

ESTTA Tracking number: **ESTTA254279**

Filing date: **12/10/2008**

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	JACUZZI, INC.		
Entity	Corporation	Citizenship	Delaware
Address	13925 City Center Drive, Suite 200 Chino Hills, CA 91709 UNITED STATES		

Attorney information	Julie E. Hofer Donahue Gallagher Woods LLP 300 Lakeside Drive, Suite 1900 Oakland, CA 94612 UNITED STATES julie@donahue.com, michael@donahue.com Phone:510-451-0544		
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Applicant Information

Application No	77332619	Publication date	11/11/2008
Opposition Filing Date	12/10/2008	Opposition Period Ends	12/11/2008
Applicant	JAZZI POOL & SPA PRODUCTS CO., LTD. NO. 1, TAIHE TOWN INDUSTRIAL AREA GUANGZHOU CITY GUANGDONG PROVINCE, CHINA		

Goods/Services Affected by Opposition

Class 011. All goods and services in the class are opposed, namely: Water filtering units for domestic, commercial, and industrial use; Water purification units; Water desalination plants; Sewage disposal plants; Swimming pool chlorinating units; Hydrants; Drain structures for use in spas, steam rooms and baths; Saunas; Toilet seats; Whirlpool jets

Grounds for Opposition

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.	1101174	Application Date	04/28/1976
Registration Date	09/05/1978	Foreign Priority Date	NONE
Word Mark	JACUZZI		
Design Mark			

Description of Mark	NONE
Goods/Services	<p>Class 006. First use: First Use: 1950/00/00 First Use In Commerce: 1950/00/00 [DIVING BOARDS AND DIVING STANDARDS, SLIDES AND POOL LADDERS AND PARTS THEREOF, AND PREDOMINANTLY MADE OF METAL]</p> <p>Class 007. First use: First Use: 1930/00/00 First Use In Commerce: 1930/00/00 PUMPS; PRESSURE SYSTEMS COMPRISING WATER PUMPS AND ASSOCIATED COMPONENTS; RECIRCULATION PUMPS FOR SWIMMING POOLS; SWIMMING POOL SKIMMERS; WATER ACTION VACUUM CLEANERS; AND PARTS OF EACH AND ALL OF THE FOREGOING; AIR COMPRESSORS AND PARTS THEREOF; AIR COMPRESSOR SYSTEMS SOLD AS A UNIT FOR INDUSTRIAL, AGRICULTURAL AND COMMERCIAL USAGE AND PARTS THEREOF; MARINE JET PROPULSION SYSTEMS COMPRISING ENGINES, PROPULSION PUMPS, AND PARTS THEREOF</p> <p>Class 009. First use: First Use: 1959/00/00 First Use In Commerce: 1959/00/00 AUTOMATICALLY ELECTRICALLY OPERATING PRESSURE-SENSITIVE CONTROLS FOR REGULATING BACK-WASHING OF SWIMMING POOL FILTERS, AND PARTS THEREOF; ACCUMULATORS AND PRESSURE AND FLOW RESPONSIVE PUMP MOTOR CONTROLS</p> <p>Class 010. First use: First Use: 1957/10/00 First Use In Commerce: 1957/10/00 HYDRO-THERAPY PRODUCTS-NAMELY, HYDRO-THERAPY FITTINGS, PUMPS; HYDROTHERAPY SYSTEMS SOLD AS A UNIT COMPRISING TUB VESSELS, WATER FILTERS, WATER HEATERS, PUMPS AND HYDRO-THERAPY FITTINGS AND PARTS THEREOF; THERAPEUTIC WHIRLPOOL BATHS AND PARTS THEREOF</p> <p>Class 011. First use: First Use: 1930/00/00 First Use In Commerce: 1930/00/00 MUNICIPAL, INDUSTRIAL, AGRICULTURAL, COMMERCIAL AND DOMESTIC WATER SUPPLY SYSTEMS SOLD AS A UNIT, AND PARTS THEREOF; THRUST PRODUCING NOZZLES FOR PROPELLING AND STEERING, RESIDENTIAL AND COMMERCIAL SWIMMING POOL EQUIPMENT-NAMELY, SPECIAL FITTINGS, FILTERS, UNDERWATER LIGHTS, RETURN FITTINGS, AND AUTOMATIC WATER SYSTEMS COMPRISING PUMPS, PRESSURE SWITCHES AND MINIATURE ACCUMULATORS SOLD AS A UNIT</p>

U.S. Registration No.	1717864	Application Date	08/31/1990
Registration Date	09/22/1992	Foreign Priority Date	NONE
Word Mark	JACUZZI		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 011. First use: First Use: 1990/04/21 First Use In Commerce: 1990/07/12 plumbing fittings; namely, faucets and shower heads		

