

ESTTA Tracking number: **ESTTA216912**

Filing date: **06/11/2008**

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	Georgia-Pacific Consumer Products LP		
Entity	Partnership	Citizenship	Delaware
Composed Of:	GPCon/GP LLC and GP Muskogee Partner LLC, both Delaware limited liability companies		
Address	133 Peachtree St, NE Atlanta, GA 30303 UNITED STATES		

Correspondence information	Christine M. Cason Senior Trademark Counsel Georgia-Pacific Consumer Products LP 133 Peachtree St, NE Atlanta, GA 30303 UNITED STATES cmcason@gapac.com, bfedwar@gapac.com Phone:404-652-5704
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Applicant Information

Application No	77364616	Publication date	05/20/2008
Opposition Filing Date	06/11/2008	Opposition Period Ends	06/19/2008
Applicant	Global Tissue Group, Inc. 1101 Lakeland Avenue Bohemia, NY 11716 UNITED STATES		

Goods/Services Affected by Opposition

Class 016. All goods and services in the class are opposed, namely: consumer and industrial paper products, namely, facial tissues, napkins, towels and bathroom tissues

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3170713	Application Date	04/07/2005
Registration Date	11/14/2006	Foreign Priority Date	NONE
Word Mark	ACOLCHINADO		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 016. First use: First Use: 2005/03/01 First Use In Commerce: 2005/03/01 Bath tissue

U.S. Registration No.	2867895	Application Date	11/21/2002
Registration Date	07/27/2004	Foreign Priority Date	NONE
Word Mark	IT'S ALL IN THE QUILTING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 2003/12/01 First Use In Commerce: 2003/12/01 Bath tissue		

U.S. Registration No.	3069376	Application Date	08/24/2004
Registration Date	03/14/2006	Foreign Priority Date	NONE
Word Mark	PLUSH-QUILTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 2005/05/02 First Use In Commerce: 2005/05/02 Bath tissue		

U.S. Registration No.	2957128	Application Date	01/28/2004
Registration Date	05/31/2005	Foreign Priority Date	NONE
Word Mark	QUILTED		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1993/01/07 First Use In Commerce: 1993/01/07 bath tissue		

U.S. Registration No.	2933048	Application Date	02/04/2004
Registration Date	03/15/2005	Foreign Priority Date	NONE
Word Mark	QUILTED		
Design Mark			
Description of Mark	The mark consists of the word QUILTED in puffy lettering.		
Goods/Services	Class 016. First use: First Use: 1993/01/07 First Use In Commerce: 1993/01/07 bath tissue		

U.S. Registration	2968615	Application Date	10/13/2003
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No.			
Registration Date	07/12/2005	Foreign Priority Date	NONE
Word Mark	QUILTED NORTHERN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 2004/08/01 First Use In Commerce: 2004/08/01 Facial tissue		

U.S. Registration No.	2209027	Application Date	11/24/1997
Registration Date	12/08/1998	Foreign Priority Date	NONE
Word Mark	QUILTED NORTHERN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1998/06/30 First Use In Commerce: 1998/06/30 BATHROOM TISSUE		

U.S. Registration No.	2663438	Application Date	03/07/2002
Registration Date	12/17/2002	Foreign Priority Date	NONE
Word Mark	QUILTED NORTHERN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1993/01/07 First Use In Commerce: 1993/01/07 Pack of Bath tissue		

U.S. Registration No.	3018501	Application Date	08/19/2003
Registration Date	11/22/2005	Foreign Priority Date	NONE
Word Mark	QUILTED NORTHERN PS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 2004/08/01 First Use In Commerce: 2004/08/01 Bath tissue		

U.S. Registration No.	3293547	Application Date	01/11/2005
Registration Date	09/18/2007	Foreign Priority Date	NONE
Word Mark	QUILTED NORTHERN PS		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 016. First use: First Use: 2004/08/01 First Use In Commerce: 2004/08/01 FACIAL TISSUES

U.S. Registration No.	2059102	Application Date	04/15/1996
Registration Date	05/06/1997	Foreign Priority Date	NONE
Word Mark	QUILTED NORTHERN ULTRA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1995/07/00 First Use In Commerce: 1995/07/00 bathroom tissue		

U.S. Registration No.	2872813	Application Date	03/07/2003
Registration Date	08/10/2004	Foreign Priority Date	NONE
Word Mark	QUILTING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 2003/12/01 First Use In Commerce: 2003/12/01 Bath tissue		

Attachments	78603832#TMSN.jpeg (1 page)(bytes) 78472573#TMSN.jpeg (1 page)(bytes) 78358508#TMSN.jpeg (1 page)(bytes) 78362424#TMSN.jpeg (1 page)(bytes) 78545342#TMSN.jpeg (1 page)(bytes) Notice of Opposition (QUILTY).PDF (6 pages)(333901 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 Overnight Courier on this date.

