

ESTTA Tracking number: **ESTTA186022**

Filing date: **01/11/2008**

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	Brasseler USA, Inc.
Granted to Date of previous extension	01/23/2008
Address	One Brasseler Boulevard Savannah, GA 31419 UNITED STATES
Correspondence information	Rachel C. Young; Kate D. Strain Attorneys for Opposer Hunter, Maclean, Exley & Dunn, P.C. 200 E. St. Julian Street; P.O. Box 9848 Savannah, GA 31412 UNITED STATES trademark@huntermaclean.com Phone:912-236-0261

Applicant Information

Application No	77039633	Publication date	09/25/2007
Opposition Filing Date	01/11/2008	Opposition Period Ends	01/23/2008
Applicant	Gebr. Brasseler GmbH & Co. KG Trophagener Weg 25 Lemgo, D-32657 GERMANY		

Goods/Services Affected by Opposition

Class 010. All goods and services in the class are opposed, namely: dental root posts and root post systems comprised primarily of root posts, cylindrical and tapered files, matching burs, repair posts, ceramic root posts, root posts of zirconium oxide, cassettes for storage and steralization
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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	CERAPOST		
Goods/Services	dental instruments, namely posts		

Related Proceedings	Peter Brasseler Holdings, L.P. and Brasseler USA, Inc. v. Gebr. Brasseler GmbH & Co. KG, KOBRA, Inc. d/b/a KOMET USA, and KOMET USA, LLC, Case No. 04:07-CV-00025, United States District Court for the Southern District of Georgia
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Attachments	SAVANNAH-#722050-v1-BRASSELER_-_Trademark_Opposition_-_CERAPOST.pdf (2 pages)(9996 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	/Kate D. Strain/
Name	Rachel C. Young; Kate D. Strain
Date	01/11/2008

specifically dental rotary instruments.

5. Opposer and Applicant utilize the same channels of trade. Both companies have salespeople who meet directly with dental professionals and advertise in the same dental trade magazines.

6. Additionally, Opposer and Applicant have the same class of purchasers for goods, namely dentists, lab technicians, dental schools, and other purchasers in the dental industry.

7. Applicant's mark is identical to Opposer's mark.

8. Based on the foregoing, it is evident that Opposer has priority of use and Applicant's mark so resembles Opposer's mark as to be likely, when applied to the goods set forth in Applicant's application, to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act.

Wherefore, Opposer prays that the opposition be sustained and that registration to Applicant be refused.

Respectfully submitted,

/s/ Kate D. Strain

Date: January 11, 2007
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