U.S. Registration No.	3535396	Application Date	06/17/2005
Registration Date	11/18/2008	Foreign Priority Date	NONE
Word Mark	JACUZZI MAXIMA		

Design Mark	JACUZZI MAXIMA
Description of Mark	NONE
Goods/Services	Class 011. First use: First Use: 2006/02/02 First Use In Commerce: 2006/02/02 toilets

U.S. Registration No.	1241022	Application Date	07/19/1979
Registration Date	06/07/1983	Foreign Priority Date	NONE
Word Mark	JACUZZI WHIRLPOOL BATH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 1957/10/01 First Use In Commerce: 1957/11/01 Hydromassage Products-Namely, Bathtubs with Hydromassage Units, Combination Shower and Bathtubs with Hydromassage Units, Spas with Hydromassage Units, Tubs with Hydromassage Units, and Inlets, Pumps and Suction Fittings for Hydromassage Units		

Attachments	78653076#TMSN.jpeg (1 page)(bytes) 73223928#TMSN.gif (1 page)(bytes) Notice of Opposition and Certificate of Service.pdf (33 pages)(701564 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	/Julie E. Hofer/
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Name	Julie E. Hofer
Date	12/10/2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

JACUZZI INC.,

Opposer,

v.

JAZZI POOL & SPA PRODUCTS CO., LTD

Applicant.

Opposition No. _____

Mark: **JAZZI POOL & SPA PRODUCTS
and design**

Serial No: 77/332,619

Filed: November 19, 2007

Published: November 11, 2008

NOTICE OF OPPOSITION

JACUZZI INC., a Delaware corporation having its principal place of business at 13925 City Center Drive, Suite 200, Chino Hills, California 91709, (“Opposer”) believes that it will be damaged by the registration of the mark shown in the above-identified application, and hereby opposes registration of the same.

As grounds for opposition it is alleged that:

1. Opposer is now, and has been for many years, engaged in the business of manufacturing, promoting, and selling baths, spas, whirlpool baths, and products relating to same, as well as products relating to water supply systems, swimming pools, and hydro-therapy equipment. Opposer is a world-famous manufacturer of such products.

2. At least as early as October 1957, and long prior to the November 19, 2007 date on which Jazzi Pool & Spa Products Co., Ltd. (“Applicant”) filed its application, Opposer or a predecessor adopted and began using the trademark JACUZZI in connection with products relating to swimming pools, whirlpool baths, hydro-therapy equipment and water supply systems,

including for water filters. Additionally, at least as early as October 1957, and again long prior to the November 19, 2007 date on which Applicant filed its application, Opposer or a predecessor adopted and began using the mark JACUZZI WHIRLPOOL BATH and design in connection with whirlpool bath equipment and hydromassage products, such as bathtubs, showers, and spas with hydromassage units, and related products, and began using that mark for such products in interstate commerce at least as early as November 1957. At least as early as April 21, 1990, and again well prior to the November 19, 2007 date on which Applicant filed its application, Opposer or a predecessor in interest adopted and began using the mark JACUZZI for plumbing fittings, and began using such mark for such products in interstate commerce at least as early as July 12, 1990. At least as early as February 2006, and again prior to the November 19, 2007 date on which Applicant filed its application, Opposer or a predecessor adopted and began using the mark JACUZZI MAXIMA in connection with toilets, and began using that mark for such products in interstate commerce at least as early as February 2006. Opposer has used its JACUZZI Marks continuously up to and including the present time. Substantial sales and advertising of its products have been and are being made by Opposer under its JACUZZI Marks.

3. Opposer is the owner of U.S. Trademark Registration Nos. 1,101,174, registered September 5, 1978, and 1,717,864, registered September 22, 1992, both for the mark JACUZZI, for, respectively, products and equipment relating to swimming pools, hydro-therapy equipment, whirlpool baths, and water supply systems, including water filters; and plumbing fittings, namely, faucets and shower heads. Opposer is also the owner of U.S. Trademark Registration Nos. 1,241,022, registered June 7, 1983, for the mark JACUZZI WHIRLPOOL BATH and design, for hydromassage products, such as bathtubs, showers, and spas with hydromassage units, and related products, and 3,535,396, registered November 18, 2008, for the mark JACUZZI

MAXIMA, for toilets. All four (4) of these registrations are valid and subsisting and in full force and effect. Attached hereto as Exhibits A through D, and incorporated herein by reference, are copies of the Certificates of Registration from the U.S. Patent & Trademark Office's (the "PTO") records, together with a copy of the PTO's TARR record for those registrations. (Opposer's JACUZZI WHIRLPOOL BATH and design mark, its JACUZZI mark, and its JACUZZI MAXIMA mark shall hereinafter be referred to collectively as the "JACUZZI Marks.")

