

ESTTA Tracking number: **ESTTA212458**
 Filing date: **05/19/2008**

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	United Parcel Service of America, Inc.
Granted to Date of previous extension	05/17/2008
Address	55 Glenlake Parkway Atlanta, GA 30328 UNITED STATES
Correspondence information	Stephen M. Schaetzel King & Spalding LLP 1180 Peachtree Street N.E. Atlanta, GA 30309 UNITED STATES sschaetzel@kslaw.com, jsheesley@kslaw.com, trademarks@kslaw.com Phone:404-572-4600

Applicant Information

Application No	77176134	Publication date	03/18/2008
Opposition Filing Date	05/19/2008	Opposition Period Ends	05/17/2008
Applicant	POWERTECH INDUSTRIAL CO., LTD. 10F., NO. 407, SEC. 2 CHUNG SHAN RD., CHUNG HO CITY TAIPEI HSIEN, TAIWAN		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: POWER SUPPLIES; MOBILE PHONE BATTERY CHARGERS; MOBILE PHONE BATTERY CHARGER STATIONS; BATTERY CHARGERS; UNIVERSAL POWER SUPPLIES; POWER SAVING ADAPTERS; ELECTRIC STORAGE BATTERIES; UNINTERRUPTIBLE POWER SUPPLIES; AC/DC CONVERTERS; POWER SOURCE STABLE ADAPTERS
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Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	514285	Application Date	09/02/1947
Registration Date	08/23/1949	Foreign Priority Date	NONE
Word Mark	UPS THE DELIVERY SYSTEM FOR STORES OF QUALITY SINCE 1907		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U105 (International Class 039). First use: First Use: 1933/00/00 First Use In Commerce: 1933/00/00 MOTOR VEHICLE DELIVERY SERVICE FOR RETAIL STORES		

U.S. Registration No.	966774	Application Date	08/04/1972
Registration Date	08/21/1973	Foreign Priority Date	NONE
Word Mark	UPS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U105 (International Class 039). First use: First Use: 1933/00/00 First Use In Commerce: 1933/00/00 TRANSPORTATION OF PERSONAL PROPERTY FOR HIRE BY DIVERSE MODES OF TRANSPORTATION		

U.S. Registration No.	1277400	Application Date	11/12/1982
Registration Date	05/08/1984	Foreign Priority Date	NONE
Word Mark	UPS 2ND DAY AIR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 039. First use: First Use: 1982/09/20 First Use In Commerce: 1982/09/20 Motor Vehicle and Air Transportation of Personal Property		

U.S. Registration No.	1375109	Application Date	11/12/1982
Registration Date	12/10/1985	Foreign Priority Date	NONE
Word Mark	UPS NEXT DAY AIR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 039. First use: First Use: 1982/09/20 First Use In Commerce: 1982/09/20 MOTOR VEHICLE AND AIR TRANSPORTATION OF PERSONAL PROPERTY		

U.S. Registration No.	1460348	Application Date	02/09/1987
Registration Date	10/06/1987	Foreign Priority	NONE

		Date	
Word Mark	UPS AIR CARGO SERVICE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 039. First use: First Use: 1985/10/21 First Use In Commerce: 1985/10/21 MOTOR VEHICLE AND AIR TRANSPORTATION OF PERSONAL PROPERTY		

U.S. Registration No.	1874248	Application Date	03/07/1994
Registration Date	01/17/1995	Foreign Priority Date	NONE
Word Mark	UPS PREFERRED		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 039. First use: First Use: 1994/03/15 First Use In Commerce: 1994/03/15 transportation by air, rail, boat, and motor vehicle of packages and freight		

U.S. Registration No.	1876943	Application Date	03/10/1994
Registration Date	01/31/1995	Foreign Priority Date	NONE
Word Mark	UPS PREFERRED		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 039. First use: First Use: 1994/03/15 First Use In Commerce: 1994/03/15 transportation by air, rail, boat, and motor vehicle of packages and freight		

