

"firearms, namely sub-machine guns for military use and ammunition therefor", in Int. Class 13.

2. Opposer's products sold under the trademark **P90** have been extensively promoted throughout the United States to the relevant trade and to the consuming public.

3. By reason of Opposer's aforesaid registration, and extensive promotion and sale of its products, Opposer's name and trademark **P90** has acquired significant recognition and renown, and the relevant trade and public have come to recognize the name and trademark **P90** as signifying Opposer exclusively.

4. Opposer has duly registered in the United States Patent and Trademark Office and owns the registration for the mark **P90** shown in Registration No. 1,994,751. The Opposer's herein identified registration is a valid subsisting registration in full force and effect, and thereby constitutes conclusive prima facie evidence of Opposer's exclusive right to use said mark in commerce. The registration has further achieved "incontestable" registration status and the Applicant may not challenge the registration based upon any claim of priority, should any such claim exist.

5. Applicant's claimed trademark **P9** for use in connection with "firearms" in International Class 13, is so similar to Opposer's name and trademark **P90**, as to be likely to create confusion, mistake or deception, all to the damage of Opposer, and to the damage of Opposer's rights in its name and trademark, which name and mark the Opposer holds prior rights within, as demonstrated by Opposer's prior registration of the mark and Opposer's prior use of the mark.

6. Based upon information and belief the goods identified in the Applicant's application for the trademark **P9** and those products sold under the Opposer's name and mark **P90** could be sold to the same potential consumers or end-users as the Opposer's products. Moreover, Applicant's description of goods in the pending application would broadly include goods identified within the Opposer's registration.

7. Based upon information and belief the goods identified in the Applicant's application for the trademark **P9** and those products sold under the Opposer's name and mark **P90** could move through the same channels of distribution and be sold in the same or in similar channels of trade.

8. Applicant's mark **P9** incorporates all of Opposer's mark except for dropping the "0" at the end of Opposer's mark **P90**. As such the Applicant's mark is highly similar to the Opposer's mark and likely to give rise to confusing similarity

9. Applicant's mark **P9** is also confusingly similar to Opposer's mark in use for handguns, specifically the mark **FNP9**. The Opposer's use of related marks gives rise to an added likelihood of confusion, or heightens that likelihood of confusion, where Applicant uses its similar and related mark **P9**.

10. Use by the Applicant of the trademark **P9**, for which registration is sought in the application opposed herein, is without Opposer's consent or permission.

11. Applicant's registration of the trademark **P9** will result in damage and in the diminishment in sales and the loss of the value of the Opposer's names and marks as alleged herein.

12. Applicant's registration of the trademark **P9** will result in damage, dilution, and in the diminishment in sales and the loss of the value of the Opposer's famous names and marks.

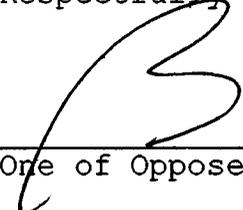
13. This Notice of Opposition is being filed in duplicate **and please charge the required fee to our deposit Account No. 120400.** Also, Please charge any additional costs to our Ladas & Parry Deposit Account No. 12-0400.

WHEREFORE, Opposer believes it will be damaged by the registration of the claimed trademark in Application Serial No. 77/699,074 in International Class 13 and prays that this Opposition be sustained and that the Applicant's registration be denied.

Please address all correspondence to Burton S. Ehrlich, Ladas & Parry LLP, 224 South Michigan Avenue, Suite 1600, Chicago, IL 60604, telephone (312) 427-1300.

Respectfully submitted,

By:

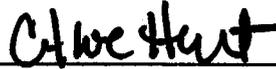


One of Opposer's attorneys

Burton S. Ehrlich
Ladas & Parry LLP
224 S. Michigan Avenue
Suite 1600
Chicago, IL 60604
(312) 427-1300

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited (in duplicate) with the United States Postal Service as First Class Mail addressed to ATTN: TTAB, Assistant Commissioner for Trademarks, U.S. Trademark Office, P.O. Box 1451, Alexandria, VA 22313-1451 on December 9, 2009.



Chloe A. Hecht

CERTIFICATE OF SERVICE

The undersigned, one of Opposer's attorneys, hereby certifies that on December 9, 2009, she caused a true and correct copies of the foregoing NOTICE OF OPPOSITION to be served upon Applicant by First Class mail, postage pre-paid, at the following address:

James A. Borer
Saeilo Enterprises, Inc.
1 Blue Hill Plz
Pearl River, NY 10965-3104



Chloe A. Hecht