4. Opposer has expended large sums of money and substantial efforts for the promotion of its products sold in connection with the JACUZZI Marks such that those marks have become widely known as identifying the source of the products emanating from Opposer. The JACUZZI Marks and their associated products are recognized throughout the United States and the world, and are registered and protected not only in the United States, but in over 80 foreign jurisdictions as well. The good will of the business connected with the use of and symbolized by the JACUZZI Marks is an extremely valuable asset of Opposer.

5. By virtue of their nationwide and worldwide recognition, each of Opposer's JACUZZI Marks qualifies as a distinctive and famous mark under the factors set forth in Section 3 of the Federal Trademark Dilution Act of 1995, as amended (P.L. 104-98, 109 Stat. 985) (15 U.S.C. § 1125(c)(2)).

6. Applicant has filed an intent to use application with no first use date, suggesting Applicant has not yet begun using its JAZZI POOL & SPA PRODUCTS and design mark (hereinafter referred to as the "JAZZI Mark") in the U.S. in relation to the products identified in its application – namely, "water filtering units for domestic, commercial, and industrial use; water purification units; water desalination plants; sewage disposal plants; swimming pool chlorinating units; hydrants; drain structures for use in spas, steam rooms and baths; saunas;

toilet seats; whirlpool jets.” Attached hereto as Exhibit E, and incorporated by reference, is a copy of the PTO’s TARR record for this application.

7. Upon information and belief, any rights of Applicant in and to the JAZZI Mark, as set forth in its application or otherwise, are subsequent to Opposer’s use and registration of each of the JACUZZI Marks.

8. Upon information and belief, at the time Applicant filed its application to register the JAZZI Mark for its various products, Applicant had full knowledge of the JACUZZI Marks and of Opposer’s use and registration thereof.

9. The JAZZI Mark that Applicant seeks to register so resembles Opposer’s JACUZZI Marks that the use and registration of the JAZZI Mark by Applicant is likely to cause confusion, mistake, and/or deception as to the source of the goods of Applicant, and will injure Opposer and the good will it now enjoys.

10. Given the fame of Opposer’s JACUZZI Marks and given that Applicant’s mark so closely resembles the JACUZZI Marks, use by Applicant of the JAZZI Mark concurrently with Opposer’s use of the JACUZZI Marks, and the registration of Applicant’s mark, will inevitably cause confusion and mistake, and will deceive the public into believing that the goods of Applicant are provided by, sponsored by, or jointly developed by Opposer, that said goods emanate from the same source, and/or that Applicant is in some other fashion connected with Opposer, all to Opposer’s injury, especially since Applicant’s JAZZI Mark application covers goods that are the same or nearly the same as some of the goods Opposer provides in relation to its JACUZZI Marks.

11. Use of Applicant’s mark in commerce will tend to dilute and lessen the capacity of Opposer’s JACUZZI Marks to uniquely identify Opposer by creating an additional user of a

mark that is so similar in looks and sound to the JACUZZI Marks in relation to water supply systems, water filters, whirlpool baths and related products.

12. Upon information and belief, Applicant filed its application to register the trademark JAZZI Mark, namely application serial no. 77332619, on November 19, 2007 on the Principal Register of the United States Patent and Trademark Office, based on an intent to use the JAZZI Mark in relation to various products. Said application was published in the Official Gazette of November 11, 2008. Since this Notice of Opposition is being filed on or prior to December 11, 2008, which is within thirty (30) days of that publication date, this Notice of Opposition is timely filed.

13. Based upon the foregoing, the registration of the trademark depicted in application serial no. 77/332,619 will cause injury and damage to Opposer.

Therefore, Opposer respectfully requests:

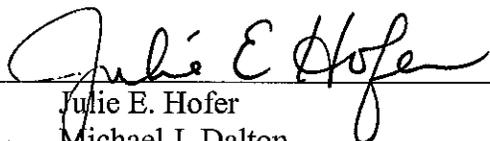
1. that this Opposition be sustained; and
2. that Applicant's mark be refused registration.

Opposer submits this Notice of Opposition, together with payment of \$300.

Dated: December 10, 2008

Respectfully submitted,

DONAHUE GALLAGHER WOODS LLP

By 

Julie E. Hofer
Michael J. Dalton
Jeanne M. Hammond
300 Lakeside Drive, Suite 1900
Oakland, CA 94612
510/451-0544
Attorneys for Opposer, Jacuzzi Inc.

