

ESTTA Tracking number: **ESTTA355176**

Filing date: **06/28/2010**

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	Tissot S.A.
Granted to Date of previous extension	06/27/2010
Address	17 Chemin des Tourelles 2400 Le Locle, SWITZERLAND

Attorney information	Jeffrey A. Lindenbaum Collen IP, Intellectual Property Law, P.C. The Holyoke-Manhattan Building, 80 South Highland Avenue Ossining, NY 10562 UNITED STATES jlindenbaum@collenip.com, docket@collenip.com Phone:914-941-5668
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Applicant Information

Application No	77854603	Publication date	12/29/2009
Opposition Filing Date	06/28/2010	Opposition Period Ends	06/27/2010
Applicant	Turner, Nanette 293 Vernon Valley Road Northport, NY 11768 UNITED STATES		

Goods/Services Affected by Opposition

Class 014. All goods and services in the class are opposed, namely: Watches, clocks, jewelry and imitation jewelry

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	1385183	Application Date	06/06/1985
Registration Date	03/04/1986	Foreign Priority Date	12/19/1984
Word Mark	NAVIGATOR		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 014. First use: WATER RESISTANT WATCHES AND PARTS THEREFOR

Attachments	K288_Notice of Opposition_100628.pdf (6 pages)(19353 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	/Jeffrey A. Lindenbaum/
Name	Jeffrey A. Lindenbaum
Date	06/28/2010

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

Applicant : Turner, Nanette
Serial No. : 77/854,603
Filed : October 22, 2009
For : **NAG-IGATOR**
Published : December 29, 2009

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
Box TTAB-Fee
P. O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

The Opposer, Tissot S.A. a corporation duly organized and existing under the laws of Switzerland, located at 17, Chemin Des Tourelles Le Locle Switzerland 2400 (referred to as “Opposer”) believes it would be damaged by the mark shown in the above-identified application, and hereby opposes same, pursuant to 15 U.S.C. § 1063 and 37 C.F.R. § 2.104.

As grounds for opposition, it is alleged that:

(1) Opposer is and has been engaged in the sale and marketing of goods under the NAVIGATOR trademark since a time long prior to the date of first use alleged by Applicant in its application for registration.

(2) Opposer is the owner of, among others, the valid United States Trademark Registration No. 1,385,183 for the mark NAVIGATOR.

(3) Opposer has long been engaged in the sale and marketing in commerce of watches under the NAVIGATOR trademark.

(4) Opposer's registration is *prima facie* proof of ownership and use of the mark from the original date of filing of the application, pursuant to 15 USC 1057(b), and of the exclusive right to use the registered mark in commerce.

(5) Opposer has used its NAVIGATOR mark in commerce extensively and has acquired a considerable and valuable goodwill and wide-scale recognition for its mark. The public has come to associate the NAVIGATOR mark with Opposer and Opposer's goods. The NAVIGATOR mark has acquired distinctiveness.

(6) Applicant's mark is confusingly similar to Opposer's NAVIGATOR trademark and is likely, when applied to the goods of the Applicant, to cause confusion, or to cause mistake or to deceive

(7) Consumers encountering the Applicant's mark and goods are likely to believe that such goods originate from or are authorized or sponsored by the Opposer, in view of the wide scale

fame of the Opposer's NAVIGATOR mark and the indistinguishable differences between Opposer's mark and goods and the Applicant's mark and goods.

(8) Use of the mark NAG-IGATOR will be likely to lead consumers and potential consumers of the Applicant's goods and services to believe that the mark is an addition to the Opposer's family of marks. The Consumer will mistakenly perceive the goods sold under the Applicant's trademark as the natural result of a continuation or expansion of Opposer's NAVIGATOR mark, and that the Applicant's goods thus emanate from Opposer.

(9) Consumers who see and hear the Applicant's mark will likely confuse it with the Opposer's NAVIGATOR trademark.

(10) The Opposer sells watches and the Applicant's application seeks registration for, among other things, watches. The Opposer's marks are registered for watches in class 14, and the Applicant's mark is pending for watches and related goods in class 14. Consumers would be likely to believe that the Opposer is the source of Applicant's goods, or that Applicant's use of the NAG-IGATOR mark would designate the Opposer as the source of those goods.

(11) Opposer's marks and Applicant's mark have highly related or identical meaning and connotation.

(12) Applicant's NAG-IGATOR mark is confusingly similar to Opposer's NAVIGATOR mark and is likely, when applied to the goods of the Applicant, to cause confusion under 15 U.S.C. § 1052(d). Applicant's mark so resembles Opposer's mark registered in the Patent and Trademark Office, as to be likely, when used on or in connection with the goods and services of the Applicant, to cause confusion, or to cause mistake, or to deceive.

(13) On information and belief, both the Applicant's mark and Opposer's mark are likely to be advertised and sold through the same or similar channels of distribution.

(14) On information and belief, the Applicant has adopted its NAG-IGATOR trademark with full knowledge of the Opposer's NAVIGATOR trademark.

(15) The Opposer's NAVIGATOR mark is a famous trademark.

(16) On information and belief, the Applicant's mark is also likely to diminish and dilute the value and distinctive character of the NAVIGATOR mark, to the great detriment of the Opposer's famous NAVIGATOR mark, thus damaging the Opposer.

(17) Applicant's mark so resembles the Opposer's NAVIGATOR mark as used in the United States and not abandoned, as to be likely to cause confusion, or to cause mistake or to deceive.

WHEREFORE, Opposer prays that this application Serial No. 77/854,603 be refused for Class 014, that no registration be issued thereon to Applicant and that this Opposition be sustained in favor of Opposer.

Respectfully submitted for Opposer,

By: /Jeffrey A. Lindenbaum/
Jeffrey A. Lindenbaum
Jess M. Collen
COLLEN IP
The Holyoke-Manhattan Building
80 South Highland Avenue
Ossining, NY 10562
914-941-5668
jlindenbaum@collenip.com
Attorneys for Opposer, Tissot, S.A.

Enclosure: Opposition fee \$300.00 per class (\$300.00)

DATED: June 28, 2010

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 03-2465.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FILED ELECTRONICALLY WITH THE UNITED STATES PATENT AND TRADEMARK OFFICE.

COLLEN IP

By: /Jeffrey A. Lindenbaum/

Date: June 28, 2010

CERTIFICATE OF SERVICE

I, Jeffrey A. Lindenbaum, hereby certify that I caused true and correct copy of the following Notice of Opposition to be served upon:

TURNER, NANETTE
293 VERNON VALLEY RD
NORTHPORT, NY 11768-3219

via first-class mail, postage pre-paid. Said service having taken place this 28th day of June, 2010.

/Jeffrey A. Lindenbaum/