

ESTTA Tracking number: **ESTTA379960**

Filing date: **11/22/2010**

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	Omega SA (Omega AG) (Omega Ltd.)
Granted to Date of previous extension	11/28/2010
Address	Jakob-Stämpfli-Strasse 96 Biel/Bienne, CH-2502 SWITZERLAND

Attorney information	Jess M. Collen, Oren Gelber Collen IP, Intellectual Property Law, P.C. The Holyoke-Manhattan Building 80 South Highland Avenue Ossining, NY 10562 UNITED STATES ogelber@collenip.com, docket@collenip.com Phone:(914) 941-5668
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Applicant Information

Application No	77950436	Publication date	06/01/2010
Opposition Filing Date	11/22/2010	Opposition Period Ends	11/28/2010
Applicant	Alpha Phi Omega 14901 East 42nd Street Independence, MO 64055 UNITED STATES		

Goods/Services Affected by Opposition

Class 014. First Use: 1930/00/00 First Use In Commerce: 1930/00/00 All goods and services in the class are opposed, namely: Jewelry
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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.	25036	Application Date	05/23/1894
Registration Date	07/24/1894	Foreign Priority Date	NONE
Word Mark	OMEGA		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class U027 (International Class 014). First use: First Use: 1894/03/10 First Use In Commerce: 1894/03/10 WATCH MOVEMENTS AND WATCH CASES		

U.S. Registration No.	566370	Application Date	12/08/1951
Registration Date	11/04/1952	Foreign Priority Date	NONE
Word Mark	OMEGA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U027 (International Class 014). First use: First Use: 1894/00/00 First Use In Commerce: 1894/00/00 WATCHES AND PARTS THEREOF		

U.S. Registration No.	577415	Application Date	10/23/1952
Registration Date	07/14/1953	Foreign Priority Date	NONE
Word Mark	OMEGA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U028 (International Class 014). First use: First Use: 1894/00/00 First Use		

	In Commerce: 1894/00/00 WRIST WATCH BRACELETS, BANDS AND STRAPS
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U.S. Registration No.	578041	Application Date	10/23/1952
Registration Date	07/28/1953	Foreign Priority Date	NONE
Word Mark	OMEGA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U027 (International Class 014). First use: First Use: 1894/00/00 First Use In Commerce: 1894/00/00 WATCHES (INCLUDING POCKET WATCHES, WRIST WATCHES WITH OR WITHOUT STRAPS, BANDS OR BRACELETS, PENDANT WATCHES, CALENDAR WATCHES, AND STOPWATCHES) EITHER STEM-WIND OR AUTOMATIC; CLOCKS; CHRONOMETERS, CHRONOGRAPHS, AND PARTS FOR ALL OF THE FOREGOING		

U.S. Registration No.	660541	Application Date	05/07/1957
Registration Date	04/15/1958	Foreign Priority Date	NONE
Word Mark	OMEGA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U026 (International Class 009). First use: AUTOMATIC RECORDING MACHINES AND APPARATUS FOR USE IN DETERMINING THE RESULTS OF SPORTING EVENTS-NAMELY, ELECTRICAL OR MECHANICAL EQUIPMENT FOR DETERMINING ELAPSED TIMES IN GAMES OR SPORTING EVENTS COMPRISING A PLURALITY OF INSTRUMENTS FOR PLACEMENT AT THE STARTING AND FINISHING		

	LINES OF A RACING COURSE, THE SAME BEING ELECTRICALLY OPERATED AND CONNECTED TO AND ACTUATED BY THE STARTING GUN OR OTHER SIGNAL SO AS TO AUTOMATICALLY PROVIDE A PERMANENT VISIBLE RECORD OF THE ORDER IN WHICH ONE OR MORE CONTESTANTS FINISH THE RACE AND OF THE CORRESPONDING ELAPSED TIMES
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U.S. Registration No.	1290661	Application Date	06/17/1982
Registration Date	08/21/1984	Foreign Priority Date	NONE
Word Mark	OMEGA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 004. First use: [Lubricating Oils for Watches and Clocks] Class 008. First use: [Tools Used in Clock and Watch Making; Tools Used in Jewelry Making] Class 014. First use: Watch Cases [, Watch Chains, and Watch Stands Sold as a Unit with Watches] Class 016. First use: [Fountain Pens and mechanical pencils]		

U.S. Registration No.	1969071	Application Date	02/05/1993
Registration Date	04/23/1996	Foreign Priority Date	NONE
Word Mark	OMEGA		
Design Mark			
Description of Mark	NONE		