EXHIBIT A

Int. Cl.: 6, 7, 9, 10, 11

Prior U.S. Cl.: 12, 13, 21, 23, 26, 31, 44

United States Patent and Trademark Office

Reg. No. 1,101,174
Registered Sept. 5, 1978

TRADEMARK
Principal Register

JACUZZI

Jacuzzi Bros. Inc. (California corporation)
11511 New Benton Highway
Little Rock, Ark. 72203

For: DIVING BOARDS AND DIVING STANDARDS, SLIDES AND POOL LADDERS AND PARTS THEREOF, AND PREDOMINANTLY MADE OF METAL, in CLASS 6 (U.S. CLS. 12 and 13).

First use 1950; in commerce 1950.

For: PUMPS; PRESSURE SYSTEMS COMPRISING WATER PUMPS AND ASSOCIATED COMPONENTS; RECIRCULATION PUMPS FOR SWIMMING POOLS; SWIMMING POOL SKIMMERS; WATER ACTION VACUUM CLEANERS; AND PARTS OF EACH AND ALL OF THE FOREGOING; AIR COMPRESSORS AND PARTS THEREOF; AIR COMPRESSOR SYSTEMS SOLD AS A UNIT FOR INDUSTRIAL, AGRICULTURAL AND COMMERCIAL USAGE AND PARTS THEREOF; MARINE JET PROPULSION SYSTEMS COMPRISING ENGINES, PROPULSION PUMPS, AND PARTS THEREOF, in CLASS 7 (U.S. CL. 23).

First use 1930; in commerce 1930.

For: AUTOMATICALLY ELECTRICALLY OPERATING PRESSURE-SENSITIVE CONTROLS FOR REGULATING BACK-WASHING OF SWIMMING POOL FILTERS, AND PARTS THEREOF; ACCUMULATORS AND PRESSURE AND FLOW RESPONSIVE PUMP MOTOR CONTROLS, in CLASS 9 (U.S. CLS. 21 and 26).

First use 1959; in commerce 1959.

For: HYDRO-THERAPY PRODUCTS—NAMESLY, HYDRO-THERAPY FITTINGS, PUMPS; HYDRO-THERAPY SYSTEMS SOLD AS A UNIT COMPRISING TUB VESSELS, WATER FILTERS, WATER HEATERS, PUMPS AND HYDRO-THERAPY FITTINGS AND PARTS THEREOF; THERAPEUTIC WHIRLPOOL BATHS AND PARTS THEREOF—in CLASS 10 (U.S. CL. 44).

First use October 1957; in commerce October 1957.

For: MUNICIPAL, INDUSTRIAL, AGRICULTURAL, COMMERCIAL AND DOMESTIC WATER SUPPLY SYSTEMS SOLD AS A UNIT, AND PARTS THEREOF; THRUST PRODUCING NOZZLES FOR PROPPELLING AND STEERING, RESIDENTIAL AND COMMERCIAL SWIMMING POOL EQUIPMENT—NAMESLY, SPECIAL FITTINGS, FILTERS, UNDER-WATER LIGHTS, RETURN FITTINGS, AND AUTOMATIC WATER SYSTEMS COMPRISING PUMPS, PRESSURE SWITCHES AND MINIATURE ACCUMULATORS SOLD AS A UNIT—in CLASS 11 (U.S. CLS. 31 and 34).

First use 1930; in commerce 1930.

Owner of Reg. Nos. 656,389 and 805,414.

Ser. No. 85,407, filed Apr. 28, 1976.

DAVID H. COOPER, Examiner

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-12-09 17:42:15 ET

Serial Number: 73085407 Assignment Information Trademark Document Retrieval

Registration Number: 1101174

Mark (words only): JACUZZI

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 1998-10-21

Filing Date: 1976-04-28

Transformed into a National Application: No

Registration Date: 1978-09-05

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2008-01-04

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. JACUZZI, INC.

Address:

JACUZZI, INC.
2121 N. CALIFORNIA BLVD., #475
WALNUT CREEK, CA 94596
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES**International Class:** 006**Class Status:** Expired**Basis:** 1(a)**First Use Date:** 1950-00-00**First Use in Commerce Date:** 1950-00-00**International Class:** 007**Class Status:** Active

PUMPS; PRESSURE SYSTEMS COMPRISING WATER PUMPS AND ASSOCIATED COMPONENTS; RECIRCULATION PUMPS FOR SWIMMING POOLS; SWIMMING POOL SKIMMERS; WATER ACTION VACUUM CLEANERS; AND PARTS OF EACH AND ALL OF THE FOREGOING; AIR COMPRESSORS AND PARTS THEREOF; AIR COMPRESSOR SYSTEMS SOLD AS A UNIT FOR INDUSTRIAL, AGRICULTURAL AND COMMERCIAL USAGE AND PARTS THEREOF; MARINE JET PROPULSION SYSTEMS COMPRISING ENGINES, PROPULSION PUMPS, AND PARTS THEREOF

