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

Proceeding	91197504
Party	Plaintiff Omega SA (Omega AG) (Omega Ltd.)
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

OMEGA S.A. (OMEGA AG)
(OMEGA LTD),
Opposer,

v.

ALPHA PHI OMEGA,
Applicant.

Mark: ALPHA PHI OMEGA and design
Opp. No.: 91197504 (Parent)
Serial No.: 77950436

OMEGA S.A. (OMEGA AG)
(OMEGA LTD),
Opposer,

v.

ALPHA PHI OMEGA,
Applicant.

Mark: AΦΩ
Opp. No.: 91197505 (Child)
Serial No.: 77905236

**OPPOSER'S OPPOSITION TO APPLICANT'S
MOTION FOR SUMMARY JUDGMENT**

Opposer Omega SA (Omega AG) (Omega Ltd.) (hereinafter, ("Omega" or "Opposer")
hereby respectfully submits its Opposition to Applicant's Motion for Summary Judgment.

I. INTRODUCTION

Applicant seeks summary judgment on Opposer's likelihood of confusion and dilution claims. Applicant's assertions disregard the material factual issues in this case which preclude summary judgment.

With respect to likelihood of confusion and dilution, Applicant's motion fails to address among other things, the critical factor of fame of Opposer's mark. Opposer's contentions

establish questions of fact for the purposes of summary judgment due to the overwhelming evidence regarding Opposer's marks and the fame of those marks.

There are also outstanding questions of fact regarding Applicant's allegations of third-party use of trademarks which include the Greek letter Omega. The testimony of the third-party witnesses raise factual questions about the duration and extent of third party use, which impact the weight such evidence should be given. In addition, the majority of Applicant's "undisputed facts" are either immaterial or unsupported by the cited evidence.

Applicant's light treatment of these questions of material fact, compounded by Applicant's mischaracterization of other pertinent factors, require that Applicant's motion for summary judgment be denied.

As for dilution, the Applicant misstates the applicable law. Contrary to Applicant's assertions, Opposer's burden is to prove that its mark was famous prior to the filing date of the opposed applications and therefore, Applicant's claims that Opposer cannot establish the fame of its mark prior to 1925, are irrelevant. There remains a question of fact regarding Opposer's fame at the time Applicant's applications were filed which precludes summary judgment on this claim as well.

Summary judgment as to both likelihood of confusion and dilution must be denied.

II. ARGUMENT

a. Summary Judgment Standard

Summary judgment is only appropriate where the record reveals that there is "no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a). The burden is on the moving party to establish that there are no genuine issues of material fact in dispute. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323, 106 S. Ct. 2548, 91 L. Ed.

2d 265 (1986). A factual dispute is genuine if based on the evidence of record, a fact-finder could resolve the matter in favor of the nonmoving party. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248, 106 S. Ct. 2505, 91 L. Ed. 2d 202 (1986); see also *Opryland USA Inc. v. Great American Music Show Inc.*, 970 F.2d 847 (Fed. Cir. 1992). All evidence must be viewed in a light most favorable to the non-movant and all justifiable inferences must be drawn in the nonmovant's favor. *Id.* "The Board may not resolve issues of material fact; it may only ascertain whether issues of material fact exist." *Pure Entm't, LLC v. Butter Licensing, LLC*, 2010 TTAB LEXIS 301, 10-11 (TTAB February 25, 2010).

b. Opposer Has Established Priority

In order to succeed in this opposition, Opposer must establish priority rights in its trademarks. See *Herbko Inter., Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1162 (Fed Cir. 2002). These prior rights may arise from a prior registration, prior trademark or service mark use, prior use as a trade name, prior use analogous to trademark or service mark use, or any other use sufficient to establish prior rights. *Id.* Each of Opposer's federal trademark registrations predate Applicant's filing dates. Opposer has established its OMEGA brand through continuous use since 1894. See Affidavit of Thomas P. Gulick in Support of Opposer's Opposition to Applicant's Motion for Summary Judgment, ("Gulick Aff.") at ¶¶ 2-11, Ex. 1-10. Applicant has not challenged Opposer's priority to the OMEGA trademarks. See *King Candy Co., Inc. v. Eunice King's Kitchen, Inc.*, 496 F.2d 1400, 182 USPQ 108 (CCPA 1974) (Applicant's alleged dates of first use irrelevant where Opposer's prior registration is of record and there is no counterclaim for cancellation).

c. Applicant Fails to Establish that there is No Genuine Dispute As to Any Material Fact with Regard to Likelihood of Confusion and Dilution.

The Trademark Act, in pertinent part, prohibits registration of confusingly similar marks.

The Applicant's Applications incorporate the entirety of Opposer's OMEGA or Ω marks.

Applicant's motion for summary judgment must be denied in view of outstanding, disputed, material facts relevant to applicable *DuPont* factors. Despite Applicant's unsupported assertions to the contrary, there are disputed facts related to most of the confusion factors including trade channels, the fame of Opposer's marks, relevant markets, consumer sophistication, and third-party usage of trademarks containing the word "omega" or Greek letter symbol. Furthermore, Applicant's position that the likelihood of confusion analysis can be decided on the similarity of the marks at this stage, without a full examination of the evidence related to the other factors, particularly the fame of Opposer's marks, is untenable. The Board cannot determine the weight to be given any particular factor without first considering the evidence related to all the factors.

FAME

Applicant's motion is void of any reference whatsoever to the fame of Opposer's OMEGA marks. "[T]he fame of the prior mark, if it exists, plays a dominant role in the process of balancing the DuPont factors." *Bridgestone America Tire Operation, LLC v. Federal Corp.*, 673 F.3d 1330, 1334 (Fed. Cir. 2012) (quoting *Recot, Inc.*, 214 F.3d at 1327). As such, famous marks are "accorded more protection precisely because they are more likely to be remembered and associated in the public mind than a weaker mark." *Recot*, 214 F.3d at 1327. "When an opposer's trademark is a strong, famous mark, it can never be of little consequence. The fame of a trademark may affect the likelihood purchasers will be confused as less care may be taken in purchasing a product under a famous name." *Id.* (quoting *Specialty Brands, Inc. v. Coffee Bean Distribs., Inc.*, 748 F.2d 699, 675 (Fed. Cir. 1984)). Famous or strong marks enjoy a wide latitude of legal protection. *Kenner Parker Toys, Inc. v. Rose Art Industries, Inc.*, 963 F.2d 350,

352 (Fed. Cir. 1992).