U.S. Registration No.	1878016	Application Date	03/24/1994
Registration Date	02/07/1995	Foreign Priority Date	NONE
Word Mark	UPS NEXT DAY AIR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 039. First use: First Use: 1984/12/00 First Use In Commerce: 1984/12/00 motor vehicle and air transportation of personal property		

U.S. Registration No.	1878918	Application Date	03/24/1994
Registration Date	02/14/1995	Foreign Priority Date	NONE
Word Mark	UPS 2ND DAY AIR		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 039. First use: First Use: 1984/12/00 First Use In Commerce: 1984/12/00 motor vehicle and air transportation of personal property		
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U.S. Registration No.	2098168	Application Date	12/01/1995
Registration Date	09/16/1997	Foreign Priority Date	NONE
Word Mark	UPS TRACKPAD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1995/10/00 First Use In Commerce: 1995/10/00 computer programs and hand-held computers used for collection of package transit and delivery information		

U.S. Registration No.	2128739	Application Date	12/18/1996
Registration Date	01/13/1998	Foreign Priority Date	NONE
Word Mark	UPS ONLINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1996/07/01 First Use In Commerce: 1996/07/01 software for use in preparing and printing shipping documents and invoices and tracking the shipped packages		

U.S. Registration No.	2278090	Application Date	08/13/1998
Registration Date	09/14/1999	Foreign Priority Date	NONE
Word Mark	UPS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1996/07/01 First Use In Commerce: 1996/07/01 software for use in preparing and printing shipping documents and invoices and tracking the shipped packages		

U.S. Registration No.	2582489	Application Date	02/06/1997
Registration Date	06/18/2002	Foreign Priority Date	NONE
Word Mark	UPS ONLINE ENVOY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1998/09/00 First Use In Commerce: 1998/09/00 software for use in preparing and printing shipping documents and invoices, and tracking of the shipped packages		

	<p>Class 038. First use: First Use: 1998/09/00 First Use In Commerce: 1998/09/00 telecommunication services, namely, providing information on international transportation and delivery services and package tracking using a global computer network</p> <p>Class 039. First use: First Use: 1998/09/00 First Use In Commerce: 1998/09/00 delivery of personal property by air, rail, boat and motor vehicle</p>
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U.S. Registration No.	2830249	Application Date	01/27/1998
Registration Date	04/06/2004	Foreign Priority Date	NONE
Word Mark	UPS INTERNET TOOLS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1997/10/07 First Use In Commerce: 1997/10/07 Software for use in preparing and printing shipping forms, documents and invoices, and tracking of the shipped packages</p> <p>Class 039. First use: First Use: 1997/10/07 First Use In Commerce: 1997/10/07 Delivery of personal property by air, rail, boat and motor vehicle; providing computerized information on domestic and international transportation and delivery services and package tracking</p>		

U.S. Registration No.	2483193	Application Date	04/29/1999
Registration Date	08/28/2001	Foreign Priority Date	NONE
Word Mark	UPS.COM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1994/12/00 First Use In Commerce: 1994/12/00 computer software for use in connection with worldwide pick up, tracing, and delivery of personal property by air, rail, boat, and motor vehicles		

U.S. Registration No.	3160062	Application Date	07/01/2004
Registration Date	10/17/2006	Foreign Priority Date	NONE
Word Mark	UPS WORLDSHIP		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1994/12/12 First Use In Commerce: 1994/12/12 Computer hardware, operating software and peripherals, modems, laser and thermal printers, scanners, network interface cards, electrical and fiber optic cables, scales and display screens, for package shipping rate calculators, shipping record keeping and software for use in preparing and printing shipping documents and invoices, and tracking of shipped packages</p> <p>Class 035. First use: First Use: 1994/12/12 First Use In Commerce: 1994/12/12 Computerized tracking and tracing of packages in transit, namely, providing</p>		

