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/s/ Michael R. Annis

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

Mark: RIVA
U.S. Application Serial No. 79/013,880

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SUNBEAM PRODUCTS, INC.,)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
RIVA ACCIAIO CORPORATION)	U.S. App. No. 79/013,880
ITALY)	
)	
Applicant.)	

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AND
TRADEMARK OFFICE

**NOTICE OF OPPOSITION TO
APPLICATION SERIAL NO. 79/013,880**

Sunbeam Products, Inc. ("Sunbeam" or "Opposer"), a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 2381 Executive Center Drive, Boca Raton, Florida, is being and will be damaged by the potential registration of the mark shown in U.S. Application Serial No. 79/013,880 ("the '880 Application"), and hereby opposes the same, at least as to the goods and/or services identified in International Class 11.

As grounds for its opposition, Opposer alleges as follows:

1. On January 14, 2005, Applicant, Riva Acciaio Corporation Italy ("Applicant"), in the '880 Application, applied for registration of the trademark RIVA, under Section 66(a), 15 U.S.C. § 66(a), for numerous goods and/or services in International Classes 1, 6, 9, 11 and 33.

The '880 Application was published for opposition in the Official Gazette on or about February 12, 2008. At issue in the present opposition is the '880 Application as it relates to the goods and/or services noted in International Class 11.

2. Sunbeam is the owner of the below-noted United States Trademark Registrations with the identified dates of first use in commerce:

TRADEMARK	U.S. REG. NO.	INTERNATIONAL CLASS – GOODS DESCRIPTION	DATES OF FIRST USE IN COMMERCE
RIVAL	1,093,188	IC 21 – Domestic electric cookers, waffle-irons, and grills, and parts thereof	01/00/1939
RIVAL and design	2,751,031	IC 7 – Electric can openers, electric bottle openers, electric egg beaters, electric knife sharpeners, electric jar openers, electric food slicers, electric food choppers; electric food graters; electric food shredders and slicers; electric ice shavers; electric coffee mills; electric hand-mixers, electric food grinders for domestic use, electric blenders for domestic use, electric stand mixers, electric food processors, electric juicers, electric coffee grinders for domestic use and electric ice-crushers; electric knife sharpeners IC 11 – Household appliances	03/00/2001
RIVAL	3,181,595	IC 21 – Cookware and bakeware	10/31/2004

3. Sunbeam is also the owner of common law rights associated with its use and/or licensing of the term RIVAL (hereinafter referred to together with the trademark registrations noted in paragraph 2, above, as the "RIVAL Marks").

4. Sunbeam's RIVAL Marks are inherently distinctive and are uniquely associated with Sunbeam in connection with Sunbeam's goods offered under the RIVAL Marks and by reason of the continuous use and promotion of the RIVAL Marks by Sunbeam and/or its licensees and/or its predecessors-in-interest long prior to Applicant's filing of the '880 Application. Sunbeam and/or its licensees and/or its predecessors-in-interest have used the RIVAL Marks since as early as 1939 in connection with the noted goods and have promoted, caused to be promoted and is now promoting and causing to be promoted the RIVAL Marks in interstate commerce within the United States for identifying those goods.

5. Due to the high quality of these goods, and the promotion and sales efforts of Sunbeam and/or its licensees and/or its predecessors-in-interest, the RIVAL Marks have achieved wide consumer acceptance and have obtained a reputation of the highest quality and prestige with the purchasing public. As such, the RIVAL Marks have become famous long prior to Applicant's filing of the '880 Application.

6. The Application for RIVA herein opposed so resembles Sunbeam's RIVAL Marks as to be likely, when used in conjunction with Applicant's goods in International Class 11, to cause confusion, mistake, or deceive customers; and Applicant's mark under the '880 Application is confusingly and deceptive similar to Sunbeam's RIVAL Marks when used in connection with Applicant's goods as stated in those International Classes.

7. Applicant's goods in International Class 11 are directed to the same or related classes of customers as those for Sunbeam's goods, and Sunbeam's goods are so commercially related, at least in International Class 11, that Applicant's RIVA mark under the '880 Application and Sunbeam's RIVAL Marks when used in connection with their respective goods, are confusingly similar.

8. Applicant's proposed use of its RIVA mark under the '880 Application, at least in International Class 11, which so resembles and is colorably imitative of Sunbeam's RIVAL Marks is likely to cause confusion, mistake or deception of purchasers as to the source of Applicant's goods in those International Classes and will inevitably falsely suggest a trade connection between Applicant and Sunbeam.

9. The '880 Application for RIVA, if permitted to be registered, will cause dilution of the distinctiveness of Sunbeam's RIVAL Marks and will otherwise injury Sunbeam's reputation and unique identity in the minds of consumers.

WHEREFORE, Opposer Sunbeam Products, Inc. prays that the registration sought by Applicant with respect to the goods and/or services in International Class 11 be refused and that this Notice of Opposition be sustained.

DATED: June 11, 2008.

SUNBEAM PRODUCTS, INC.

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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	/Michael R. Annis/
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Date	06/11/2008

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