

ESTTA Tracking number: **ESTTA260431**

Filing date: **01/14/2009**

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	Maytag Corporation
Granted to Date of previous extension	01/14/2009
Address	2000 North M-63 Benton Harbor, MI 49022 UNITED STATES
Attorney information	Tamara A. Miller Leydig, Voit & Mayer, Ltd. 180 N. Stetson, Two Prudential Plaza, Suite 4900 Chicago, IL 60601 UNITED STATES trademark@leydig.com, tmiller@leydig.com, abaylin@leydig.com Phone:312-616-5600

**Applicant Information**

Application No	77454198	Publication date	09/16/2008
Opposition Filing Date	01/14/2009	Opposition Period Ends	01/14/2009
Applicant	Shanghai Mengte Instruments & Meters Co. Ltd. No. 3643 Cao An Road Shanghai, 201812 CHINA		

**Goods/Services Affected by Opposition**

Class 007. All goods and services in the class are opposed, namely: Power-operated tools, namely, grinders; Grinders; Kitchen machines, namely, electric standing mixers; Power-operated meat grinders; Waste crushing machines; Waste material conveying machines; Waste compacting machines; Waste compactors; Trash compactors; Industrial trash compacting machines
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**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.	605819	Application Date	04/02/1954
Registration Date	05/10/1955	Foreign Priority Date	NONE

Word Mark	AMANA
Design Mark	
Description of Mark	NONE
Goods/Services	Class U034 (International Class 011). First use: First Use: 1953/09/00 First Use In Commerce: 1953/09/00 ROOM AIR CONDITIONERS, AND PARTS THEREOF

U.S. Registration No.	715075	Application Date	08/19/1960
Registration Date	05/09/1961	Foreign Priority Date	NONE

Word Mark	AMANA
Design Mark	
Description of Mark	NONE
Goods/Services	Class U034 (International Class 011). First use: First Use: 1956/04/00 First Use In Commerce: 1956/04/20 Dehumidifiers and Central Air Conditioning Apparatus and Parts Thereof

U.S. Registration No.	889068	Application Date	10/09/1968
Registration Date	04/07/1970	Foreign Priority Date	NONE
Word Mark	AMANA		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class U034 (International Class 011). First use: First Use: 1962/10/05 First Use In Commerce: 1962/10/05 COOKING OVENS AND FURNACES		

U.S. Registration No.	1360401	Application Date	03/28/1985
Registration Date	09/17/1985	Foreign Priority Date	NONE
Word Mark	AMANA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 011. First use: First Use: 1967/07/00 First Use In Commerce: 1967/07/00 MICROWAVE OVENS		

U.S. Registration No.	1884607	Application Date	02/18/1994
Registration Date	03/21/1995	Foreign Priority Date	NONE
Word Mark	AMANA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 007. First use: First Use: 1985/09/18 First Use In Commerce: 1985/09/18 dish washing machines		

U.S. Registration No.	2573377	Application Date	03/23/2001
Registration Date	05/28/2002	Foreign Priority Date	NONE
Word Mark	AMANA DISTINCTIONS		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 011. First use: First Use: 2001/03/01 First Use In Commerce: 2001/03/01 Ranges and clothes dryers

U.S. Registration No.	2575843	Application Date	03/23/2001
Registration Date	06/04/2002	Foreign Priority Date	NONE
Word Mark	AMANA DISTINCTIONS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 007. First use: First Use: 2001/03/01 First Use In Commerce: 2001/03/01 Clothes Washers		

U.S. Registration No.	3059004	Application Date	02/23/2005
Registration Date	02/14/2006	Foreign Priority Date	NONE
Word Mark	AMANA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 011. First use: First Use: 1945/12/00 First Use In Commerce: 1945/12/00 Clothes dryers and parts thereof; refrigerators, freezers and combination refrigerator/freezers; and parts thereof		

U.S. Registration No.	3059029	Application Date	02/28/2005
Registration Date	02/14/2006	Foreign Priority Date	NONE
Word Mark	AMANA		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class 007. First use: First Use: 1982/03/31 First Use In Commerce: 1982/03/31 Clothes washing machines and parts thereof		

U.S. Registration No.	3211254	Application Date	04/27/2006
Registration Date	02/20/2007	Foreign Priority Date	NONE
Word Mark	AMANA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 011. First use: First Use: 2006/04/17 First Use In Commerce: 2006/04/17 Gas grills		