	<p>computerized information on domestic and international transportation and delivery services</p> <p>Class 039. First use: First Use: 1994/12/12 First Use In Commerce: 1994/12/12</p> <p>Transportation and delivery of personal property by air, rail, boat and motor vehicle</p>
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U.S. Registration No.	2520558	Application Date	08/31/1998
Registration Date	12/18/2001	Foreign Priority Date	NONE
Word Mark	UPS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1998/10/00 First Use In Commerce: 1998/10/00 software for use in preparing and printing shipping documents and invoices and tracking the shipped packages		

U.S. Registration No.	2973108	Application Date	03/24/2003
Registration Date	07/19/2005	Foreign Priority Date	NONE
Word Mark	UPS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2003/03/29 First Use In Commerce: 2003/03/29 Computer hardware and computer software in the field of transportation and delivery and in connection with worldwide pick-up, tracing and delivery; batteries; alternative power supply appliances, namely, voltage surge protectors; magnetic discs and tapes; computer printers, scales and scanners; computer software for providing automated download of files, for preparing and printing of shipping labels, documents and invoices, for providing electronic shipping labels, shipping documents and invoices, for providing information on available transportation and delivery services, and for providing proof of delivery documentation, including digitized signature of the recipient of the package and the receipt, transmission and processing of customer identifying shipping account information</p> <p>Class 016. First use: First Use: 2003/03/29 First Use In Commerce: 2003/03/29 Printed materials pertaining to information transportation and delivery, namely, press releases, pamphlets, brochures, newsletters, books, posters, periodicals, calendars, magazines, printed instructional, educational and teaching material, paper banners, envelopes, cardboard boxes and packages, shipping and address labels, stationery, desk sets, pen and pencil sets, pen, paper clip dispensers, pen and holder desk sets, note holders, fountain pens, desk folders, stationery-type portfolios, business card files, ring binders, letter openers, desk caddies, packing paper, paper bags, cardboard, cardboard envelopes and cartons; plastic bags and envelopes and pouches for packaging, plastic bubble packs for wrapping or packaging</p> <p>Class 025. First use: First Use: 2003/03/29 First Use In Commerce: 2003/03/29 Clothing, namely, hats, shorts, sweaters, jackets, socks, coats, t-shirts, pants, shirts, vests, sweatshirts, rainwear, footwear and gloves</p> <p>Class 035. First use: First Use: 2003/03/29 First Use In Commerce: 2003/03/29</p>		

	<p>Advertising services; logistics management in the field of transportation and delivery; business management services; business consulting services; business administration services; Providing facilities for the use of office equipment and machinery; management assistance services in the field of transportation and delivery; management consulting services; providing computerized tracking and tracing of packages in transit; distribution of advertising samples for others; mail sorting handling and receiving services; retail store services featuring stamps and office supplies; data processing services; photocopying services; document reproduction services; Franchising, namely, offering technical assistance in the establishment and/or operation of retail mailing, shipping, packaging, faxing and electronic communication outlets; providing automated registration for customer identifying shipping account information over the global computer network; licensing of computer software; transportation network management solution services; arranging expedited pick-up, storage, transportation and delivery services; customs clearance services</p> <p>Class 038. First use: First Use: 2003/03/29 First Use In Commerce: 2003/03/29</p> <p>Communications services and telecommunications services, namely, electronic transmission of messages, data and voice data; facsimile and electronic message services, message delivery and sending services, telephone services and wire services; services of transportation of letters, documents and other texts by telex, by telephone, by electronic means; online document delivery via a global computer network</p> <p>Class 042. First use: First Use: 2003/03/29 First Use In Commerce: 2003/03/29</p> <p>Legal services; scientific research services; design and development of computer hardware and software; consulting services in the field of design, selection, implementation and use of computer hardware and software systems for others</p>
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Attachments	<p>71533084#TMSN.gif (1 page)(bytes) 73402340#TMSN.gif (1 page)(bytes) 73402341#TMSN.gif (1 page)(bytes) 74499043#TMSN.gif (1 page)(bytes) 75536053#TMSN.gif (1 page)(bytes) 75693710#TMSN.gif (1 page)(bytes) 78444912#TMSN.jpeg (1 page)(bytes) 78229056#TMSN.gif (1 page)(bytes) Hybrid Green.pdf (10 pages)(27798 bytes)</p>
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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	/ss/
Name	Stephen M. Schaetzel
Date	05/19/2008