Opposer has been using its OMEGA marks since 1894. See Gulick Aff. at ¶ 2 and Ex. 1. It expends significant sums of money on highly-visible advertisement efforts, is the subject of non-solicited media coverage, and is the official timekeeper for the Olympic Games. See generally, Gulick Aff. at ¶¶ 15-17 and Exs. 14-16.

Omega has not only been the official timekeeper of many Olympic Games beginning as early as 1932 (Los Angeles), but it has been the timekeeper more recently in 2006 (Torino), 2008 (Beijing), 2010 (Vancouver) and 2012 (London). See Gulick Aff. at ¶ 18 and Ex. 17.

The OMEGA Speedmaster was chosen by NASA to be worn by its astronauts in 1965 and it has been part of every NASA piloted mission since, including all six lunar landings. Speedmasters continue to be worn by the astronauts and scientists on the International Space Station. See *id.*

Omega has undertaken extensive advertisement campaigns featuring world-famous celebrities, including George Clooney, Michael Phelps, Nicole Kidman, Cindy Crawford, Buzz Aldrin, Anna Kournikova, Pierce Brosnan, Zhang Ziyi, and Sergio Garcia. See *id.*

The OMEGA brand has been featured in numerous unpaid articles and editorial pieces in some of this country's most widely-circulated publications, such as *Allure*, *Elle Décor*, *GQ*, *Harper's Bazaar*, *Men's Vogue*, *Men's Journal*, *O*, *The Oprah Magazine*, *The New York Times Style Magazine*, *Esquire*, *The New York Times* and countless others. See generally, Gulick Aff. at ¶¶ 15-17 and Exs. 14-16.

Opposer has provided evidence to the Applicant regarding the sales of Opposer's OMEGA marks. In addition Opposer has provided annual U.S. sales numbers of [REDACTED]

[REDACTED]

[REDACTED]

. See Gulick Aff. at ¶ 19 and Ex. 18.

In addition, Opposer has spent significant sums of money in marketing the OMEGA goods. The following is a listing of the amount of money spent on marketing:

[REDACTED]

See Gulick Aff. at ¶19 and Ex. 18.

The OMEGA mark is a famous mark. *See Omega SA v. Hanif*, 2013 TTAB LEXIS 420, *17-18 (TTAB August 5, 2013) (non-precedential). Applicant has not provided any evidence to contradict the fame of Opposer's marks and, tellingly, ignores the importance of this factor entirely.

Consideration of the fame of a prior user's mark is a critical inquiry when evidence on this factor is present. When a mark is famous, the degree of similarity of the marks required to find a likelihood of confusion is diminished. *See Kenner Parker Toys*, 963 F.2d at 353 ("the Lanham Act's tolerance for similarity between competing marks varies inversely with the fame of the prior mark.")

SIMILARITY OF THE GOODS

Opposer has long sold watches, jewelry, clothing, and numerous other goods under its OMEGA and Ω marks. Such goods are highly similar to the goods recited in the opposed applications. Applicant does not even consider this critical factor. Its omission should be

considered as a concession that the goods are highly similar, and therefore this factor weighs strongly in favor of Opposer. See *ComponentOne, L.L.C. v. ComponentArt, Inc.*, 2008 U.S. Dist. LEXIS 87066, *94 (W.D. Pa. Oct. 27, 2008). OR *Lancome Parfums Et Beaute & Cie v. Lady In Red, Ltd.*, 1996 TTAB LEXIS 278, *2-*4 (TTAB May 23, 1996).

Applicant seeks registration for a Greek letter mark for Headwear; Jackets; Shirts; Sweat shirts. See Trademark Application Ser. No. 77905236. Opposer is the owner of United States Trademark Registration No. 1,969,071, a registration for clothing, namely, scarves and neckties. See Gulick Aff. at ¶ 8 and Ex. 7.

Applicant's other application includes jewelry. See Trademark Application Ser. No. 77950436. Opposer owns numerous registrations for watches and parts thereof. See Gulick Aff. at ¶¶ 2-5 and 9 and Ex. 1-4 and 8 (U.S. Reg. Nos. 25036, 566,370, 577,415, 578,041, and 2,912,918). This Board has previously found that watches are a form of jewelry, rendering the goods recited in the application serial no. 77950436 highly similar to Opposer's watches. See e.g., *In re Swiss Watch Int'l*, 2009 TTAB LEXIS 437 (TTAB June 10, 2009) (non-precedential); *Rolex Watch U.S.A., Inc. v. Teves*, 1997 TTAB LEXIS 408 *6-8 (TTAB Sept 4, 1997) (non-precedential).

The highly similar, if not identical, nature of the parties' goods weighs strongly in Opposer's favor. Combined with the fame of the Opposer's OMEGA marks and the identical or highly similar nature of the parties' goods, the degree of similarity between the marks required to justify a finding of likelihood of confusion is relatively low.

TRADE CHANNELS / CLASS OF PURCHASERS

It is well-settled that when an identification of goods contains no limitations on the trade

channels or consumers for the goods, the Board will presume the goods travel through all trade channels, and are targeted to all customers for those types of goods. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 98 USPQ2d 1253, 1261 (Fed. Cir. 2011); *In re Jump Designs, LLC*, 80 USPQ2d 1370, 1374 (TTAB 2006); *In re Elbaum*, 211 USPQ 639, 640 (TTAB 1981). It is similarly established that when the parties goods are similar, as is the case here, there is a presumption that they travel through the same trade channels. See *In re Planet Bingo*, 2009 TTAB LEXIS 660, *4-5 (TTAB Oct. 20, 2009); *Genesco Inc. v. Martz*, 66 U.S.P.Q.2d 1260, 1268 (TTAB 2003) and *In re Smith and Mehaffey*, 31 U.S.P.Q.2d 1531, 1532 (TTAB 1994) (where goods are similar and lack restrictions on identifications relating to trade channels and purchasers, the class of purchasers and channels of trade are presumed to be the same).

In addition, there are no restrictions on the price of the goods in any of the applications or registrations and thus, the Board must consider the goods as jewelry and apparel which can be sold at high or low prices. See *In re Bercut-Vandervoort & Co.*, 229 U.S.P.Q. (BNA) 763, 764-65 (TTAB 1986). (Board considered not only expensive wines sold to careful, discriminating wine connoisseurs through fine wine and spirits stores but also less expensive wine sold to ordinary consumers through liquor stores, grocery stores, supermarkets, drug stores and the like where the identification of goods was wine.) See also *Octocom Sys., Inc. v. Houston Computer Servs., Inc.*, 918 F.2d 937, 943, 16 USPQ2d 1783 (Fed. Cir. 1990).