Signature	/Christine M. Cason/
Name	Christine M. Cason
Date	06/11/2008

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

Georgia-Pacific Consumer Products LP,)	
)	
Opposer,)	Application No. 77/364,616
)	
v.)	Mark: QUILTY
)	
Global Tissue Group, Inc.,)	
)	
)	Opposition No. _____
Applicant.)	

NOTICE OF OPPOSITION

Opposer Georgia-Pacific Consumer Products LP (“Opposer”), will be harmed and damaged by registration of the QUILTY mark that is the subject matter of Application Serial Number 77/364,616 filed by Global Tissue Group, Inc., (“Applicant”) and opposes the same pursuant to 15 U.S.C. §§ 1063 and 1052(d), and 37 C.F.R. §§ 2.101 and 2.104(a). As grounds for opposition, Opposer alleges as follows:

1. Opposer is a Delaware limited partnership with a place of business located at 133 Peachtree Street, N.E., Atlanta, Georgia 30303.
2. Opposer is one of the world’s largest producers of tissue, towels, napkins and related consumer products including bathroom and facial tissue sold under the well-known and famous QUILTED NORTHERN® brand.
3. Opposer is the owner of, *inter alia*, the following family of marks comprised of or incorporating the QUILT formative in International Class 16 (collectively, “Opposer’s QUILT Marks”):

Mark	Registration Number	Goods	Status	First Use Date
ACOLCHINADO (Quilted in Spanish)	3,170,713	Bathroom tissue	Registered on November 14, 2006	At least as early as March 1, 1995
IT'S ALL IN THE QUILTING	2,867,895	Bathroom tissue	Registered on July 27, 2004	At least as early as December 1, 2003
PLUSH-QUILTS	3,069,376	Bathroom tissue	Registered on March 14, 2006	At least as early as March 2, 2005
QUILTED	2,957,128	Bathroom tissue	Registered on May 31, 2005	At least as early as January 7, 1993
QUILTED & Design	2,933,048	Bathroom tissue	Registered on March 15, 2005	At least as early as January 7, 1993
QUILTED NORTHERN	2,968,615	Facial tissue	Registered on July 12, 2005	At least as early as August 1, 2004
QUILTED NORTHERN	2,209,027	Bathroom tissue	Registered on December 8, 1998	At least as early as June 30, 1998
QUILTED NORTHERN	2,663,438	Bathroom tissue	Registered on December 17, 2002	At least as early as January 7, 1993
QUILTED NORTHERN PS	3,018,501	Bathroom tissue	Registered on November 22, 2005	At least as early as August 1, 2004
QUILTRED NORTHERN PS	3,293,547	Facial tissue	Registered on September 18, 2007	At least as early as August 1, 2004
QUILTED NORTHERN ULTRA	2,059,102	Bathroom tissue	Registered on May 6, 1997	At least as early as July 1995
QUILTING	2,872,813	Bathroom tissue	Registered on August 10, 2004	At least as early as December 1, 2003

4. U.S. Trademark Registration Nos. 2,059,102, 2,209,027, and 2,663,438 are incontestable pursuant to 15 U.S.C. §1065.
5. Opposer has continuously and exclusively used Opposer's QUILT Marks in connection with the above-identified goods since at least as early as each of the indicated first use dates. In particular, Opposer has continuously and exclusively used its QUILTED NORTHERN mark in commerce for more than fifteen (15) years, since at least as early as January 7, 1993.
6. Opposer has continuously and exclusively used its mark QUILTED NORTHERN PS for nearly four (4) years, since at least as early as August 1, 2004.
7. Opposer has continuously and exclusively used its mark QUILTED NORTHERN ULTRA for nearly thirteen (13) years, since at least as early as July 1995.
8. Opposer has continuously and exclusively used its ACOLCHINADO (Quilted in Spanish) mark in commerce for more than thirteen (13) years, since at least as early as March 1, 1995.
9. Opposer has continuously and exclusively used its mark IT'S ALL IN THE QUILTING in commerce for nearly five (5) years since, at least as early as December 1, 2003.
10. Opposer has continuously and exclusively used its mark PLUSH-QUILTS in commerce for over three (3) years, since at least as early as May 2, 2005.
11. Opposer has continuously and exclusively used its mark QUILTED for over fifteen (15) years, since at least as early as January 7, 1993.