2. Since at least as early as 1933, long prior to the filing date of the intent-to-use application herein opposed, Opposer has adopted, used, and continued to use the mark UPS in interstate commerce in connection with, *inter alia*, transportation and delivery services. In addition, long prior to the filing date of the intent-to-use application herein opposed, Opposer has used the mark UPS in interstate commerce in connection with electronic components and equipment, including computer hardware and software. Since the date of first use of the mark UPS, Opposer has continuously used that mark to identify and distinguish Opposer's goods and services from those of others.

3. Opposer's marks comprising or incorporating the mark UPS are now and ever since their dates of first use have been used in connection with Opposer's goods and services and applied to product literature and other materials in connection with those goods and services. The goods and services offered for sale and sold under the mark UPS have been extensively advertised and promoted. As a result of the quality of Opposer's goods and services, the advertising for such goods and services, and Opposer's reputation for fair dealing with the trade and the public, the mark UPS has become famous with goodwill of inestimable value to Opposer, and the famous mark UPS identifies and distinguishes Opposer's goods and services from those of others to the trade and to the public.

4. Opposer is the owner of a number of registrations for marks comprising or incorporating "UPS" on the Principal Register of the United States Patent and Trademark Office, including without limitation:

<u>MARK</u>	<u>REG. NO.</u>	<u>REG. DATE</u>	<u>GOODS AND SERVICES</u>
UPS and Design	514,285	Aug. 23, 1949	Motor vehicle delivery service for retail stores
UPS	966,774	Aug. 21, 1973	Transportation of personal property for hire by diverse modes of transportation
UPS 2 nd DAY AIR and Design	1,277,400	May 8, 1984	Motor Vehicle and Air Transportation of Personal Property
UPS NEXT DAY AIR and Design	1,375,109	Dec. 10, 1985	Motor Vehicle and Air Transportation of Personal Property
UPS AIR CARGO SERVICE	1,460,348	Oct. 6, 1987	Motor Vehicle and Air Transportation of Personal Property
UPS PREFERRED	1,874,248	Jan. 17, 1995	Transportation by air, rail, boat, and motor vehicle of packages and freight
UPS PREFERRED and Design	1,876,943	Jan. 31, 1995	Transportation by air, rail, boat, and motor vehicle of packages and freight
UPS NEXT DAY AIR	1,878,016	Feb. 7, 1995	Motor vehicle and air transportation of personal property
UPS 2 nd DAY AIR	1,878,918	Feb. 14, 1995	Motor vehicle and air transportation of personal property
UPS TRACKPAD	2,098,168	Sept. 16, 1997	Computer programs and hand-held computers used for collection of package transit and delivery information
UPS ONLINE	2,128,739	Jan 13, 1998	Software for use in preparing and printing shipping documents and invoices and tracking the shipped packages
UPS and Design	2,278,090	Sept. 14, 1999	Software for use in preparing and printing shipping documents and invoices and tracking the shipped packages
UPS ONLINE ENVOY	2,582,489	June 18, 2002	Software for use in preparing and printing shipping documents and invoices, and tracking of the shipped packages;