In light of the high similarity of the parties' goods, it must be presumed that the trade channels and class of purchasers are identical, rendering all of these factors to weigh in favor of likelihood of confusion.

Applicant's contrived arguments regarding trade channels, "niche" markets and disparate pricing, in an attempt to avoid these presumptions, ignores well-settled precedent that the

likelihood of confusion analysis is limited in scope to the goods and services as disclosed in the Application. Applicant's introduction of evidence to overcome these presumptions is simply not relevant. Tellingly, Applicant cites to no law to support its attempt to overcome these presumptions where the recitation of goods contains no limitations.

The trade channels, relevant markets, and sophistication of consumers all weigh in favor of a likelihood of confusion.

SIMILARITY OF THE MARKS

Where the goods are highly related, the degree of similarity of the marks "necessary to support a conclusion of likely confusion declines." *Century 21 Real Estate Corp. v. Century Life of America*, 970 F.2d 874, 877 (Fed. Cir. 1992). The degree of similarity required to support a likelihood of confusion is even lower when, as is the case here, the trade channels, relevant markets and relevant consumers are identical.

The fact that the marks in the opposed applications incorporate Opposer's marks in their entirety establishes a high degree of similarity between the parties' marks. See "OMEGA" Reg. No. 566270 (Gulick Aff. at ¶13, Ex. 2) and Ω + OMEGA Reg. Nos. 25036, 577415, 578,041, 660,541, 1290661, 1,96,9071, 3,146,117, and 3,318,408 (Gulick Aff. at ¶12, 4-8, and 11-12 and Ex. 1, 3-7, and 9-10). The fact that Opposer's mark is subsumed by Applicant's mark increases the risk of confusion. See *In re Monfredo*, 2014 TTAB LEXIS 310 (TTAB July 22, 2014) (non-precedential); see also *In re West Point-Pepperell, Inc.*, 468 F.2d 200, 175 USPQ 558, 559 (CCPA 1972) (WEST POINT PEPPERELL and griffin design for fabrics and linens is likely to cause confusion with WEST POINT for woolen piece goods) and *In re Whiteflash.com, Inc.*, 2009 TTAB LEXIS 616, * 7-11 (finding similarity of the marks WHITEFLASH ACA (stylized) and ACA where registrant's mark was wholly incorporated in applicant's mark) (non-

precedential). The additional designs and wording, where Applicant's marks essentially incorporate the Opposer's registered marks, may not be sufficient to avoid confusion. *See e.g. In re Shatila*, 2010 TTAB LEXIS 190, 11 (TTAB May 20, 2010) (non-precedential).

THE NUMBER AND NATURE OF SIMILAR MARKS IN USE ON SIMILAR
GOODS

Applicant's motion alleges "dozens" of fraternities and sororities that include the Greek letter Omega in their name. These claims are largely unsubstantiated and irrelevant to the extent Applicant did not introduce evidence of actual use. Applicant has introduced evidence pertaining to trademark use of marks incorporating the Omega word and/or symbol by six fraternities and sororities; however, the evidence presented by Applicant in support of its motion is directly contradicted by the testimony of the third-party witnesses, which raises questions of material fact. For example, Applicant relies upon the declaration of third-party witnesses Smiley and Wampler for the proposition that Alpha Tau Omega and Alpha Chi Omega have been using their respective marks on jewelry since 1865 and 1885 respectively, even though both witnesses state that they did not have knowledge of such evidence. Such de minimis evidence where third party fraternity and sorority witnesses were unable to provide dates of first use of the Greek letter, word or crest marks for clothing or jewelry does not weigh in Applicant's favor. *See Gulick Aff.* at ¶¶ 12-13 and Ex. 11-12, Wampler Dep. 9:25-10:15 and Smiley Dep. 7:16-20 and 32:7-33:11.¹ In some instances it is unclear whether the goods are sold. *See Gulick Aff.* at ¶13 and Ex. 12, Smiley Dep. at 17:8-10. (indicating that badges are given to members, not sold). There is also a lack of evidence regarding the extent and magnitude of sales, if any, by these third parties.

¹ Applicant asserts third-party use by Alpha Tau Omega, Chi Omega, and Alpha Chi Omega since the 1800's, citing to the declarations of third-party witnesses.

DILUTION

Applicant fails to establish the lack of material fact to support an award of summary judgment. Again, Applicant does not address the fame of Opposer's marks in any way. Opposer's evidence establishes that its mark is famous; given the importance of such a factor, there is a triable issue of fact and therefore, Applicant's Motion for Summary Judgment must be denied. Opposer' has also presented facts regarding the similarity of the goods and the similarity of the marks. These additional triable issues of fact further dictate denial of summary judgment to Applicant on the dilution claim.

APPLICANT'S UNDISPUTED FACTS ARE NOT MATERIAL

In its Motion for Summary Judgment, Applicant has set forth 12 statements of "material" fact for which it claims there is no dispute. (Page 8-12.) However, in large part, none of the facts alleged are material. As explained above, the opposition must be considered in light of the goods as recited in the applications and registrations. There are no limitations on the goods in Applicant's applications or Opposer's registrations. *See* Gulick Aff. at ¶¶ 2-11 and Ex. 1-10 and Ser. Nos. 77950436 and 77905236. Furthermore, the goods are similar and therefore are presumed to travel through the same trade channels, to similar customers, and at all price points. *See supra.*