Goods/Services	<p>Class 006. First use: metal key rings</p> <p>Class 016. First use: pens and pencils; namely, mechanical pencils and ball point and felt-tip pens</p> <p>Class 018. First use: umbrellas and parasols</p> <p>Class 025. First use: clothing; namely, scarves, and neckties</p> <p>Class 030. First use: [chocolates]</p>
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U.S. Registration No.	2912918	Application Date	07/24/2003
Registration Date	12/21/2004	Foreign Priority Date	03/11/2003
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 014. First use: First Use: 2003/09/11 First Use In Commerce: 2003/09/11</p> <p>Watches, watch straps, watch bracelets and parts for the aforesaid goods; chronometers, chronographs; watches made of precious metals; watches partly or entirely set with precious stones</p>		

U.S. Registration No.	3146117	Application Date	01/31/2001
Registration Date	09/19/2006	Foreign Priority Date	NONE
Word Mark	OMEGA		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 035. First use: First Use: 2006/03/23 First Use In Commerce: 2006/03/23 RETAIL STORE SERVICES FEATURING TELEPHONES, PORTABLE TELEPHONES, SPECTACLES, SUNGLASSES, MAGNIFYING GLASSES, WATCHES, CLOCKS, HOROLOGICAL AND CHRONOMETRIC INSTRUMENTS AND THEIR ACCESSORIES, GOODS OF PRECIOUS METAL OR COATED HEREWITH, PRECIOUS STONES, JEWELRY, ARTICLES OF LEATHER AND IMITATION LEATHER AND MOROCCO-DRESSING, TRAVELING BAGS, UMBRELLAS, PINS NOT OF PRECIOUS METAL, KEY RINGS OF METAL, KNIVES, MIRRORS, STATIONARY, PENS AND PENCILS, BAGS AND BOXES OF PAPER, CLOTHING, HEAD GEAR, TEXTILE GOODS, GOLF EQUIPMENT AND ACCESSORIES, SMOKER'S ARTICLES

U.S. Registration No.	3318408	Application Date	09/29/2005
Registration Date	10/23/2007	Foreign Priority Date	08/24/2005

Word Mark	OMEGA
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 041. First use: Timekeeping of sports events; organization of sports and cultural events namely organization of water sports, athletic, golf, sailing and tennis competitions and organization of art exhibits and of cinematographic, musical and theatrical performances
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Attachments	70025036#TMSN.gif (1 page)(bytes) 71622275#TMSN.gif (1 page)(bytes) 71637075#TMSN.gif (1 page)(bytes) 71637074#TMSN.gif (1 page)(bytes) 72029548#TMSN.gif (1 page)(bytes) 73370198#TMSN.gif (1 page)(bytes) 74355965#TMSN.gif (1 page)(bytes) 78278182#TMSN.jpeg (1 page)(bytes) 78045789#TMSN.gif (1 page)(bytes) 79016420#TMSN.jpeg (1 page)(bytes) k655 Notice of Opposition.pdf (39 pages)(1027976 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	/Oren Gelber/
Name	Oren Gelber
Date	11/22/2010

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

Applicant : Alpha Phi Omega
Serial No. : 77950436
Filed : March 4, 2010
For : ALPHA PHI OMEGA and design
Published : June 1, 2010

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, Omega, S.A. (Omega AG) (Omega Ltd.), 96 Rue Jakob Stampfli, CH-2502 Bienne, Switzerland, through their attorneys (referred to as "Omega" or "Opposer") believes that it would be damaged by the registration of 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) Omega is and has been engaged in the sale and marketing of similar and highly related goods and services to those recited by Applicant in its application to register since a time prior to the date of first use alleged by Applicant in its application for registration.

(2) Omega is and has been engaged in the sale and marketing of goods under the registered trademarks Ω and OMEGA, since at least as early as 1894.

(3) Omega is the owner of the following valid and subsisting U.S. trademark registrations, including:

OMEGA (AND DESIGN)	REG. NO.	25,036
OMEGA	REG. NO.	566,370
OMEGA (AND DESIGN)	REG. NO.	577,415
OMEGA (AND DESIGN)	REG. NO.	578,041
OMEGA (AND DESIGN)	REG. NO.	660,541
OMEGA (AND DESIGN)	REG. NO.	1,290,661
OMEGA (AND DESIGN)	REG. NO.	1,969,071
Design	REG. NO.	2,912,918
OMEGA (AND DESIGN)	REG. NO.	3,146,117
OMEGA (AND DESIGN)	REG. NO.	3,318,408

(See Exhibits 1 -10, attached)

and others (collectively referred to as the OMEGA Marks).

(4) Omega has used its OMEGA Marks in commerce extensively and has acquired a considerable and valuable goodwill and widescale recognition for its mark. The public has come to associate the OMEGA Marks with Opposer and Opposer's goods and services, which include not only watches, sports timing products, but clothing, accessories, and other goods and services.