			<p>Telecommunication services, namely, providing information on international transportation and delivery services and package tracking using a global computer network;</p> <p>Delivery of personal property by air, rail, boat and motor vehicle</p>
UPS INTERNET TOOLS	2,830,249	April 6, 2004	<p>Software for use in preparing and printing shipping forms, documents and invoices, and tracking of the shipped packages;</p> <p>Delivery of personal property by air, rail, boat and motor vehicle; providing computerized information on domestic and international transportation and delivery services and package tracking</p>
UPS.COM	2,483,193	Aug. 28, 2001	<p>Computer software for use in connection with worldwide pick up, tracing, and delivery of personal property by air, rail, boat, and motor vehicles</p>
UPS WORLDSHIP	3,160,062	Oct. 17, 2006	<p>Computer hardware, operating software and peripherals, modems, laser and thermal printers, scanners, network interface cards, electrical and fiber optic cables, scales and display screens, for package shipping rate calculators, shipping record keeping and software for use in preparing and printing shipping documents and invoices, and tracking of shipped packages;</p> <p>Computerized tracking and tracing of packages in transit, namely, providing computerized information on domestic and international transportation and delivery services;</p> <p>Transportation and delivery of personal property by air, rail, boat and motor vehicle</p>
UPS	2,520,558	Dec. 18, 2001	<p>Software for use in preparing and printing</p>

			shipping documents and invoices and tracking the shipped packages
UPS and Design	2,973,108	July 19, 2005	<p>Computer hardware and computer software in the field of transportation and delivery and in connection with worldwide pick-up, tracing and delivery; batteries; alternative power supply appliances, namely, voltage surge protectors; magnetic discs and tapes; computer printers, scales and scanners; computer software for providing automated download of files, for preparing and printing of shipping labels, documents and invoices, for providing electronic shipping labels, shipping documents and invoices, for providing information on available transportation and delivery services, and for providing proof of delivery documentation, including digitized signature of the recipient of the package and the receipt, transmission and processing of customer identifying shipping account information;</p> <p>Printed materials pertaining to information transportation and delivery, namely, press releases, pamphlets, brochures, newsletters, books, posters, periodicals, calendars, magazines, printed instructional, educational and teaching material, paper banners, envelopes, cardboard boxes and packages, shipping and address labels, stationery, desk sets, pen and pencil sets, pen, paper clip dispensers, pen and holder desk sets, note holders, fountain pens, desk folders, stationery-type portfolios, business card files, ring binders, letter openers, desk caddies, packing paper, paper bags, cardboard, cardboard envelopes and cartons; plastic bags and envelopes and pouches for packaging, plastic bubble packs for wrapping or packaging;</p> <p>Clothing, namely, hats, shorts, sweaters,</p>

			<p>jackets, socks, coats, t-shirts, pants, shirts, vests, sweatshirts, rainwear, footwear and gloves;</p> <p>Advertising services; logistics management in the field of transportation and delivery; business management services; business consulting services; business administration services;</p> <p>Providing facilities for the use of office equipment and machinery; management assistance services in the field of transportation and delivery; management consulting services; providing computerized tracking and tracing of packages in transit; distribution of advertising samples for others; mail sorting handling and receiving services; retail store services featuring stamps and office supplies; data processing services; photocopying services; document reproduction services; Franchising, namely, offering technical assistance in the establishment and/or operation of retail mailing, shipping, packaging, faxing and electronic communication outlets; providing automated registration for customer identifying shipping account information over the global computer network; licensing of computer software; transportation network management solution services; arranging expedited pick-up, storage, transportation and delivery services; customs clearance services;</p> <p>Communications services and telecommunications services, namely, electronic transmission of messages, data and voice data; facsimile and electronic message services, message delivery and sending services, telephone services and wire services; services of transportation of letters, documents and other texts by telex, by telephone, by electronic means;</p>
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			<p>online document delivery via a global computer network;</p> <p>Legal services; scientific research services; design and development of computer hardware and software; consulting services in the field of design, selection, implementation and use of computer hardware and software systems for others</p>
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The aforementioned marks ("Opposer's Marks") have been used in commerce prior to the filing date of the intent-to-use application herein opposed. The registrations for each of these marks are valid and subsisting, unrevoked and uncancelled, and in full force and effect. Registrations Nos. 514,285; 2,520,558; 2,483,193; 2,582,489; 2,278,090; 2,128,739; 2,098,168; 1,878,918; 1,878,016; 1,876,943; 1,874,248; 1,460,348; 1,375,109; 1,277,400; 966,774; and 514,285 are incontestable under 15 U.S.C. § 1065.