Basis: 1(a)**First Use Date:** 1930-00-00**First Use in Commerce Date:** 1930-00-00**International Class:** 009**Class Status:** Active

AUTOMATICALLY ELECTRICALLY OPERATING PRESSURE-SENSITIVE CONTROLS FOR REGULATING BACK-WASHING OF SWIMMING POOL FILTERS, AND PARTS THEREOF; ACCUMULATORS AND PRESSURE AND FLOW RESPONSIVE PUMP MOTOR CONTROLS

Basis: 1(a)**First Use Date:** 1959-00-00**First Use in Commerce Date:** 1959-00-00**International Class:** 010**Class Status:** Active

HYDRO-THERAPY PRODUCTS-NAMELY, HYDRO-THERAPY FITTINGS, PUMPS; HYDROTHERAPY SYSTEMS SOLD AS A UNIT COMPRISING TUB VESSELS, WATER FILTERS, WATER HEATERS, PUMPS AND HYDRO-THERAPY FITTINGS AND PARTS THEREOF; THERAPEUTIC WHIRLPOOL BATHS AND PARTS THEREOF

Basis: 1(a)**First Use Date:** 1957-10-00**First Use in Commerce Date:** 1957-10-00**International Class:** 011**Class Status:** Active

MUNICIPAL, INDUSTRIAL, AGRICULTURAL, COMMERCIAL AND DOMESTIC WATER SUPPLY SYSTEMS SOLD AS A UNIT, AND PARTS THEREOF; THRUST PRODUCING NOZZLES FOR PROPELLING AND STEERING, RESIDENTIAL AND COMMERCIAL SWIMMING POOL EQUIPMENT-NAMELY, SPECIAL FITTINGS, FILTERS, UNDERWATER LIGHTS, RETURN FITTINGS, AND AUTOMATIC WATER SYSTEMS COMPRISING PUMPS, PRESSURE SWITCHES AND MINIATURE ACCUMULATORS SOLD AS A UNIT

Basis: 1(a)

First Use Date: 1930-00-00

First Use in Commerce Date: 1930-00-00

ADDITIONAL INFORMATION

Section 2(f)

Prior Registration Number(s):

656389

805414

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-01-04 - Case File In TICRS

1998-10-21 - First renewal 10 year

1998-09-02 - Section 9 filed/check record for Section 8

1984-02-22 - Section 8 (6-year) accepted & Section 15 acknowledged

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

MARVIN L MIZIS

Correspondent

MARVIN L MIZIS

DONAHUE GALLAGHER WOODS & WOOD LLP

GROWERS SQ

1646 N CALIFORNIA BLVD STE 310

WALNUT CREEK CA 94596

EXHIBIT B

Int. Cl.: 11

Prior U.S. Cl.: 13

United States Patent and Trademark Office Reg. No. 1,717,864
Registered Sep. 22, 1992

**TRADEMARK
PRINCIPAL REGISTER**

JACUZZI

JACUZZI INC. (DELAWARE CORPORATION)
12401 INTERSTATE 30
LITTLE ROCK, AR 72202

OWNER OF U.S. REG. NOS. 807,314, 1,101,174,
AND 1,241,022.

SEC. 2(F).

FOR: PLUMBING FITTINGS; NAMELY, FAU-
CETS AND SHOWER HEADS, IN CLASS 11
(U.S. CL. 13).

SER. NO. 74-093,237, FILED 8-31-1990.

FIRST USE 4-21-1990; IN COMMERCE
7-12-1990.

MITCHELL LERNER, EXAMINING ATTOR-
NEY

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Serial Number: 74093237 Assignment Information Trademark Document Retrieval

Registration Number: 1717864

Mark (words only): JACUZZI

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2002-12-17

Filing Date: 1990-08-31

Transformed into a National Application: No

Registration Date: 1992-09-22

Register: Principal

Law Office Assigned: LAW OFFICE 15

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2008-03-06

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. JACUZZI INC.

