

ESTTA Tracking number: **ESTTA184147**

Filing date: **01/02/2008**

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	Beijing GOME Appliance Co., Ltd.
Granted to Date of previous extension	01/02/2008
Address	No.8, Xincheng Industrial Park 1Lucheng Town, Tongzhou District Beijing, CHINA

Attorney information	Jess M. Collen Collen IP Intellectual Property Law , P.C. The Holyoke-Manhattan Building 80 South Highland Avenue Ossining, NY 10562 UNITED STATES jcollen@collenip.com, jgerson@collenip.com Phone:(914) 941-5668
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**Applicant Information**

Application No	78940273	Publication date	09/04/2007
Opposition Filing Date	01/02/2008	Opposition Period Ends	01/02/2008
Applicant	GUO MEI DIAN QI 5706 8th Avenue Brooklyn, NY 11220 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 035. First Use: 2000/05/01 First Use In Commerce: 2000/05/01 All goods and services in the class are opposed, namely: Retail store services featuring electrical appliances
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**Grounds for Opposition**

Other	abandonment, 15 USC 1127
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Attachments	G802 Notice of Opposition.pdf ( 5 pages )(27044 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	/ Jess M. Collen /
Name	Jess M. Collen
Date	01/02/2008

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

Attorney Docket No.: G802

Applicant : GUO MEI DIAN QI CORPORATION  
Serial No. : 78/940,273  
Filed : July 28, 2006  
For : GUO MEI DIAN QI & Design  
Published : September 4, 2007

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313

NOTICE OF OPPOSITION

The Opposer, Beijing Gome Appliance Co., Ltd., with offices at No.8, Xincheng Industrial Park, 1, Lucheng Town, Tongzhou District, Beijing, P.R.China, (the “Opposer”), through its attorneys, believes that it would be damaged by the registration of the mark shown in the above-identified application, and hereby opposes same, pursuant to 15 USC § 1063 and 37 CFR § 2.104.

As grounds for its Opposition, Opposer alleges that:

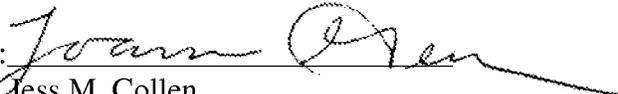
1. On July 28, 2006, GUO MEI DIAN QI CORPORATION, with an address of 5706 8th Avenue, Brooklyn, New York 11220 (the “Applicant”), filed with the United States Patent and Trademark Office (the “USPTO”) an application Ser No. 78/940,273 for the mark GUO MEI DIAN QI & Design for “*Retail store services featuring electrical appliances*” in International Class 35.

2. The Application was filed based on use of the mark in commerce under 15 U.S.C. §1051(a). Applicant asserts a date of first use of May 1, 2000.
3. Upon information and belief, Applicant has either not used the mark or has not used the mark in commerce for a period of at least three consecutive years.
4. Upon information and belief, Applicant has abandoned its mark.
5. Applicant's mark has been cited for likelihood of confusion against Opposer's Application, Serial No. 79/041,189, for GOME & Design, for *Advertising; outdoor advertising; business information; auctioneering; personnel management consultancy; relocation services for businesses; rental of photocopying machines; accounting; rental of vending machines* in International Class 35, and *Construction information; rental of construction equipment; mining extraction; upholstery; burner maintenance and repair; electric appliance installation and repair; vehicle repair; airplane maintenance and repair; shipbuilding; photographic apparatus repair* in International Class 37.
6. Applicant's mark has also been cited for likelihood of confusion against Opposer's Application Ser. No. 79/041,188, a Design mark, for *Electric appliance installation and repair; air conditioning apparatus installation and repair; freezing equipment installation and repair; office machines and equipment installation, maintenance and repair; kitchen equipment installation and repair; film projector repair and maintenance; machinery installation, maintenance and repair; photographic apparatus repair; telephone installation and repair; construction* in International Class 37.

7. Accordingly, Applicant's mark is damaging Opposer, as it is obstructing Opposer's ability to obtain registration in the USPTO.
8. If Applicant is granted registration of its mark GUO MEI DIAN QI & Design, it would have at least a prima facie exclusive right to use this mark, and on information and belief such registration would be cited by the examiner as a bar to registration in Opposer's above mentioned trademarks.

OPPOSER prays that this application Serial No. 78/940,273 be refused, that no registration be issued thereon to Applicant and that this Opposition be sustained in favor of the Opposer.

Respectfully submitted,  
for Beijing Gome Appliance Co., Ltd.,

By: 

Jess M. Collen  
Joanna B. Gerson  
COLLEN IP  
80 South Highland Avenue  
Ossining, NY 10562  
Telephone: 914-941-5668  
Facsimile: 914-941-6091  
*Attorney for Opposer*

Dated: January 2, 2008  
JMC/JBG  
Enclosed: - Opposition fee \$300.00

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 03-2465.

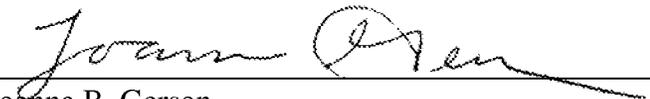
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FILED THROUGH THE ELECTRONIC SYSTEM FOR TRADEMARK TRIAL AND APPEALS IN THE UNITED STATES PATENT AND TRADEMARK OFFICE.

By: Joann P. [Signature] Date: January 2, 2008

CERTIFICATE OF SERVICE

I, Joanna B. Gerson, hereby certify that I caused a true copy of the foregoing Notice of Opposition to be served upon the following individual in the following manner, and addressed in the following way on January 2, 2008:

VIA FIRST CLASS MAIL TO:  
LUCAS K L CHAU  
LMV TAX AND ACCOUNTING SERVICES  
346 E.21 STREET, #27  
NEW YORK, NY 10010

  
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Joanna B. Gerson