Attachments	71663761#TMSN.gif ( 1 page )( bytes ) 72102995#TMSN.gif ( 1 page )( bytes ) 72309216#TMSN.gif ( 1 page )( bytes ) 76230516#TMSN.gif ( 1 page )( bytes ) 76230515#TMSN.gif ( 1 page )( bytes ) 78573519#TMSN.jpeg ( 1 page )( bytes ) 78576365#TMSN.jpeg ( 1 page )( bytes ) 78870837#TMSN.jpeg ( 1 page )( bytes ) 265187 Scanned Not of Opp AMAMMA.pdf ( 7 pages )(252780 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	/Angela J. Baylin/
Name	Angela J. Baylin
Date	01/14/2009

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

MAYTAG CORPORATION	)	
	)	
Opposer,	)	
	)	
v.	)	Application Serial No. 77/454198
	)	Filing Date: April 22, 2008
	)	
	)	Opposition No. _____
SHANGHAI MENGTE INSTRUMENTS	)	
& METERS CO. LTD.,	)	
	)	
Applicant.	)	

**NOTICE OF OPPOSITION**

In the matter of Application Serial No. 77/454198 for registration of the mark “AMAMMA” in International Class 7 by Shanghai Mengte Instruments & Meters Co. Ltd. (hereinafter referred to as “Applicant”), which was published in the *Official Gazette* September 16, 2008, at page TM 348, Maytag Corporation, a corporation organized under the laws of Delaware, located and doing business at 2000 North M-63, Benton Harbor, Michigan 49022 (hereinafter referred to as “Opposer”), believes it will be damaged by registration of this mark and therefore opposes the same.

As grounds for the opposition, Opposer alleges as follows:

1. Applicant seeks to register the mark “AMAMMA” for “Power-operated tools, namely, grinders; Grinders; Kitchen machines, namely, electric standing mixers; Power-operated meat grinders; Waste crushing machines; Waste material conveying machines; Waste compacting machines; Waste compactors; Trash compactors; Industrial trash compacting machines” in

International Class 7, as evidenced by the publication of the mark in the *Official Gazette* September 16, 2008 issue.

2. Opposer and its predecessor companies have adopted and continuously used the mark "AMANA" since at least as early as December, 1945 in connection with various appliances, such as clothes dryers, refrigerators, freezers, combination refrigerator/freezers, and parts for the same. Since that time, Opposer, through its predecessor companies, has expanded its use of "AMANA" to other types of appliances directed to household consumers and/or the commercial marketplace.

3. Opposer and its predecessor companies have extensively promoted, advertised, and used the "AMANA" mark in a variety of media throughout the United States for over 60 years, and have continuously used such mark to distinguish their goods from those offered by others. Opposer and its predecessor companies have spent considerable time and money in advertising and promoting products offered in connection with its "AMANA" mark.

4. As a result of Opposer and its predecessor companies' substantial advertising and promotional efforts, as well as their dedication to providing high quality goods, Opposer's "AMANA" mark is favorably recognized and relied upon by the relevant trade and consuming public as indicating high quality goods originating exclusively from Opposer. Thus, due to Opposer's efforts, its "AMANA" mark has earned very valuable goodwill.

5. To protect the goodwill long ago established in the mark "AMANA," Opposer's predecessor companies obtained numerous registrations in the U.S. and 92 foreign countries which consist of or include the mark "AMANA," including but not limited to the following:

- U.S. Registration No. 605,819 with a registration date of May 10, 1955 and a filing date of April 2, 1954 for "AMANA (stylized)" for "room air conditioners, and parts thereof" in International Class 11. This registration is based on

Opposer's use of the mark in commerce since at least as early as September, 1953.