Therefore, Applicant's Fact Nos. 1 and 2 relating to price are completely immaterial. Applicant's Fact Nos. 3, 6, 7, 8, and 9 relating to the channels of trade and target market are also immaterial and irrelevant to the Board's inquiry in these oppositions. Applicant's Fact No. 4 which seeks to show claims of third party use, fails to provide proof of the extent and length of the alleged use, or even what marks are used. *See* Shaver Decl. ¶ 10. Opposer specifically objects to the statements made by Mr. Shaver in his declaration, as there is no indication

regarding his personal knowledge. Applicant was unable to provide its dates of first use. See Gulick Aff. at ¶14 and Ex. 13, London Dep. 16:1-10. Third party fraternity and sorority witnesses were unable to provide dates of first use of the Greek letter, word or crest marks for clothing or jewelry. See Gulick Aff. at ¶¶ 12-13 and Ex. 11-12, Wampler Dep. 9:25-10:15 and Smiley Dep. 7:16-20 and 32:7-33:11. Further, in some instances it is unclear whether the goods are sold. See Gulick Aff. at ¶13 and Ex. 12, Smiley Dep. at page 17:8-10. (indicating that badges are given to members not sold). Applicant's Fact No. 5 is immaterial and irrelevant, as it relates to what goods other fraternities may sell. Applicant's Fact No. 8 contains no proof or evidence regarding the general public's perception. There is no survey or other admissible evidence to support Applicant's conclusion on public perception. The *New Era Cap* case cited by Applicant is not precedential and is clearly distinguishable. In the *New Era Cap* case, the Applicant's mark was the English alphabet letters "E" and "K" whereas the registered mark were the Greek letters pronounced Sigma Kappa. In this case, both parties are using Greek letters, therefore, in the present case, there is no difference in the pronunciation, sound or meaning of the marks.

Applicant's Fact No. 10 is not a significant factor in the likelihood of confusion analysis. Opposer does not allege that Applicant had a bad faith intent in adopting its mark. Fact No. 11 is also largely irrelevant. The absence of actual confusion, by itself, does not indicate that there is no likelihood of confusion between the two marks. It is well settled that "the test is likelihood of confusion not actual confusion . . . It is unnecessary to show actual confusion in establishing likelihood of confusion." *Weiss Assocs. v. HRL Assocs.*, 902 F.2d 1546, 1549 (Fed. Cir. 1990) (citations omitted). Furthermore, the Board has acknowledged that evidence of actual confusion is very difficult to obtain. *Lebanon Seaboard Corp. v. R&R Turf Supply Inc.*, 2012 TTAB

LEXIS 29, *28, 101 USPQ2d 1826, 1834 (TTAB Feb. 8, 2012). Applicant has not provided any context regarding the extent of its use in commerce. Accordingly, the absence of actual confusion is a nonfactor in the likelihood of confusion analysis.

Finally, for Fact No. 12, Opposer can only hypothesize that Applicant's "material" fact is based on its misstatement of the law on page 17 of its Motion for Summary Judgment. Applicant claims that Opposer must show that its mark was famous prior to Applicant's use. See App.'s Motion for Summary Judgment at page 17 *citing Toro Co. v. ToroHead, Inc.*, 61 U.S.P.Q.2d 1164, 1183 n. 9 (TTAB 2001). However, footnote 9 was mere dicta in the *Toro* case, which involved an intent to use application. *Toro Co.*, 61 U.S.P.Q.2d at 1165 n.1. To prove dilution, Opposer must show that its mark was famous prior to the filing date of the application. See *Coach Servs. v. Triumph Learning LLC*, 668 F.3d 1356, 1375 (Fed. Cir. 2012). The *Coach* case involved an opposition (on dilution grounds, among others) to a use-based application with a date of first use prior to the date of the filing of the application. Thus, the Federal Circuit's decision is binding precedent with similar circumstances to the facts of this case and Opposer must show it was famous prior to 2010 (the filing date of the applications) not 1925. Thus, the entirety of Applicant's Fact No. 12 is irrelevant as a misstatement of the law.

III. CONCLUSION

Applicant fails to prove there are no genuine issues of material fact. Applicant's statements of facts are irrelevant to the proceeding and include misstatements of law. Opposer has established that its mark is famous. Due to the overwhelming importance of the fame factor (for both likelihood of confusion and dilution), Applicant has failed to meet its burden to warrant summary judgment. Other factors such as the similarity of the goods weigh in Opposer's favor

(and are not mentioned by Applicant at all). Finally, Applicant's arguments with respect to trade channels, price, and consumers are misguided and incorrect. The applications contain no limitations as to the trade channels, price and types of consumers and therefore, must be considered to travel through all channels, at all price points and to all consumers of the goods listed in the applications (apparel and jewelry). Therefore, because Opposer has raised significant questions of material fact and Applicant have failed to establish why summary judgment should be granted, Applicant's motion must be denied.

Respectfully Submitted,

By: _____



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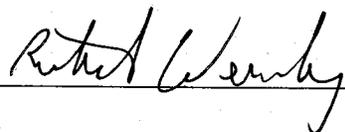
Date: May 21, 2015
JMC/TPG/rmw

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 THROUGH THE ELECTRONIC SYSTEM FOR TRADEMARK TRIAL AND APPEALS IN THE UNITED STATES PATENT AND TRADEMARK OFFICE.

COLLEN IP

By: _____



Date: May 21, 2015

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

OMEGA S.A. (OMEGA AG)
(OMEGA LTD),
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v.

ALPHA PHI OMEGA,
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Mark: ALPHA PHI OMEGA and design
Opp. No.: 91197504 (Parent)
Serial No.: 77950436

OMEGA S.A. (OMEGA AG)
(OMEGA LTD),
Opposer,

v.

ALPHA PHI OMEGA,
Applicant.

Mark: AΦΩ
Opp. No.: 91197505 (Child)
Serial No.: 77905236

AFFIDAVIT OF THOMAS P. GULICK

I, Thomas P. Gulick, being first duly sworn upon oath state as follows:

1. My name is Thomas P. Gulick and I am an attorney at the law firm of Collen *IP*, attorneys of record for Opposer, Omega SA (Omega AG) (Omega Ltd.) (“Omega” or “Opposer”) in the above-referenced matter. I have personal knowledge of the facts contained in this affidavit.

2. Attached as Exhibit 1 is a true and correct copy of Opposer's U.S. Trademark Registration No. 25,036.
3. Attached as Exhibit 2 is a true and correct copy of Opposer's U.S. Trademark Registration No. 566,370.
4. Attached as Exhibit 3 is a true and correct copy of Opposer's U.S. Trademark Registration No. 577,415.
5. Attached as Exhibit 4 is a true and correct copy of Opposer's U.S. Trademark Registration No. 578,041.
6. Attached as Exhibit 5 is a true and correct copy of Opposer's U.S. Trademark Registration No. 660,541.
7. Attached as Exhibit 6 is a true and correct copy of Opposer's U.S. Trademark Registration No. 1,290,661.
8. Attached as Exhibit 7 is a true and correct copy of Opposer's U.S. Trademark Registration No. 1,969,071.
9. Attached as Exhibit 8 is a true and correct copy of Opposer's U.S. Trademark Registration No. 2,912,918.
10. Attached as Exhibit 9 is a true and correct copy of Opposer's U.S. Trademark Registration No. 3,146,117.
11. Attached as Exhibit 10 is a true and correct copy of Opposer's U.S. Trademark Registration No. 3,318,408.
12. On April 9, 2015, I deposed Wynn Smiley, Chief Executive Officer of third party Alpha Tau Omega, Inc. Attached as Exhibit 11 is a true and correct copy of the relevant portions of Mr. Smiley's deposition.