(5) Omega's registrations are prima facie proof of ownership and use of the mark from the original date of filing of the application, pursuant to 15 U.S.C. 1057(b), and of the exclusive right to use the registered mark in commerce. Furthermore, Registration Numbers 25,036; 566,370; 578,041; 660,541 and 1,969,071 are incontestable, pursuant to section 15 of the Trademark Act.

(6) Applicant's mark is confusingly similar to Omega's registered trademarks and is likely, when applied to the goods of the Applicant, to cause confusion, or to cause mistake or to deceive. 15 U.S.C. § 1052(d). Applicant's mark makes a highly similar commercial impression to Opposer's mark due to its incorporation of an OMEGA mark, creating a virtually identical sound and appearance. Applicant has completely appropriated Opposer's entire mark. The overall commercial impression of Applicant's mark, when applied to the same or similar goods, would cause confusion or be likely to cause confusion, mistake, or deception.

(7) The Opposer has a long history of sale and offering for sale of goods in Class 014. Opposer's mark has been used on and in association with all of the types of goods identified by Applicant in the above-captured applications. Further, Opposer has used the OMEGA Marks in advertising and marketing of its goods, and sponsorships and endorsements (such as an official sponsor of the Olympic Games and timer for such events, as well as other professional and amateur contests), which form a significant component of the Opposer's brand marketing efforts in the U.S. and abroad.

(8) Omega has used its OMEGA Marks in commerce extensively and has acquired a considerable and valuable goodwill and widescale recognition for its mark. The public has come to associate the OMEGA Marks, with Opposer and Opposer's goods and

services. The public has come to associate the OMEGA marks with Opposer and Opposer's sports timing products, clothing, accessories, and sports promotion.

(9) On information and belief, use of the OMEGA Mark by the Applicant for goods in Class 14 will cause confusion, mistake and deception with respect to those goods and services, by virtue of the Opposer's prior use and fame of its OMEGA Marks.

(10) On information and belief, both the Applicant's mark and OMEGA's mark are applied to highly related goods and services are likely to be sold to the same or similar channels of distribution. Applicant's OMEGA mark so resembles Omega's OMEGA registrations and well-known trademarks, as used in the United States and not abandoned, as to be likely to cause confusion, or to cause mistake or to deceive.

(11) In addition, even use of the OMEGA Mark with additional words and designs, as depicted in Applicant's application, is highly similar to manner in which the Opposer uses its mark.

(12) Upon information and belief, Applicant's actions, would substantially harm the Opposer, by permitting registration in favor of Applicant for a mark which the Opposer used on its goods from an earlier date and further.

(13) OMEGA is a famous mark.

(14) Applicant's mark dilutes or is likely to dilute the distinctive character of the Opposer's mark.

OPPOSER OMEGA prays that this application Serial No. 77950436, be refused, that no registration be issued thereon to Applicant and that this Opposition be sustained in favor of OMEGA.

Respectfully submitted for
Opposer, OMEGA S.A.

By: Oren Gelber

Jess M. Collen
Oren Gelber
COLLEN *IP*
The Holyoke-Manhattan Building
80 South Highland Ave
Ossining, NY 10562
(914) 941-5668
(914) 941-6091

DATED: November 22, 2010

Encls.: Opposition fee \$300.00 per class (\$300.00)

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 NOTICE OF OPPOSITION IS BEING FILED ELECTRONICALLY WITH THE UNITED STATE PATENT AND TRADEMARK OFFICE.

COLLEN *IP*, THE HOLYOKE-MANHATTAN BUILDING, 80 SOUTH HIGHLAND AVENUE, OSSINING, NEW YORK 10562

By: Oren Gelber

Date: 11/22/2010

EXHIBIT 1

original

Renewed to
Societe Anonyme Louis Brandt & Frere Omega Watch Co.
Renewed July 24-1944 to Societe Anonyme Louis Brandt
& Frere Omega Watch Co., an organized company of
Switzerland.

UNITED STATES PATENT OFFICE.

LOUIS BRANDT & FRÈRE, OF BIENNE, SWITZERLAND.

TRADE-MARK FOR WATCH-MOVEMENTS AND WATCHCASES.

STATEMENT and DECLARATION of Trade-Mark No. 25,036, registered July 24, 1894.
Application filed May 23, 1894.

STATEMENT.

To all whom it may concern:
Be it known that we, LOUIS BRANDT & FRÈRE, a firm domiciled and doing business in Bienne, Switzerland, have adopted for our
5 use a Trade-Mark for Watch-Movements and Watchcases, of which the following is a full, clear, and exact specification.
Our trade-mark consists of the arbitrary sign of the last letter of the Greek alphabet.
10 This has generally been arranged as shown in the accompanying fac-simile, in which it appears above the word "Omega." But it may be differently arranged and the word "Omega" may be omitted without materially altering
15 the character of our trade-mark, the essential feature of which is the Greek letter "Ω."