- U.S. Registration No. 715,075 with a registration date of May 9, 1961 and a filing date of August 19, 1960 for "AMANA (stylized)" for "dehumidifiers and central air conditioning apparatus and parts thereof" in International Class 11. This registration is based on Opposer's use of the mark in commerce since at least as early as April 20, 1956.
- U.S. Registration No. 889,068 with a registration date of April 7, 1970 and a filing date of October 9, 1968 for "AMANA (stylized)" for "cooking ovens and furnaces" in International Class 11. This registration is based on Opposer's use of the mark in commerce since at least as early as October 5, 1962.
- U.S. Registration No. 1,360,401 with a registration date of September 17, 1985 and a filing date of March 28, 1985 for "AMANA" for "microwave ovens" in International Class 11. This registration is based on Opposer's use of the mark in commerce since at least as early as July, 1967.
- U.S. Registration No. 1,884,607 with a registration date of March 21, 1995 and a filing date of February 18, 1994 for "AMANA" for "dish washing machines" in International Class 7. This registration is based on Opposer's use of the mark in commerce since at least as early as September 18, 1985.
- U.S. Registration No. 2,573,377 with a registration date of May 28, 2002 and a filing date of March 23, 2001 for "AMANA DISTINCTIONS" for "ranges and clothes dryers" in International Class 11. This registration is based on Opposer's use of the mark in commerce since at least as early as March 1, 2001.
- U.S. Registration No. 2,575,843 with a registration date of June 4, 2002 and a filing date of March 23, 2001 for "AMANA DISTINCTIONS" for "clothes washers" in International Class 7. This registration is based on Opposer's use of the mark in commerce since at least as early as March 1, 2001.
- U.S. Registration No. 3,059,004 with a registration date of February 14, 2006 and a filing date of February 23, 2005 for "AMANA" for "clothes dryers and parts thereof; refrigerators, freezers and combination refrigerator/freezers; and parts thereof" in International Class 11. This registration is based on Opposer's use of the mark in commerce since at least as early as December, 1945.
- U.S. Registration No. 3,059,029 with a registration date of February 14, 2006 and a filing date of February 28, 2005 for "AMANA" for "clothes washing machines and parts thereof" in International Class 7. This registration is based on Opposer's use of the mark in commerce since at least as early as March 31, 1982.

- U.S. Registration No. 3,211,254 with a registration date of February 20, 2007 and a filing date of April 27, 2006 for “AMANA” for “gas grills” in International Class 11. This registration is based on Opposer’s use of the mark in commerce since at least as early as April 17, 2006.

6. On April 22, 2008, many years subsequent to Opposer’s use and registration of its “AMANA” mark, Applicant filed its U.S. Application No. 77/454198 for “AMAMMA” based on its alleged intent to use the mark.

7. Opposer, through its use of its “AMANA” mark in connection with its goods and through its federal applications that have matured to registration, enjoys actual and constructive use that far predates Applicant’s filing date of April 22, 2008.

8. Applicant’s “AMAMMA” mark is highly similar in appearance and highly similar phonetically to Opposer’s “AMANA” mark. The marks “AMANA” and “AMAMMA” create very similar overall commercial impressions. Further, Applicant’s goods are closely related and/or complementary to Opposer’s goods. Due to the similarities of the marks, similar commercial impressions created by the marks, and the related and/or complementary nature of the goods, which are likely to be offered by both parties to the same types of consumers in the same channels of trade, Applicant’s registration of its “AMAMMA” mark is likely to cause confusion among consumers and the trade.

9. If Applicant is permitted to register the mark “AMAMMA,” as specified in the application herein opposed, likelihood of confusion resulting in damage and injury to Opposer would be caused and would result by reason of the similarity between Applicant’s mark and Opposer’s mark. If Applicant is granted the registration herein opposed, it would thereby obtain at least a *prima facie* exclusive right to the use of its mark. Such registration would be a source of damage and injury to Opposer.

10. In view of the above, Applicant is not entitled to federal registration of its alleged mark "AMAMMA" as (1) Opposer has priority of use of the mark "AMANA" in commerce in connection with related and/or complimentary goods, and Applicant's mark is confusingly similar thereto; and as (2) Opposer has obtained prior federal registrations for "AMANA" and marks comprised of or incorporating "AMANA" for related and/or complimentary goods, and Applicant's mark is confusingly similar thereto.

11. By reason of all the foregoing, Opposer will be gravely damaged by the registration of Applicant's mark.

WHEREFORE, by its undersigned attorneys, Opposer respectfully requests that this Notice of Opposition be sustained and that registration of the mark "AMAMMA," Serial No. 77/454198, be refused.

Please charge the filing fee of \$300, and any deficiencies, to USPTO deposit account No. 12-1216.

Respectfully submitted,



Tamara A. Miller  
Angela J. Baylin  
LEYDIG, VOIT & MAYER, LTD.  
Two Prudential Plaza, Suite 4900  
180 North Stetson  
Chicago, Illinois 60601  
(312) 616-5600  
Attorneys for Opposer

Date: 11/14/09

**CERTIFICATE OF ELECTRONIC FILING**

The undersigned attorney hereby certifies that this **NOTICE OF OPPOSITION** is being electronically filed with the United States Patent and Trademark Office Trademark Trial and Appeal Board on Jan. 14, 2009.

  
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**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that this **NOTICE OF OPPOSITION** is being served on Applicant via overnight courier on this 14<sup>th</sup> day of Jan., 2009 as follows:

Shanghai Mengte Instruments & Meters Co. Ltd.  
No. 3643 Cao An Road  
Shanghai 201812  
CHINA

Ms. Mengli Song  
2820 Shawn Leigh Dr.  
Vienna, Virginia 22181-6138

  
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