5. As a result of their long, widespread, and extensive use by Opposer, Opposer's Marks are of great value to Opposer. Opposer's Marks identify and distinguish Opposer's goods and services from the goods and services of others, symbolize the goodwill of Opposer's business, and are famous in the United States.

6. As a result of the long, widespread and extensive use by Opposer, Opposer's Marks have been well-known to consumers generally, enjoy widespread recognition, and are famous and strong marks entitled to the broadest scope of protection.

7. Upon information and belief, no party other than Opposer owns or is using any federally registered mark that is the same as or is substantially similar to Opposer's Marks for the same or substantially similar services.

8. By the intent-to-use application herein opposed, Applicant seeks to register the designation HYBRID GREEN UPS as a trademark for “power supplies; mobile phone battery chargers; mobile phone battery charger stations; battery chargers; universal power supplies; power saving adapters; electric storage batteries; uninterruptible power supplies; AC/DC converters; power source stable adapters” in International Class 9.

9. Upon information and belief, Applicant is unable to establish priority of use or priority of rights in the United States in connection with Applicant's designation HYBRID GREEN UPS.

10. Applicant’s goods intended to be offered under its designation HYBRID GREEN UPS are the same or similar to the goods and services in connection with which Opposer has long used and continues to use Opposer's Marks.

11. The goods covered by the application for registration of Applicant's designation HYBRID GREEN UPS will be encountered by the same or similar class of purchasers as those who are interested in or familiar with the goods and services promoted, offered, and provided by Opposer under the well-known Opposer’s Marks.

12. Applicant's designation HYBRID GREEN UPS so closely resembles Opposer's Marks as to be likely, when used in connection with Applicant's proposed goods, to cause confusion, to cause mistake, and to deceive with consequent injury to Opposer and the public.

13. Applicant's designation HYBRID GREEN UPS so closely resembles Opposer's Marks that potential purchasers of the goods intended to be offered under Applicant’s proposed mark would be likely to believe that Opposer is the source of such goods, or that Opposer has authorized, sponsored, approved of, or in some other manner associated itself with the goods of

Applicant, thereby creating a likelihood of confusion, deception or mistake, all to the damage of Opposer.

14. Applicant's designation HYBRID GREEN UPS falsely suggests a connection or affiliation between Opposer and Applicant are therefore is not entitled to registration.

15. Opposer's UPS mark is famous within the meaning of Section 43(c) of the Lanham Act, and the use by Applicant of the designation HYBRID GREEN UPS for Applicant's goods would cause dilution of the distinctive quality of Opposer's UPS mark.

16. Opposer has used the UPS mark in commerce for years in connection with electronic components and equipment, including computer hardware and software. Opposer's UPS mark has since become famous, with strong and distinctive character qualifying for protection under Sections 13 and 43(c) of the Lanham Act, as amended.

17. Application Serial No. 77/176,134 was filed on May 9, 2007, and therefore is subject to the provisions of Sections 13 and 43(c) of the Lanham Act, as amended.

18. Applicant's use and registration of the designation HYBRID GREEN UPS as shown in Application Serial No. 77/176,134 will lessen the capacity of Opposer's famous and distinctive UPS mark to distinguish Opposer's goods and services from those of others, all to the damage of Opposer.

19. Opposer will be damaged by the registration sought by Applicant because such registration would constitute *prima facie* evidence of Applicant's exclusive right to use Applicant's designation for and in connection with Applicant's goods, which would be inconsistent with and detrimental to Opposer's prior, established, and superior rights in the UPS mark.

WHEREFORE, Opposer requests that its Opposition to Application Serial No. 77/176,134 for registration of HYBRID GREEN UPS be sustained and that the registration sought by applicant be refused.

Dated: May 19, 2008

By: /Stephen M. Schaetzel/

Stephen M. Schaetzel

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UNITED PARCEL SERVICE OF
AMERICA, INC.