Address:

JACUZZI INC.
2121 NORTH CALIFORNIA BLVD, SUITE 475
WALNUT CREEK, CA 94596

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES**International Class:** 011**Class Status:** Active

plumbing fittings; namely, faucets and shower heads

Basis: 1(a)**First Use Date:** 1990-04-21**First Use in Commerce Date:** 1990-07-12**ADDITIONAL INFORMATION****Section 2(f)****Prior Registration Number(s):**

807314

1101174

1241022

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-03-06 - Case File In TICRS

2007-08-08 - Assignment Of Ownership Not Updated Automatically

2007-08-06 - Assignment Of Ownership Not Updated Automatically

2007-03-28 - Assignment Of Ownership Not Updated Automatically

2007-03-21 - Assignment Of Ownership Not Updated Automatically

2002-12-17 - First renewal 10 year

2002-12-17 - Section 8 (10-year) accepted/ Section 9 granted

2002-09-17 - Combined Section 8 (10-year)/Section 9 filed

2002-09-17 - PAPER RECEIVED

1998-07-08 - Section 8 (6-year) accepted & Section 15 acknowledged

1998-04-20 - Section 8 (6-year) and Section 15 Filed
1992-09-22 - Registered - Principal Register
1992-06-30 - Published for opposition
1992-05-29 - Notice of publication
1992-02-04 - Approved for Pub - Principal Register (Initial exam)
1992-02-04 - Previous allowance count withdrawn
1992-01-16 - Approved for Pub - Principal Register (Initial exam)
1992-01-14 - Assigned To Examiner
1991-12-09 - Communication received from applicant
1991-06-07 - Non-final action mailed
1991-01-23 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
MARVIN L. MIZIS

Correspondent
MARVIN L. MAVIS
DONAHUE, GALLAGHER, WOODS & WOOD LLP
1646 N. CALIFORNIA BLVD SUITE 310
WALNUT CREEK, CA 94596

EXHIBIT C

Int. Cl.: 10

Prior U.S. Cl.: 44

United States Patent and Trademark Office

Reg. No. 1,241,022

Registered Jun. 7, 1983

TRADEMARK
Principal Register



Jacuzzi, Inc. (Delaware corporation)
P.O. Box 3533
11511 New Benton Hwy.
Little Rock, Ark. 72203, assignee of
Jacuzzi Whirlpool Bath, Inc. (California corporation)
Walnut Creek, Calif.

For: HYDROMASSAGE PRODUCTS—NAME-
LY, BATHTUBS WITH HYDROMASSAGE
UNITS, COMBINATION SHOWER AND BATH-
TUBS WITH HYDROMASSAGE UNITS, SPAS
WITH HYDROMASSAGE UNITS, TUBS WITH
HYDROMASSAGE UNITS, AND INLETS,
PUMPS AND SUCTION FITTINGS FOR HY-
DROMASSAGE UNITS, in CLASS 10 (U.S. Cl.
44).

First use Oct. 1, 1957; in commerce Nov. 1, 1957.

No claim is made to the exclusive right to use the
words "Whirlpool Bath", apart from the mark as
shown.

Sec. 2(f).

Ser. No. 223,928, filed Jul. 19, 1979.

ROBERT PEVERADA, Examining Attorney

Thank you for your request. Here are the latest results from the TARR web server.

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Serial Number: 73223928 Assignment Information Trademark Document Retrieval

Registration Number: 1241022

Mark



(words only): JACUZZI WHIRLPOOL BATH

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2003-09-30

Filing Date: 1979-07-19

Transformed into a National Application: No

Registration Date: 1983-06-07

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2008-05-01

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. JACUZZI INC.

Address:

JACUZZI INC.
2121 NORTH CALIFORNIA BLVD, STE 475
WALNUT CREEK, CA 94596

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 010

Class Status: Active

Hydromassage Products-Namely, Bathtubs with Hydromassage Units, Combination Shower and Bathtubs with Hydromassage Units, Spas with Hydromassage Units, Tubs with Hydromassage Units, and Inlets, Pumps and Suction Fittings for Hydromassage Units

Basis: 1(a)

First Use Date: 1957-10-01

First Use in Commerce Date: 1957-11-01

ADDITIONAL INFORMATION

Disclaimer: No claim is made to the exclusive right to use the words "Whirlpool Bath", apart from the mark as shown.

Section 2(f)**Design Search Code(s):**

01.15.11 - Bubbles; Foam (bubbles); Foamy mass; Soap suds; Suds, soap

01.15.12 - Cyclones; Tornadoes; Whirlpools

26.01.26 - Coils; Spirals; Swirls

26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-05-01 - Case File In TICRS