This trade-mark has been continuously used by us in our business since March 10, 1894.
The class of merchandise to which this trade-
20 mark is appropriated is horology, and the particular description of goods comprised in such class on which it is used by us is watch-
movements and watch-cases. It is usually affixed to the goods by stamping or by print-
25 ing it upon suitable labels which are afterward placed upon the packages containing the articles.
Signed this 2d day of May, 1894.
LOUIS BRANDT & FRÈRE.
Witnesses:
EDOUARD HAAS,
ALF. H. BESSIR.

DECLARATION.

United States consulate Berne Switzerland ss.
LOUIS PAUL BRANDT being duly sworn deposes and says that he is a member of the firm of LOUIS BRANDT AND FRÈRE, the applicants
5 named in the foregoing statement; that he verily believes that the foregoing statement is true; that the said firm has at this time a right to the use of the trade-mark therein described; that no other person, firm or corporation has
10 the right to such use, either in the identical form or in any such near resemblance thereto as might be calculated to deceive; that it is

used by the applicants in commerce between the United States and foreign nations and particularly with Switzerland; and that the de-
15 scription and fac-simile presented for record truly represent the trade-mark sought to be registered.
LOUIS PAUL BRANDT.
Sworn to and subscribed before me this 14th day of June, 1894.
[L. s.] JOHN E. HINNEN,
U. S. Vice-Consul.

Republished, under the Act of 1946, Jan. 17, 1950, by Omega Louis Brandt & Frere, S. A., Bienne, Switzerland.

New Certificate issued November 18, 1952, under Sec. 7c for unexpired term to Omega Louis Brandt & Frere S. A., of Biènnne, Switzerland, a corporation of Switzerland, by change of name from Societe Anonyme Louis Brandt & Frere Omega Watch Co.



United States Patent and Trademark Office

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Filing Dt: 05/23/1894

Reg #: [25036](#)

Reg. Dt: 07/24/1894

Registrant: LOUIS BRANDT & FRERE

Mark: OMEGA

Assignment: 1Reel/Frame: [0440/0955](#)

Received:

Recorded: 05/20/1983

Pages: 0

Conveyance: CHANGE OF NAME

Assignors: [TIPP-EX FABRIKATION WOLFGANG DABISCH CHANGED TO](#)

Exec Dt: 03/24/1982

Entity Type: UNKNOWN

Citizenship: NONE

Exec Dt: 00/00/0000

Entity Type: UNKNOWN

Citizenship: NONE

Entity Type: UNKNOWN

Citizenship: NONE

[TIPP-EX TECHNIK WOLFGANG DABISCH CHANGED TO](#)Assignee: [WOLFGANG DABISCH](#)Correspondent: HENRY L. SHENIER
380 LEXINGTON AVE.
NEW YORK, NY 10168**Assignment: 2**Reel/Frame: [0444/0955](#)

Received:

Recorded: 05/05/1983

Pages: 3

Conveyance: CHANGE OF NAME

Assignor: [OMEGA LOUIS BRANDT & FRERE S.A.](#)

Exec Dt: 03/16/1983

Entity Type: UNKNOWN

Citizenship: NONE

Entity Type: UNKNOWN

Citizenship: NONE

Assignee: [OMEGA SA \(OMEGA AG\) \(OMEGA LTD.\)](#)Correspondent: HENRY L. SHENIER
SHENIER & O'CONNOR
380 LEXINGTON AVE.
NEW YORK, NY 10168
SHENIER AND O'CONNORSearch Results as of: 11/22/2010 05:06 PM
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EXHIBIT 2

Registered Nov. 4, 1952.

Registration No. 566,370

PRINCIPAL REGISTER
Trade-Mark

UNITED STATES PATENT OFFICE

Omega Louis Brandt & Frère, S. A.,
Biemme, Switzerland

Act of 1946

Application December 8, 1951, Serial No. 622,275

OMEGA

STATEMENT

Omega Louis Brandt & Frère, S. A., a Swiss corporation, located and doing business at Biemme, Switzerland, has adopted and is using the trade-mark shown in the accompanying drawing, for **WATCHES AND PARTS THEREOF**, in Class 27, Horological instruments, and presents herewith five specimens showing the trade-mark as actually used in connection with such goods, the trade-mark being applied by stamping, printing or engraving the same on the goods and by printing the same on the containers and/or tags attached to the goods, and requests that the same be registered in the United States Patent Office on the Principal Register in accordance with the act of July 5, 1946.

The trade-mark was first used in 1894 and was first used in commerce which may lawfully be regulated by the Congress, viz. commerce between the United States and Switzerland in the same year.

Applicant owns the following U. S. registration: No. 25,036.

The applicant hereby designates Chauncey P. Carter, of 4400 Klinge Street, Washington 16, D. C., as applicant's representative in the United States on whom notices or process in proceedings affecting the mark may be served.