13. On April 9, 2015, I deposed Janine Wampler, former Marketing and Coommunications Director of Alpha Chi Omega. Attached as Exhibit 12 is a true and correct copy of the relevant portions of Ms. Wampler's deposition.
14. On June 5, 2013, I deposed Robert London, the Executive Director of Alpha Phi Omega. Attached as Exhibit 13 is a true and correct copy of the relevant portions of Mr. London's deposition.
15. Omega has conducted numerous advertising campaigns. Attached as Exhibit 14 is a true and correct copy of a press release from Omega, dated October 14, 2009 entitled *Omega announces worldwide Co-Axial Advertising Campaign* and samples of advertisements featuring OMEGA branded goods and celebrity endorsers.
16. Omega has received numerous unsolicited media coverage and articles. Attached as Exhibit 15 is a true and correct copy of a representative sample of articles and media coverage featuring OMEGA.
17. Attached as Exhibit 16 is a true and correct copy of relevant portions of the English translation of the book, *Omega: A Journey Through Time* by Marco Richon.
18. Attached as Exhibit 17 is a true and correct copy of relevant documents produced by Omega in response to Applicant's Request for Production of Documents and Things.
19. On June 13, 2013, Opposer submitted responses to Applicant's Interrogatories and document production numbers 2802 and 2848 as incorporated by reference in Opposer's Response. Attached hereto as Exhibit 18 is a true and correct copy of the relevant portions.

Respectfully Submitted,

Dated: May 21, 2015



Thomas P. Gulick

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 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. 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 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-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 printing 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 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 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 description 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.

Generated on: This page was generated by TSDR on 2015-05-18 17:34:41 EDT

Mark: OMEGA



US Serial Number: 70025036
US Registration Number: 25036
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Jul. 26, 2014

Application Filing Date: May 23, 1894
Registration Date: Jul. 24, 1894

Mark Information

Mark Literal Elements: OMEGA
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Design Search Code(s): 28.01.05 - Alpha (Greek letter); Omega (Greek letter); Greek characters

Related Properties Information

Publish Previously: Yes
Registered Mark:
Previously Registered: Jan. 17, 1950
Mark Publication Date:

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: WATCH MOVEMENTS AND WATCH CASES

International Class(es): 014
U.S Class(es): 027 - Primary Class

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 10, 1894
Use in Commerce: Mar. 10, 1894

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: OMEGA SA (OMEGA AG) (OMEGA LTD.)
Owner Address: Jakob-Stämpfli-Strasse 96
Biel/Bienne 2502
SWITZERLAND
Legal Entity Type: CORPORATION
State or Country Where Organized: SWITZERLAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jess M. Collen **Docket Number:** 27540
Attorney Primary Email Address: trademark@collenip.com **Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: Jess M. Collen
COLLEN IP Intellectual Property Law, P.C.
80 South Highland Avenue
THE HOLYOKE MANHATTAN BUILDING
Ossining, NEW YORK 10562
UNITED STATES

Phone: 914-941-5668

Correspondent e-mail: trademark@collenip.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Jess M. Collen

Phone: 914-941-5668

Domestic Representative e-mail: trademark@collenip.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Jul. 26, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jul. 26, 2014	REGISTERED AND RENEWED (SIXTH RENEWAL - 10 YRS)	68335
Jul. 26, 2014	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68335
Jul. 24, 2014	TEAS SECTION 8 & 9 RECEIVED	
Jun. 10, 2008	NOTICE OF SUIT	
May 02, 2007	CASE FILE IN TICRS	
Jul. 26, 2006	REVIEW OF CORRESPONDENCE COMPLETE	59315
Oct. 20, 2004	PAPER RECEIVED	
Sep. 23, 2004	REGISTERED AND RENEWED (FIFTH RENEWAL - 10 YRS)	
Sep. 23, 2004	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jul. 15, 2004	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Sep. 17, 1985	REGISTERED AND RENEWED (FOURTH RENEWAL - 20 YRS)	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jul. 24, 2014

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Jul. 26, 2014

Assignment Abstract Of Title Information**Summary**

Total Assignments: 2

Registrant: LOUIS BRANDT & FRERE

Assignment 1 of 2

Conveyance: CHANGE OF NAME 19820324

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

Pages: 0

Date Recorded: May 20, 1983

Supporting Documents: No Supporting Documents Available

Assignor**Name:** [TIPP-EX FABRIKATION WOLFGANG DABISCH
CHANGED TO](#)**Execution Date:** Mar. 24, 1982**Legal Entity Type:** UNKNOWN**State or Country Where
Organized:** No Place Where Organized Found**Name:** [TIPP-EX TECHNIK WOLFGANG DABISCH
CHANGED TO](#)**Execution Date:** Not Found**Legal Entity Type:** UNKNOWN**State or Country Where
Organized:** No Place Where Organized Found**Assignee****Name:** [WOLFGANG DABISCH](#)**Legal Entity Type:** UNKNOWN**State or Country Where
Organized:** No Place Where Organized Found**Address:** No Assignee Address Found**Correspondent****Correspondent Name:** HENRY L. SHENIER**Correspondent Address:** 380 LEXINGTON AVE.
NEW YORK, NY 10168**Domestic Representative - Not Found****Assignment 2 of 2****Conveyance:** CHANGE OF NAME 19820624**Reel/Frame:** [0444/0955](#)**Pages:** 3**Date Recorded:** May 05, 1983**Supporting Documents:** No Supporting Documents Available**Assignor****Name:** [OMEGA LOUIS BRANDT & FRERE S.A.](#)**Execution Date:** Mar. 16, 1983**Legal Entity Type:** UNKNOWN**State or Country Where
Organized:** No Place Where Organized Found**Assignee****Name:** [OMEGA SA \(OMEGA AG\) \(OMEGA LTD.\)](#)**Legal Entity Type:** UNKNOWN**State or Country Where
Organized:** No Place Where Organized Found**Address:** No Assignee Address Found**Correspondent****Correspondent Name:** HENRY L. SHENIER**Correspondent Address:** SHENIER & O'CONNOR
380 LEXINGTON AVE.
NEW YORK, NY 10168
SHENIER AND O'CONNOR**Domestic Representative - Not Found**

EXHIBIT 2

Registered Nov. 4, 1952.