12. Opposer has continuously and exclusively used its mark QUILTED & Design for over fifteen (15) years, since at least as early as January 7, 1993.

13. Opposer has sold billions of dollars worth of bathroom tissue and facial tissue in connection with Opposer's QUILT Marks.
14. Opposer has spent millions of dollars in advertising, promoting and marketing goods sold in connection with Opposer's QUILT Marks.
15. By virtue of the widespread sales and extensive advertising and promotion of Opposer's products bearing Opposer's QUILT Marks, Opposer's QUILT Marks are well-known by consumers, are recognized and relied upon as identifying Opposer's goods and as distinguishing them from the goods of others, and have come to represent and symbolize extremely valuable goodwill belonging exclusively to Opposer.
16. By virtue of Opposer's extensive use and promotion, Opposer's QUILT Marks have acquired a high degree of distinctiveness.
17. By virtue of Opposer's extensive use and promotion, Opposer's QUILT Marks have become famous.
18. Applicant only recently filed an intent-to-use application to federally register the mark QUILTY (Serial No. 77/364,616) on January 4, 2008 for "consumer and industrial paper products, namely, facial tissues, napkins, towels and bathroom tissues" in International Class 16 ("Applicant's Mark"). To date, Applicant has not filed a statement of use or any other document with the U.S. Patent and Trademark Office to declare a first use date.
19. Applicant's Mark is confusingly similar in sight, sound and meaning to Opposer's QUILT Marks. Applicant's Mark contains the identical QUILT formative as Opposer's QUILT Marks.

20. The identification of goods for Applicant's Mark includes goods that are similar and even identical to goods sold under Opposer's QUILT Marks, that are likely to be directed to identical classes of purchasers, and that are likely to be marketed and sold through the same channels of trade as Opposer's goods sold under Opposer's QUILT Marks.
21. Opposer's rights in Opposer's QUILT Marks are superior to any rights Applicant may have or claim. Opposer has used Opposer's QUILT Marks for more than 15 years prior to the filing date for Applicant's Mark. To date, Applicant has not declared a first use date for Applicant's Mark.
22. Applicant is a direct competitor of Opposer, and must have known of Opposer's QUILT Marks prior to filing Application Serial Number 77/364,616 for the QUILTY mark.
23. Registration of Applicant's Mark is barred by the provisions of Section 2(d) of the Trademark Act of 1946 because Applicant's Mark substantially incorporates, consists of or comprises a mark, for similar and identical goods, which so resembles and means the same thing as Opposer's QUILT Marks previously used and registered by Opposer and not abandoned, as to be likely, when used on or in connection with Applicant's goods, to cause confusion, to cause mistake, or to deceive.
24. Registration of Applicant's Mark is barred by the provisions of Section 43(c) of the Trademark Act of 1946 because Applicant's Mark will dilute Opposer's QUILT Marks by eroding consumers' exclusive identification of Opposer's QUILT Marks with Opposer, tarnishing and degrading the positive associations and prestigious connotations of Opposer's QUILT Marks, and otherwise lessening

the capacity of the Opposer's QUILT Marks to identify and distinguish Opposer's goods.

25. Registration of Applicant's Mark will injure Opposer because Applicant's Mark, so resembles Opposer's QUILT Marks as to create confusion, mistake and/or deception. Persons familiar with Opposer's QUILT Marks are likely to believe erroneously that Applicant's goods are offered by Opposer or are authorized, licensed, endorsed, or sponsored by Opposer, and registration of Applicant's mark would be inconsistent with Opposer's rights in Opposer's QUILT Marks. Registration of Applicant's Mark will also injure Opposer because Applicant's Mark is likely to dilute the distinctiveness of Opposer's QUILT Marks, which are famous.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's QUILTY mark and requests that the Trademark Trial and Appeal Board sustain Opposer's opposition in favor of Opposer and refuse registration of Application Serial No. 77/364,616.

Respectfully submitted,

GEORGIA-PACIFIC CONSUMER PRODUCTS LP

By: Christine M. Cason
Emily K. Boss
Christine M. Cason
Georgia-Pacific Consumer Products LP
133 Peachtree Street
Atlanta, GA 30303
Telephone: 404-652-4846, 404-652-5704
Fax: 404-584-1461
E-mail: ekboss@gapac.com
cmcason@gapac.com