Brands, Inc., a Delaware corporation having a principal place of business at 600 Travis Street, Suite 5800, Houston, Texas 77002 (“Applicant”), and hereby opposes the registration of said mark.

As grounds for the opposition, it is alleged that:

1. Commencing long prior to the filing date of Applicant’s application, November 2, 2005, Opposer has been using, and is now using, the mark CAMLOK in connection with plate lifting girder, pulling and gentle grip clamps.
2. Opposer’s use of its mark CAMLOK has been continuous since its initial use of at least as early as 1958, and its first use in interstate commerce of 1987, and has not been abandoned.
3. Opposer’s mark CAMLOK is symbolic of extensive good will and consumer recognition with Opposer. Such good will and recognition has been created through substantial amounts of time, effort and investment by Opposer in advertising and promotion.

4. Notwithstanding Opposer's prior rights in and to the mark CAMLOK, upon information and belief, Applicant, on November 2, 2005, filed an application to register the mark CAM-LOK for "metal chain assemblies, namely self-locking hooks for use in overhead lifting" in Class 6. The application was assigned Serial No. 78/745,667 and published for opposition in the official Gazette of September 4, 2007.
5. In view of the similarity of Applicant's mark, CAMLOK, and Opposer's mark, CAM-LOK, and the related nature of the goods as hooking and lifting devices of the respective parties, it is alleged that Applicant's mark so resembles Opposer's mark previously used in the United States and not abandoned, as to be likely to cause confusion, or to cause mistake, or to deceive.
6. Opposer has been damaged, and will continue to be damaged, if Applicant continues to use or obtains registration of the mark CAM-LOK.

WHEREFORE, Opposer prays that this Opposition be sustained, that said Application Serial No. 78/745,667 be refused registration, that no registration be issued thereon to Applicant.

Respectfully submitted,

PHILLIPS LYTTLE LLP

By Tara Hart-Nova

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*Attorneys for Opposer*

*Columbus McKinnon Corporation*

Buffalo, New York  
November 1, 2007

Doc # 01-1698656.1

Certificate of Service

I certify that this correspondence is being served on Applicant by depositing one copy thereof with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Cooper Brands, Inc., 600 Travis Street, Suite 5800, Houston, Texas 77002-3008, this 1st day of November, 2007.

PHILLIPS LYTTLE LLP

By Tara Hart-Nova  
Tara Hart-Nova, Esq.  
Signed: November 1, 2007