OMEGA LOUIS BRANDT & FRÈRE, S. A.,

By A. VALLAT,
Commercial Manager.

COMB. AFF. SEC. 8 & 15

DEC 23 1957



United States Patent and Trademark Office

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122 EAST 42ND STREET
NEW YORK, NY 10168Search Results as of: 11/22/2010 05:07 PM
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EXHIBIT 3

Int. Cl.: 14

Prior U.S. Cl.: 28

United States Patent and Trademark Office

10 Year Renewal

Reg. No. 577,415

Registered July 14, 1953

Renewal Term Begins July 14, 1993

**TRADEMARK
PRINCIPAL REGISTER**

Ω OMEGA

OMEGA SA (OMEGA AG) (OMEGA LTD.) (SWITZERLAND CORPORATION)

96 RUE JAKOB STÄMPFLI
2503 BIENNE, SWITZERLAND, BY
CHANGE OF NAME FROM OMEGA
LOUIS BRANDT & FRERE, S. A.
(SWITZERLAND CORPORATION)
BIENNE, SWITZERLAND

OWNER OF U.S. REG. NOS. 25,036
AND 566,370.

FOR: WRIST WATCH BRACELETS,
BANDS, AND STRAPS, IN CLASS 28
(INT. CL. 14).

FIRST USE 0-0-1894; IN COMMERCE
0-0-1894.

SER. NO. 71-637,075, FILED 10-23-1952.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Nov. 22, 1994.*

COMMISSIONER OF PATENTS AND TRADEMARKS

Registered July 14, 1953

Registration No. 577,415

PRINCIPAL REGISTER
Trade-Mark

UNITED STATES PATENT OFFICE

Omega Louis Brandt & Frère, S. A.,
Bienne, Switzerland

Act of 1946

Application October 23, 1952, Serial No. 637,075

Ω OMEGA

STATEMENT

Omega Louis Brandt & Frère, S. A., a Swiss corporation, located and doing business at Bienne, Switzerland, has adopted and is using the trade-mark shown in the accompanying drawing, for WRIST WATCH BRACELETS, BANDS AND STRAPS, in Class 28, Jewelry and precious-metal ware, and presents herewith five specimens showing the trade-mark as actually used in connection with such goods, the trade-mark being applied by stamping the same thereon, and requests that the same be registered in the United States Patent Office on the Principal Register in accordance with the act of July 5, 1946.

The trade-mark was first used in 1894 and was first used in commerce which may lawfully be regulated by the Congress, viz commerce between the United States and Switzerland in 1894.

Applicant owns the following U. S. registrations: Nos. 25,036 and 566,370.

The applicant hereby designates Chauncey P. Carter, of 4400 Klinge Street, Washington 16, D. C., as applicant's representative in the United States on whom notices or process in proceedings affecting the mark may be served.

OMEGA LOUIS BRANDT & FRÈRE, S. A.,
By **ADOLPHE VALLAT,**

Commercial Manager

COMB. AFF. SEC. 8 & 15

FEB 2 - 1959



United States Patent and Trademark Office

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96 RUE STAMPFLI 2503 BIENNE, SWITZERLAND

Correspondent: MCGLEW & TUTTLE, P.C.

JESS M. COLLEN

SCARBOROUGH STATION

SCARBOROUGH, NY 10510-0827

Search Results as of: 11/22/2010 05:09 PM

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EXHIBIT 4

Int. Cl.: 14

Prior U.S. Cl.: 27

Reg. No. 578,041

United States Patent and Trademark Office

Registered July 28, 1953

10 Year Renewal

Renewal Term Begins July 28, 1993

**TRADEMARK
PRINCIPAL REGISTER**



OMEGA SA (OMEGA AG) (OMEGA LTD.) (SWITZERLAND CORPORATION) BIENNE, SWITZERLAND, BY CHANGE OF NAME FROM OMEGA LOUIS BRANDT & FRERE, S.A. (SWITZERLAND CORPORATION) BIENNE, SWITZERLAND

OWNER OF U.S. REG. NOS. 25,036 AND 566,370.

FOR: WATCHES (INCLUDING POCKET WATCHES, WRIST WATCHES

WITH OR WITHOUT STRAPS, BANDS OR BRACELETS, PENDANT WATCHES, CALENDAR WATCHES, AND STOP-WATCHES) EITHER STEM-WIND OR AUTOMATIC; CLOCKS; CHRONOMETERS, CHRONOGRAPHS, AND PARTS FOR ALL OF THE FOREGOING, IN CLASS 27 (INT. CL. 14).

FIRST USE 0-0-1894; IN COMMERCE 0-0-1894.

SER. NO. 71-637,074, FILED 10-23-1952.

In testimony whereof I have hereunto set my hand and caused the seal of The Patent and Trademark Office to be affixed on June 21, 1994.

