

ESTTA Tracking number: **ESTTA209673**

Filing date: **05/07/2008**

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	Edwin Company Ltd., a/k/a Edwin Trading Co., Ltd.
Granted to Date of previous extension	05/07/2008
Address	3-27-6 Higashi-Nippori Arakawa-Ku Tokyo, 116-8537 JAPAN

Attorney information	Paul J. Kennedy PEPPER HAMILTON LLP EIGHTEENTH AND ARCH STREETS 3000 TWO LOGAN SQUARE Philadelphia, PA 19103-2799 UNITED STATES kennedyp@pepperlaw.com, catalant@pepperlaw.com, mulligar@pepperlaw.com Phone:215-981-4194
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Applicant Information

Application No	78653468	Publication date	01/08/2008
Opposition Filing Date	05/07/2008	Opposition Period Ends	05/07/2008
Applicant	Nooch, Peter 1722 1/2 N. Normandie Avenue Los Angeles, CA 90027 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Footwear, headwear, underwear and clothing, namely, denim pants, jackets, shirts and skirts
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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. Registration No.	3400414	Application Date	05/18/1998
Registration Date	03/25/2008	Foreign Priority Date	03/05/1998
Word Mark	NONE		
Design Mark			

Description of Mark	The mark consists of a stitched letter "w" on the pocket portion of the goods and is shown by broken lines. The unbroken lines represent the perimeter of the pocket to which the applicant makes no claim and which serves only to indicate the position of the mark on the pocket.
Goods/Services	Class 025. First use: men's, ladies' and children's jeans, shirts and jackets

Attachments	75486516#TMSN.gif (1 page)(bytes) NOTICE OF OPPOSITION (EDWIN-FRMR).PDF (4 pages)(80865 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	/Paul J. Kennedy/
Name	Paul J. Kennedy
Date	05/07/2008

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

EDWIN COMPANY LTD.	:	
	:	Opposition No.
	:	
	:	Mark: FRMR & "W" Stitch Design
v. Opposer	:	Application Serial No. 78/653468
	:	
	:	Published in <i>Official Gazette</i> : January 8, 2008
PETER NOOCH	:	
	:	Filed: June 17, 2005
Applicant	:	

NOTICE OF OPPOSITION

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

Dear Sir or Madam:

Edwin Company Ltd., a corporation in the country of Japan, with offices at 3-27-6 Higashi-Nippori, Arakawa-Ku, Tokyo 116-8537, Japan ("Opposer") believes it will be damaged by the issuance of a trademark registration to Peter Nooch ("Applicant"), an individual with an address at 1722 ½ N. Normandie Avenue, Los Angeles, California 90027 for FRMR & "W" Stitch Design (Serial No. 78/653468) in International Class 25, and hereby opposes the intent-to-use application.

As grounds for the opposition, Opposer alleges that:

1. Applicant is seeking to obtain, under the provisions of the Trademark Act of 1946, as amended, registration on the Principal Register of the mark FRMR & "W" Stitch

Design for “footwear, headwear, underwear and clothing, namely, denim pants, jackets, shirts and skirts” in International Class 25 (“Applicant’s Proposed Mark”).

2. Applicant is not now, and never was, entitled to registration on the Principal Register of Applicant’s Proposed Mark either on June 17, 2005, the date of Applicant’s filing of the application, or on January 8, 2008, the date of publication in the *Official Gazette*.

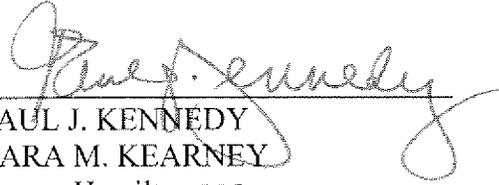
3. Opposer is the owner of the federal trademark registration for “W” Pocket Stitch Design (Registration No. 3400414, for “men’s, ladies’ and children’s jeans, shirts and jackets” in International Class 25), and has used its mark in the United States as early as 1999 (“Opposer’s Mark”).

4. Opposer has, since long prior to the filing date of Applicant’s intent-to-use application, sold in commerce its goods under Opposer’s Mark. Through usage by Opposer, the Opposer’s Mark has become well-known to consumers and potential customers as a trademark of Opposer and as an origin and source indicator of the goods sold and provided by Opposer.

5. Because of the great similarity between Opposer’s Mark, which is a stitching design in the shape of a W, and Applicant’s Proposed Mark, which contains a stitching design in the shape of a W and the fact that Applicant’s Proposed Mark will ultimately be used on the same or similar products as those of the Opposer, and within the same classification, Applicant’s Proposed Mark is likely to cause confusion, mistake, or deception amongst the general and consuming public as to whether Applicant’s goods are being offered by, or in affiliation with, Opposer, hence causing damage to Opposer.

Accordingly, Opposer requests that registration of the mark FRMR & “W” Stitch Design (Serial No. 78/653468) be denied to Applicant and this opposition be sustained.

PEPPER HAMILTON LLP

A handwritten signature in cursive script, appearing to read "Paul J. Kennedy", is written over a horizontal line.

PAUL J. KENNEDY
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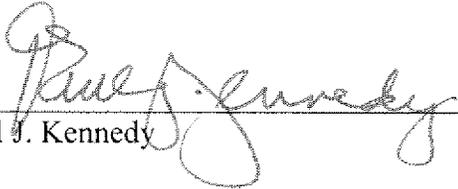
DATE: May 7, 2008

*Attorneys for Opposer
Edwin Company Ltd.*

CERTIFICATE OF SERVICE

I, Paul J. Kennedy, hereby certify that on May 7, 2008 a true and correct copy of the foregoing Notice of Opposition was served via U.S. First Class Mail, postage prepaid, upon the following:

James E. Brunton, Esquire
BRUNTON & JAGGER
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Glendale, CA 91203-4277
Attorneys for Applicant


Paul J. Kennedy