Registration No. 566,370

PRINCIPAL REGISTER
Trade-Mark

UNITED STATES PATENT OFFICE

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

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Mark: OMEGA

OMEGA

US Serial Number: 71622275
US Registration Number: 566370
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Nov. 04, 2012

Application Filing Date: Dec. 08, 1951
Registration Date: Nov. 04, 1952

Mark Information

Mark Literal Elements: OMEGA
Standard Character Claim: No
Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Related Properties Information

Claimed Ownership of US Registrations: 0025036

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: WATCHES AND PARTS THEREOF

International Class(es): 014

U.S Class(es): 027 - Primary Class

Class Status: ACTIVE

Basis: 1(a)

First Use: 1894

Use in Commerce: 1894

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: OMEGA SA (OMEGA AG) (OMEGA LTD.)
Owner Address: JAKOB-STAMPFLI-STRASSE 96
2502 BIEL/BIENNE
SWITZERLAND
Legal Entity Type: CORPORATION
State or Country Where Organized: SWITZERLAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: JESS M. COLLEN
Attorney Primary Email Address: trademark@collenip.com
Docket Number: 27470
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: JESS M. COLLEN
COLLEN IP, INTELLECTUAL PROPERTY LAW, P.C.
80 SOUTH HIGHLAND AVENUE
The Holyoke-Manhattan Building
OSSINING, NEW YORK 10562
UNITED STATES

Phone: (914) 941-5668

Fax: (914) 941-6091

Correspondent e-mail: trademark@collenip.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: JESS M. COLLEN

Phone: (914) 941-5668

Fax: (914) 941-6091

Domestic Representative e-mail: trademark@collenip.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Oct. 07, 2013	NOTICE OF SUIT	
Aug. 06, 2013	NOTICE OF SUIT	
Nov. 05, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Nov. 04, 2012	REGISTERED AND RENEWED (FOURTH RENEWAL - 10 YRS)	68335
Nov. 04, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68335
Nov. 02, 2012	TEAS SECTION 8 & 9 RECEIVED	
Jan. 29, 2009	CASE FILE IN TICRS	
Jun. 10, 2008	NOTICE OF SUIT	
Mar. 04, 2003	REGISTERED AND RENEWED (THIRD RENEWAL - 10 YRS)	
Mar. 04, 2003	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Nov. 04, 2002	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Oct. 25, 2002	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	
Oct. 25, 2002	PAPER RECEIVED	
Dec. 08, 1992	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	
Oct. 01, 1992	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	
Nov. 04, 1972	REGISTERED AND RENEWED (FIRST RENEWAL - 20 YRS)	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Nov. 04, 2012

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Nov. 04, 2012

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: OMEGA LOUIS BRANDT & FRERE, S.A.

Assignment 1 of 1

Conveyance: CHANGE OF NAME 19820624

Reel/Frame: [0582/0575](#)

Pages: 3

Date Recorded: Nov. 13, 1987

Supporting Documents: No Supporting Documents Available

Assignor

Name: [OMEGA LOUIS BRANDT & FRERE S.A.](#) **Execution Date:** Apr. 15, 1987
Legal Entity Type: UNKNOWN **State or Country Where Organized:** No Place Where Organized Found

Assignee

Name: [OMEGA SA \(OMEGA AG\) \(OMEGA LTD.\)](#) **State or Country Where Organized:** No Place Where Organized Found
Legal Entity Type: UNKNOWN
Address: No Assignee Address Found

Correspondent

Correspondent Name: SHENIER & O'CONNOR
Correspondent Address: 122 EAST 42ND STREET
NEW YORK, NY 10168

Domestic Representative - Not Found

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.,
Biemme, 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 Biemme, 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.

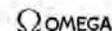
OMEGA LOUIS BRANDT & FRÈRE, S. A.,
By ADOLPHE VALLAT,
Commercial Manager

COMB. AFF. SEC. 8 & 15

FEB 2 - 1959

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Mark: OMEGA



US Serial Number: 71637075

Application Filing Date: Oct. 23, 1952

US Registration Number: 577415

Registration Date: Jul. 14, 1953

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Aug. 31, 2003

Mark Information

Mark Literal Elements: OMEGA

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Design Search Code(s): 28.01.05 - Alpha (Greek letter); Omega (Greek letter); Greek characters

Related Properties Information

Claimed Ownership of US Registrations: 0025036, 0566370

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: WRIST WATCH BRACELETS, BANDS AND STRAPS

International Class(es): 014

U.S Class(es): 028 - Primary Class

Class Status: ACTIVE

Basis: 1(a)

First Use: 1894

Use in Commerce: 1894

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: OMEGA SA (OMEGA AG) (OMEGA LTD.)

Owner Address: JAKOB STAMPFLI-STRASSE 96
2502 BIEL BIENNE
SWITZERLAND

Legal Entity Type: CORPORATION

State or Country Where Organized: SWITZERLAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: JESS M. COLLEN

Correspondent

Correspondent Name/Address: JESS M COLLEN
COLLEN IP

THE HOLYOKE MANHATTAN BLDG
80 S HIGHLAND AVE
WESTCHESTER COUNTY, NEW YORK 10526
UNITED STATES

Domestic Representative

Domestic Representative Name: COLLEN IP

Prosecution History

Date	Description	Proceeding Number
Oct. 17, 2008	CASE FILE IN TICRS	
Jun. 10, 2008	NOTICE OF SUIT	
Aug. 31, 2003	REGISTERED AND RENEWED (THIRD RENEWAL - 10 YRS)	
Aug. 31, 2003	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jun. 09, 2003	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Jun. 09, 2003	PAPER RECEIVED	
Oct. 13, 1994	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	
Oct. 03, 1994	POST REGISTRATION ACTION MAILED - SEC. 9	
Dec. 16, 1993	POST REGISTRATION ACTION MAILED - SEC. 9	
Aug. 30, 1993	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	
Jul. 14, 1973	REGISTERED AND RENEWED (FIRST RENEWAL - 20 YRS)	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jul. 14, 2003

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: SCANNING ON DEMAND

Date in Location: Oct. 17, 2008

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: OMEGA LOUIS BRANDT & FRERE, S. A.