COMMISSIONER OF PATENTS AND TRADEMARKS

Registered July 28, 1953

Registration No. 578,041

PRINCIPAL REGISTER
Trade-Mark

UNITED STATES PATENT OFFICE

**Omega Louis Brandt & Frère, S. A.,
Bienne, Switzerland**

Act of 1946

Application October 23, 1952, Serial No. 637,074



STATEMENT

Omega Louis Brandt & Frère, S. A., a Swiss corporation, located and doing business at Bienne, Switzerland, has adopted and is using the trade-mark shown in the accompanying drawing, for WATCHES (INCLUDING POCKET WATCHES, WRIST WATCHES WITH OR WITHOUT STRAPS, BANDS OR BRACELETS, PENDANT WATCHES, CALENDAR WATCHES, AND STOPWATCHES) EITHER STEM-WIND OR AUTOMATIC; CLOCKS; CHRONOMETERS, CHRONOGRAPHS, AND PARTS FOR ALL OF THE FOREGOING, in Class 27, Horological instruments, and presents herewith five specimens showing the trade-mark as actually used in connection with such goods, the trade-mark being applied to the goods; to tags or labels fastened to the goods; or to the containers, and requests that the same be registered in the United States

Patent Office on the Principal Register in accordance with the act of July 5, 1946.

The trade-mark was first used in 1894, and was first used in commerce which may lawfully be regulated by Congress, viz., commerce between the United States and Switzerland in the same year. Such first usage was on watches.

Applicant owns the following U. S. registrations: Nos. 25,036 and 566,370.

The applicant hereby designates Chauncey P. Carter, of 4400 Klinge Street, Washington 16, D. C., as applicant's representative in the United States on whom notices or process in proceedings affecting the mark may be served.

OMEGA LOUIS BRANDT &
FRÈRE, S. A.,

By ADOLPHE VALLAT,
Commercial Manager.

COMB. AFF. SEC. 8 & 15
FEB 2 - 1953



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BIENNE, SWITZERLAND**Correspondent:** JESS M. COLLEN
MCGLEW AND TUTTLE, P.C.
SCARBOROUGH STATION
SCARBOROUGH, NY 10510-0827

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EXHIBIT 5

Int. Cl.: 9

Prior U.S. Cl.: 26

Reg. No. 660,541

United States Patent and Trademark Office

Registered Apr. 15, 1958

10 Year Renewal

Renewal Term Begins Apr. 15, 1998

**TRADEMARK
PRINCIPAL REGISTER**



OMEGA

OMEGA SA (OMEGA AG) (OMEGA LTD.) (SWITZERLAND CORPORATION)

BIENNE, SWITZERLAND, BY CHANGE OF NAME FROM OMEGA LOUIS BRANDT & FRERE, S.A. (SWITZERLAND CORPORATION) BIENNE, SWITZERLAND

OWNER OF SWITZERLAND REG. NO. 132656, DATED 3-1-1950.

OWNER OF U.S. REG. NOS. 25,036 AND 578,041.

FOR: AUTOMATIC RECORDING MACHINES AND APPARATUS FOR USE IN DETERMINING THE RESULTS OF SPORTING EVENTS—NAMELY, ELECTRICAL OR MECHANICAL EQUIP-

MENT FOR DETERMINING ELAPSED TIMES IN GAMES OR SPORTING EVENTS COMPRISING A PLURALITY OF INSTRUMENTS FOR PLACEMENT AT THE STARTING AND FINISHING LINES OF A RACING COURSE, THE SAME BEING ELECTRICALLY OPERATED AND CONNECTED TO AND ACTUATED BY THE STARTING GUN OR OTHER SIGNAL SO AS TO AUTOMATICALLY PROVIDE A PERMANENT VISIBLE RECORD OF THE ORDER IN WHICH ONE OR MORE CONTESTANTS FINISH THE RACE AND OF THE CORRESPONDING ELAPSED TIMES, IN CLASS 26 (INT. CL. 9).

SER. NO. 72-029,548, FILED 5-7-1957.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on July 7, 1998.*

COMMISSIONER OF PATENTS AND TRADEMARKS



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Trademark Assignment Abstract of Title

Total Assignments: 1**Serial #:** [72029548](#)**Filing Dt:** 05/07/1957**Reg #:** [660541](#)**Reg. Dt:** 04/15/1958**Registrant:** OMEGA LOUIS BRANDT & FRERE, S.A.**Mark:** OMEGA**Assignment: 1****Reel/Frame:** [1133/0405](#)**Received:****Recorded:** 04/13/1994**Pages:** 5**Conveyance:** CHANGE OF NAME (SEE RECORD FOR DETAILS)**Assignor:** [OMEGA LOUIS BRANDT & FRERE S.A.](#)**Exec Dt:** 07/06/1982**Entity Type:** CORPORATION**Citizenship:** SWITZERLAND**Entity Type:** CORPORATION**Citizenship:** SWITZERLAND**Assignee:** [OMEGA SA \(OMEGA AG\) \(OMEGA LTD.\)](#)

BIENNE, SWITZERLAND

Correspondent: JESS M. COLLEN

MCGLEW & TUTTLE, P.C.