2007-08-08 - Assignment Of Ownership Not Updated Automatically

2007-08-06 - Assignment Of Ownership Not Updated Automatically
2007-03-28 - Assignment Of Ownership Not Updated Automatically
2007-03-21 - Assignment Of Ownership Not Updated Automatically
2003-09-30 - First renewal 10 year
2003-09-30 - Section 8 (10-year) accepted/ Section 9 granted
2003-07-10 - Combined Section 8 (10-year)/Section 9 filed
2003-07-10 - PAPER RECEIVED
1988-10-17 - Section 8 (6-year) accepted & Section 15 acknowledged
1988-06-29 - Section 8 (6-year) and Section 15 Filed
1983-06-07 - Registered - Principal Register
1983-03-15 - Published for opposition
1983-06-07 - Registered - Principal Register
1983-02-01 - Notice of publication
1980-02-29 - Non-final action mailed
1979-10-22 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
MARVIN L MIZIS

Correspondent
MARVIN L MIZIS
DONAHUE GALLAGHER WOODS LLP
300 LAKESIDE DRIVE, STE 1900
OAKLAND, CA 946123570

EXHIBIT D

Int. Cl.: 11

Prior U.S. Cls.: 13, 21, 23, 31, and 34

United States Patent and Trademark Office

Reg. No. 3,535,396

Registered Nov. 18, 2008

**TRADEMARK
PRINCIPAL REGISTER**

JACUZZI MAXIMA

JACUZZI INC. (DELAWARE CORPORATION)
14830 MONTE VISTA AVENUE
CHINO, CA 91710

FOR: TOILETS, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31
AND 34).

FIRST USE 2-2-2006; IN COMMERCE 2-2-2006.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 1,717,864.

SN 78-653,076, FILED 6-17-2005.

DANNBAN HETZEL, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-12-09 17:43:07 ET

Serial Number: 78653076 Assignment Information Trademark Document Retrieval

Registration Number: 3535396

Mark

JACUZZI MAXIMA

(words only): JACUZZI MAXIMA

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2008-11-18

Filing Date: 2005-06-17

Transformed into a National Application: No

Registration Date: 2008-11-18

Register: Principal

Law Office Assigned: LAW OFFICE 106

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2008-10-14

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Jacuzzi Inc.

Address:

Jacuzzi Inc.
14880 Monte Vista Avenue
Chino, CA 91710
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Delaware

GOODS AND/OR SERVICES

International Class: 011**Class Status:** Active

toilets

Basis: 1(a)**First Use Date:** 2006-02-02**First Use in Commerce Date:** 2006-02-02

ADDITIONAL INFORMATION

Prior Registration Number(s):

1717864

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-11-18 - Registered - Principal Register

2008-10-14 - Law Office Registration Review Completed

2008-10-09 - Assigned To LIE

2008-09-29 - Allowed for Registration - Principal Register (SOU accepted)

2008-09-16 - Teas/Email Correspondence Entered

2008-09-15 - Communication received from applicant

2008-09-15 - TEAS Response to Office Action Received

2008-09-15 - Petition To Revive-Granted
2008-09-15 - TEAS Petition To Revive Received
2008-07-14 - Abandonment Notice Mailed - Failure To Respond
2008-07-14 - Abandonment - Failure To Respond Or Late Response.
2007-12-17 - Notification Of Non-Final Action E-Mailed
2007-12-17 - NON-FINAL ACTION E-MAILED
2007-12-17 - SU - Non-Final Action - Written
2007-12-14 - Statement of use processing complete
2007-11-26 - Amendment to Use filed
2007-11-26 - TEAS Statement of Use Received
2007-11-20 - Extension 2 granted
2007-05-30 - Extension 2 filed
2007-11-14 - Extension Received With TEAS Petition
2007-11-14 - Petition To Revive-Granted
2007-11-14 - TEAS Petition To Revive Received
2006-11-27 - Extension 1 granted
2006-11-27 - Extension 1 filed
2006-11-27 - TEAS Extension Received
2006-05-30 - Notice of allowance - mailed
2006-03-07 - Published for opposition
2006-02-15 - Notice of publication
2006-01-24 - Law Office Publication Review Completed
2006-01-20 - Assigned To LIE
2006-01-17 - Approved for Pub - Principal Register (Initial exam)

2006-01-15 - Examiner's Amendment Entered
2006-01-14 - Assigned To LIE
2006-01-13 - Examiners amendment e-mailed
2006-01-13 - Examiners Amendment -Written
2006-01-09 - Assigned To Examiner
2005-06-22 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Michael J. Dalton

Correspondent
Michael J. Dalton
DONAHUE GALLAGHER WOODS LLP
300 LAKESIDE DRIVE, SUITE 1900
OAKLAND CA 94612-3570
Phone Number: (510) 451-0544
Fax Number: (510) 832-1486

EXHIBIT E

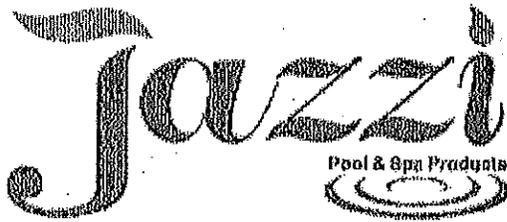
Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-12-09 17:43:46 ET

Serial Number: 77332619 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark



(words only): JAZZI POOL & SPA PRODUCTS

Standard Character claim: No

Current Status: Application has been published for opposition.