Assignment 1 of 1

Conveyance: INDEX NAME CHANGE RECORDED ON NOVEMBER 13, 1987 AT REEL 0582 FRAME 0575 - EFFECTIVE AS OF JUNE 24, 1982

Reel/Frame: [1134/0327](#)

Pages: 5

Date Recorded: Feb. 18, 1994

Supporting Documents: No Supporting Documents Available

Assignor

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

Execution Date: Jun. 24, 1982

Legal Entity Type: CORPORATION

State or Country Where Organized: SWITZERLAND

Assignee

Name: [OMEGA SA \(OMEGA AG\) \(OMEGA LTD.\)](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: SWITZERLAND

Address: 96 RUE STAMPFLI 2503 BIENNE, SWITZERLAND

Correspondent

Correspondent Name: MCGLEW & TUTTLE, P.C.

Correspondent Address: JESS M. COLLEN
SCARBOROUGH STATION
SCARBOROUGH, NY 10510-0827

EXHIBIT 4

Int. Cl.: 14

Prior U.S. Cl.: 27

United States Patent and Trademark Office

10 Year Renewal

Reg. No. 578,041

Registered July 28, 1953

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 - 1959

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Mark: OMEGA



US Serial Number: 71637074
US Registration Number: 578041
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Jul. 05, 2013

Application Filing Date: Oct. 23, 1952
Registration Date: Jul. 28, 1953

Mark Information

Mark Literal Elements: OMEGA
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Design Search Code(s): 28.01.05 - Alpha (Greek letter); Omega (Greek letter); Greek characters

Related Properties Information

Claimed Ownership of US Registrations: 0025036, 0566370

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

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

International Class(es): 014

U.S Class(es): 027 - Primary Class

Class Status: ACTIVE

Basis: 1(a)

First Use: 1894

Use in Commerce: 1894

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: OMEGA SA (OMEGA AG) (OMEGA LTD.)
Owner Address: Jakob-Stämpfli-Strasse 96
2502 Biel/Bienne
SWITZERLAND
Legal Entity Type: CORPORATION
State or Country Where Organized: SWITZERLAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: JESS M. COLLEN

Docket Number: 27640

Attorney Primary Email Address: trademark@collenip.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: JESS M. COLLEN
COLLEN IP INTELLECTUAL PROPERTY LAW, P.C.
80 SOUTH HIGHLAND AVENUE
THE HOLYOKE-MANHATTAN BUILDING
TOWN OF OSSINING, NEW YORK 10562
UNITED STATES

Phone: 9149415668

Correspondent e-mail: trademark@collenip.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: JESS M. COLLEN

Phone: 9149415668

Domestic Representative e-mail: trademark@collenip.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Jul. 05, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jul. 05, 2013	REGISTERED AND RENEWED (FOURTH RENEWAL - 10 YRS)	68335
Jul. 05, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68335
Jun. 28, 2013	TEAS SECTION 8 & 9 RECEIVED	
Jun. 27, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jun. 27, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Oct. 09, 2008	CASE FILE IN TICRS	
Jun. 10, 2008	NOTICE OF SUIT	
Sep. 06, 2003	REGISTERED AND RENEWED (THIRD RENEWAL - 10 YRS)	
Sep. 06, 2003	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jun. 06, 2003	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Jun. 06, 2003	PAPER RECEIVED	
Dec. 10, 1997	ABANDONMENT DELETED BY TTAB	
Dec. 10, 1997	COUNTERCLAIM OPP. NO. 999999	105595
Dec. 10, 1997	ABANDONMENT DELETED BY TTAB	
May 12, 1994	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	
Apr. 12, 1994	RESPONSE RECEIVED TO POST REG. ACTION	
Oct. 12, 1993	POST REGISTRATION ACTION MAILED - SEC. 9	
Aug. 17, 1993	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	
Jul. 28, 1973	REGISTERED AND RENEWED (FIRST RENEWAL - 20 YRS)	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jul. 28, 2013

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Jul. 05, 2013

Assignment Abstract Of Title Information

Summary**Total Assignments:** 1**Registrant:** OMEGA LOUIS BRANDT & FRERE, S.A.**Assignment 1 of 1****Conveyance:** CHANGE OF NAME EFFECTIVE 6-24-82.**Reel/Frame:** [1135/0407](#)**Pages:** 5**Date Recorded:** Apr. 12, 1994**Supporting Documents:** No Supporting Documents Available**Assignor****Name:** [OMEGA LOUIS BRANDT & FRERE S.A.](#)**Execution Date:** Apr. 15, 1987**Legal Entity Type:** CORPORATION**State or Country Where Organized:** SWITZERLAND**Assignee****Name:** [OMEGA SA \(OMEGA AG\) \(OMEGA LTD.\)](#)**Legal Entity Type:** CORPORATION**State or Country Where Organized:** SWITZERLAND**Address:** BIENNE, SWITZERLAND**Correspondent****Correspondent Name:** JESS M. COLLEN**Correspondent Address:** MCGLEW AND TUTTLE, P.C.
SCARBOROUGH STATION
SCARBOROUGH, NY 10510-0827**Domestic Representative - Not Found**

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 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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Mark: OMEGA



US Serial Number: 72029548

Application Filing Date: May 07, 1957

US Registration Number: 660541

Registration Date: Apr. 15, 1958

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: May 09, 2008

Mark Information

Mark Literal Elements: OMEGA

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Design Search Code(s): 28.01.05 - Alpha (Greek letter); Omega (Greek letter); Greek characters

Related Properties Information

Claimed Ownership of US Registrations: 0025036, 0578041

Foreign Information

Foreign Registration Number: 132656

Foreign Registration Date: Mar. 01, 1950

Foreign Application/Registration Country: SWITZERLAND

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *,* identify additional (new) wording in the goods/services.

For: 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

International Class(es): 009

U.S Class(es): 026 - Primary Class

Class Status: ACTIVE

Basis: 44(e)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: Yes

Currently 44E: Yes

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: OMEGA SA (OMEGA AG) (OMEGA LTD.)