SCARBOROUGH STATION

SCARBOROUGH, NY 10510-0827

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EXHIBIT 6

Int. Cls.: 4, 8, 9, 14 and 16

Prior U.S. Cls.: 15, 23, 26, 27 and 37

United States Patent and Trademark Office

Reg. No. 1,290,661

Registered Aug. 21, 1984

TRADEMARK
Principal Register



Ω
OMEGA

Omega SA (Omega AG) (Omega Ltd.) (Switzerland corporation)
96 rue Staempfli
Bienne, Switzerland 2500, by change of name from
Omega Louis Brandt & Frere S.A. (Switzerland corporation)
Bienne, Switzerland

For: LUBRICATING OILS FOR WATCHES AND CLOCKS, in CLASS 4 (U.S. Cl. 15).

For: TOOLS USED IN CLOCK AND WATCH MAKING; TOOLS USED IN JEWELRY MAKING, in CLASS 8 (U.S. Cl. 23).

For: COMPUTER APPARATUS FOR CHECKING AND CONTROLLING THE MEASUREMENT OF TIME AND DISTANCE FOR SPORTING EVENTS, SCIENTIFIC INVESTIGATION, AND INDUSTRIAL APPLICATION, INCLUDING THE ACQUISITION, TRANSMISSION, AND MANAGEMENT OF INFORMATION INTENDED FOR TRANSPORTA-

TION, PUBLICITY, AND FINANCIAL USE; COMPUTERS FOR CALCULATING INFORMATION IN RESPECT OF TIME AND DISTANCE, STORING SUCH INFORMATION, AND MAKING THE SAME AVAILABLE IN VISUAL OR AUDIBLE FORM - ALL OF WHICH INSTALLATIONS CONTAIN ELECTRONIC ELEMENTS, in CLASS 9 (U.S. Cl. 26).

For: WATCH CASES, WATCH CHAINS, AND WATCH STANDS SOLD AS A UNIT WITH WATCHES, in CLASS 14 (U.S. Cl. 27).

For: FOUNTAIN PENS AND MECHANICAL PENCILS, in CLASS 16 (U.S. Cl. 37).

Owner of Switzerland Reg. No. 312,338, dated May 12, 1981, expires May 12, 2001.

Ser. No. 370,198, filed Jun. 17, 1982.

B. C. WASHINGTON, Examining Attorney



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SHENIER & O'CONNOR

380 LEXINGTON AVE.

NEW YORK, NY 10168

SHENIER AND O'CONNOR

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EXHIBIT 7

Int. Cls.: 6, 16, 18, 25 and 30

Prior U.S. Cls.: 13, 25, 37, 39, 41 and 46

Reg. No. 1,969,071

United States Patent and Trademark Office Registered Apr. 23, 1996

**TRADEMARK
PRINCIPAL REGISTER**



**Ω
OMEGA**

OMEGA S.A. (OMEGA AG) (OMEGA LTD.)
(SWITZERLAND CORPORATION)
96, RUE STAEMPFLI
BIENNE, SWITZERLAND

FOR: METAL KEY RINGS, IN CLASS 6 (U.S.
CLS. 13 AND 25).

FOR: PENS AND PENCILS; NAMELY, ME-
CHANICAL PENCILS AND BALL POINT AND
FELT-TIP PENS, IN CLASS 16 (U.S. CL. 37).

FOR: UMBRELLAS AND PARASOLS, IN
CLASS 18 (U.S. CL. 41).

FOR: CLOTHING; NAMELY, SCARVES, AND
NECKTIES, IN CLASS 25 (U.S. CL. 39).

FOR: CHOCOLATES, IN CLASS 30 (U.S. CL.
46).

OWNER OF SWITZERLAND REG. NO.
368846, DATED 12-16-1988, EXPIRES 12-16-2008.

OWNER OF U.S. REG. NO. 1,290,661.

SER. NO. 74-355,965, FILED 2-5-1993.