Date of Status: 2008-11-11

Filing Date: 2007-11-19

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

The Information will be/was published in the Official Gazette on 2008-11-11

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 113

Attorney Assigned:
COOPER CHRISTINE H

Current Location: 650 -Publication And Issue Section

Date In Location: 2008-10-03

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. JAZZI POOL & SPA PRODUCTS CO., LTD.

Address:

JAZZI POOL & SPA PRODUCTS CO., LTD.
NO. 1, TAIHE TOWN INDUSTRIAL AREA GUANGZHOU CITY
GUANGDONG PROVINCE
China

Legal Entity Type: Corporation**State or Country of Incorporation:** China

GOODS AND/OR SERVICES

International Class: 011**Class Status:** Active

Water filtering units for domestic, commercial, and industrial use; Water purification units; Water desalination plants; Sewage disposal plants; Swimming pool chlorinating units; Hydrants; Drain structures for use in spas, steam rooms and baths; Saunas; Toilet seats; Whirlpool jets

Basis: 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Color(s) Claimed: The color(s) blue and green is/are claimed as a feature of the mark.**Disclaimer:** "POOL & SPA PRODUCTS"**Description of Mark:** The mark consists of the words "JAZZI POOL & SPA PRODUCTS" in blue with a horizontal line in green as the top of the letter "J" and a water drop in green above the letter "I" all appearing above the design of concentric circles in blue representing a whirlpool.**Design Search Code(s):**

01.15.24 - Sound waves, including designs depicting sound

26.17.02 - Bands, wavy; Bars, wavy; Lines, wavy; Wavy line(s), band(s) or bar(s)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-11-11 - Published for opposition

2008-10-22 - Notice of publication

2008-10-03 - Law Office Publication Review Completed

2008-10-02 - Assigned To LIE

2008-09-23 - Approved for Pub - Principal Register (Initial exam)

2008-09-23 - Teas/Email Correspondence Entered

2008-09-23 - Communication received from applicant

2008-09-23 - TEAS Response to Office Action Received

2008-09-01 - Notification Of Non-Final Action E-Mailed

2008-09-01 - NON-FINAL ACTION E-MAILED

2008-09-01 - Non-Final Action Written

2008-08-04 - Teas/Email Correspondence Entered

2008-08-03 - Communication received from applicant

2008-08-03 - TEAS Response to Office Action Received

2008-08-03 - Attorney Revoked And/Or Appointed

2008-08-03 - TEAS Revoke/Appoint Attorney Received

2008-08-03 - TEAS Change Of Correspondence Received

2008-05-01 - Assigned To Examiner

2008-03-12 - Notification Of Non-Final Action E-Mailed

2008-03-12 - Non-final action e-mailed

2008-03-12 - Non-Final Action Written

2008-03-04 - Assigned To Examiner

2007-11-24 - Notice Of Design Search Code Mailed

2007-11-23 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

YH Chan
42 Pin Oaks Drive
Phoenixville PA 19460

Domestic Representative

YH Chan



United States Patent and Trademark Office

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Assignments on the Web > Trademark Query

No assignment has been recorded at the USPTO

For Serial Number: 77332619

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3360.
Web interface last modified: October 18, 2008 v.2.0.2

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

JACUZZI INC.,

Opposer,

v.

JAZZI POOL & SPA PRODUCTS CO., LTD

Applicant.

Opposition No. _____

Mark: **JAZZI POOL & SPA PRODUCTS
and design**

Serial No: 77/332,619

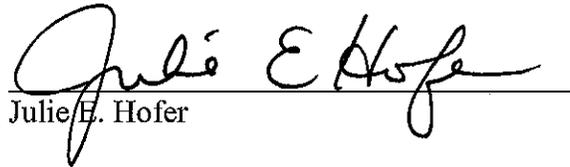
Filed: November 19, 2007

Published: November 11, 2008

Certificate of Service (37.C.F.R. § 2.119)

I, the undersigned, hereby certify that, on December 10, 2008, a true and correct copy of Opposer's NOTICE OF OPPOSITION, regarding Trademark Application Serial No. 77332619, was mailed first class mail, postage prepaid, to Applicant's correspondent of record, as follows:

YH Chan
42 Pin Oaks Drive
Phoenixville, PA 19460


Julie E. Hofer