JYLL A. SMITH, EXAMINING ATTORNEY



United States Patent and Trademark Office

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For Serial Number: 74355965

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EXHIBIT 8

Int. Cl.: 14

Prior U.S. Cls.: 2, 27, 28 and 50

United States Patent and Trademark Office

Reg. No. 2,912,918

Registered Dec. 21, 2004

**TRADEMARK
PRINCIPAL REGISTER**



OMEGA SA (OMEGA AG) (OMEGA LTD.) (SWITZERLAND CORPORATION)
JAKOB-STÄMPFLI-STRASSE 96
BIEL/BIENNE, SWITZERLAND 2502

FOR: WATCHES, WATCH STRAPS, WATCH BRACELETS AND PARTS FOR THE AFORESAID GOODS; CHRONOMETERS, CHRONOGRAPHS; WATCHES MADE OF PRECIOUS METALS; WATCHES PARTLY OR ENTIRELY SET WITH PRECIOUS STONES, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 9-11-2003; IN COMMERCE 9-11-2003.

PRIORITY CLAIMED UNDER SEC. 44(D) ON SWITZERLAND APPLICATION NO. 01498/2003, FILED 3-11-2003, REG. NO. 510612, DATED 7-16-2003, EXPIRES 3-11-2013.

SER. NO. 78-278,182, FILED 7-24-2003.

CAROLYN GRAY, EXAMINING ATTORNEY



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For Serial Number: 78278182

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EXHIBIT 9

Int. Cl.: 35

Prior U.S. Cls.: 100, 101, and 102

United States Patent and Trademark Office

Reg. No. 3,146,117

Registered Sep. 19, 2006

**SERVICE MARK
PRINCIPAL REGISTER**



OMEGA SA (OMEGA AG)(OMEGA LTD.) (SWITZERLAND CORPORATION)
JAKOB-STAMPFLI-STRASSE 96
BIEL/BIENNE, SWITZERLAND 2502

FOR: RETAIL STORE SERVICES FEATURING TELEPHONES, PORTABLE TELEPHONES, SPECTACLES, SUNGLASSES, MAGNIFYING GLASSES, WATCHES, CLOCKS, HOROLOGICAL AND CHRONOMETRIC INSTRUMENTS AND THEIR ACCESSORIES, GOODS OF PRECIOUS METAL OR COATED HEREWITH, PRECIOUS STONES, JEWELRY, ARTICLES OF LEATHER AND IMITATION LEATHER AND MOROCCO-DRESSING, TRAVELING BAGS, UMBRELLAS, PINS NOT OF PRECIOUS METAL, KEY RINGS OF METAL, KNIVES, MIR-

RORS, STATIONARY, PENS AND PENCILS, BAGS AND BOXES OF PAPER, CLOTHING, HEAD GEAR, TEXTILE GOODS, GOLF EQUIPMENT AND ACCESSORIES, SMOKER'S ARTICLES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 3-23-2006; IN COMMERCE 3-23-2006.

OWNER OF U.S. REG. NOS. 25,036, 708,731, AND OTHERS.

SN 78-045,789, FILED 1-31-2001.

ANN E. SAPPENFIELD, EXAMINING ATTORNEY



United States Patent and Trademark Office

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EXHIBIT 10

Int. Cl.: 41

Prior U.S. Cls.: 100, 101 and 107

Reg. No. 3,318,408

United States Patent and Trademark Office

Registered Oct. 23, 2007

**SERVICE MARK
PRINCIPAL REGISTER**



OMEGA SA (OMEGA AG) (OMEGA LTD.) (SWIT-
ZERLAND JOINT STOCK COMPANY)
JAKOB-STÄMPFLI-STRASSE 96
CH-2502 BIEL/BIENNE
SWITZERLAND

FOR: TIMEKEEPING OF SPORTS EVENTS; OR-
GANIZATION OF SPORTS AND CULTURAL
EVENTS NAMELY ORGANIZATION OF WATER
SPORTS, ATHLETIC, GOLF, SAILING AND TENNIS
COMPETITIONS AND ORGANIZATION OF ART
EXHIBITS AND OF CINEMATOGRAPHIC, MUSI-
CAL AND THEATRICAL PERFORMANCES, IN
CLASS 41 (U.S. CLS. 100, 101 AND 107).

PRIORITY DATE OF 8-24-2005 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION
0865357 DATED 9-29-2005, EXPIRES 9-29-2015.

OWNER OF U.S. REG. NOS. 578,041, 3,063,837 AND
OTHERS.

SER. NO. 79-016,420, FILED 9-29-2005.

STEVEN PEREZ, EXAMINING ATTORNEY



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CERTIFICATE OF SERVICE AND FILING

I, Edie Garvey, hereby certify that I caused a true and correct copy of the foregoing Notice of Opposition to be served upon Applicant's Attorney of Record at the following address:

Jack A. Wheat
Stites & Harbison PLLC
400 W Market Sreet, Suite 1800
Louisville, KY 40202-3352

Via first-class mail, postage pre-paid.

Said service having taken place this 22nd day of November, 2010

A handwritten signature in cursive script that reads "Edie Garvey". The signature is written in black ink and is positioned above a solid horizontal line that extends to the right.

JMC/OG:eg

P:\K\K6\K655_Notice of Opposition_100622.doc