Owner Address: JAKOB-STAMPFI-STRASSE 96
CH-20502 BIEL

SWITZERLAND
Legal Entity Type: CORPORATION

State or Country Where Organized: SWITZERLAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: JESS M COLLEN

Correspondent

Correspondent Name/Address: JESS M COLLEN
COLLEN IP
80 SOUTH HIGHLAND AVE
THE HOLYOKE-MANHATTAN BUILDING
OSSINING ON HUDSON, NEW YORK 10562
UNITED STATES

Domestic Representative

Domestic Representative Name: JESS M. COLLEN

Prosecution History

Date	Description	Proceeding Number
Jan. 16, 2009	CASE FILE IN TICRS	
May 09, 2008	REGISTERED AND RENEWED (THIRD RENEWAL - 10 YRS)	66607
May 09, 2008	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
May 06, 2008	ASSIGNED TO PARALEGAL	66607
Apr. 21, 2008	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Apr. 21, 2008	PAPER RECEIVED	
May 28, 1998	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	
Apr. 15, 1998	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	
Apr. 15, 1978	REGISTERED AND RENEWED (FIRST RENEWAL - 20 YRS)	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Renewal Date: Apr. 15, 2008

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: SCANNING ON DEMAND

Date in Location: Jan. 16, 2009

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: OMEGA LOUIS BRANDT & FRERE, S.A.

Assignment 1 of 1

Conveyance: CHANGE OF NAME (SEE RECORD FOR DETAILS)

Reel/Frame: [1133/0405](#)

Pages: 5

Date Recorded: Apr. 13, 1994

Supporting Documents: No Supporting Documents Available

Assignor

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

Execution Date: Jul. 06, 1982

Legal Entity Type: CORPORATION

State or Country Where Organized: SWITZERLAND

Assignee

Name: [OMEGA SA \(OMEGA AG\) \(OMEGA LTD.\)](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: SWITZERLAND

Address: BIENNE, SWITZERLAND

Correspondent

Correspondent Name: JESS M. COLLEN

Correspondent Address: MCGLEW & TUTTLE, P.C.
SCARBOROUGH STATION
SCARBOROUGH, NY 10510-0827

Domestic Representative - Not Found

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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Mark: OMEGA



US Serial Number: 73370198
US Registration Number: 1290661
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Oct. 17, 2014
Publication Date: Nov. 15, 1983

Application Filing Date: Jun. 17, 1982
Registration Date: Aug. 21, 1984

Mark Information

Mark Literal Elements: OMEGA
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Design Search Code(s): 28.01.05 - Alpha (Greek letter); Omega (Greek letter); Greek characters

Foreign Information

Foreign Registration Number: 312,338
Foreign Registration Date: May 12, 1981
Foreign Application/Registration Country: SWITZERLAND
Foreign Expiration Date: May 12, 2001

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: [Lubricating Oils for Watches and Clocks]
International Class(es): 004 - Primary Class
U.S Class(es): 001, 006, 015
Class Status: SECTION 8 - CANCELLED
Basis: 44(e)

For: [Tools Used in Clock and Watch Making; Tools Used in Jewelry Making]
International Class(es): 008 - Primary Class
U.S Class(es): 023, 028, 044
Class Status: SECTION 8 - CANCELLED
Basis: 44(e)

For: Watch Cases [, Watch Chains, and Watch Stands Sold as a Unit with Watches]
International Class(es): 014 - Primary Class
U.S Class(es): 002, 027, 028, 050
Class Status: ACTIVE
Basis: 44(e)

For: [Fountain Pens and mechanical pencils]
International Class(es): 016 - Primary Class
U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050
Class Status: SECTION 8 - CANCELLED
Basis: 44(e)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No

Filed 44E: Yes

Currently 44E: Yes

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Omega SA (Omega AG) (Omega Ltd.)

Owner Address: Jakob-Stämpfli-Strasse 96
Biel/Bienne CH2500
SWITZERLAND

Legal Entity Type: CORPORATION

State or Country Where Organized: SWITZERLAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: JESS M. COLLEN

Docket Number: 27590

Attorney Primary Email Address: trademark@collenip.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: JESS M. COLLEN
COLLEN IP Intellectual Property Law, P.C.
80 South Highland Avenue
THE HOLYOKE-MANHATTAN BUILDING
OSSINING, NEW YORK 10562
UNITED STATES

Phone: 914-941-5668

Correspondent e-mail: trademark@collenip.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: JESS M. COLLEN

Phone: 914-941-5668

Domestic Representative e-mail: trademark@collenip.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Oct. 17, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Oct. 17, 2014	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	68973
Oct. 17, 2014	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68973
Aug. 30, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68973
Aug. 14, 2014	TEAS SECTION 8 & 9 RECEIVED	
Jul. 24, 2014	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	73376
Jul. 24, 2014	REGISTERED - SEC. 9 GRANTED/CHECK RECORD FOR SEC. 8	73376
Jul. 24, 2014	ASSIGNED TO PARALEGAL	73376
Apr. 23, 2014	COUNTERCLAIM OPP. NO. 999999	122979
Jun. 10, 2008	NOTICE OF SUIT	
Apr. 04, 2006	AMENDMENT UNDER SECTION 7 - ISSUED	
Mar. 31, 2006	ASSIGNED TO PARALEGAL	73376
Dec. 16, 2005	REGISTERED - PARTIAL SEC. 8 (10-YR) ACCEPTED	
Dec. 05, 2005	PAPER RECEIVED	
Aug. 03, 2005	POST REGISTRATION ACTION CORRECTION	
Feb. 22, 2005	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Feb. 22, 2005	PAPER RECEIVED	
Sep. 25, 2001	COUNTERCLAIM OPP. NO. 999999	122979
Oct. 23, 1990	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Aug. 14, 1990	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	

Aug. 21, 1984 REGISTERED-PRINCIPAL REGISTER
 Nov. 15, 1983 PUBLISHED FOR OPPOSITION
 Nov. 15, 1983 PUBLISHED FOR OPPOSITION
 Sep. 28, 1983 NOTICE OF PUBLICATION
 Sep. 23, 1983 NOTICE OF PUBLICATION
 Aug. 26, 1983 APPROVED FOR PUB - PRINCIPAL REGISTER
 Jun. 06, 1983 CORRESPONDENCE RECEIVED IN LAW OFFICE
 Apr. 21, 1983 NON-FINAL ACTION MAILED
 Mar. 28, 1983 ASSIGNED TO EXAMINER

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Filed Section 15 - Accepted

Renewal Date: Aug. 21, 2014

Change in Registration: Yes

Amendment to a Registration/Renewal Certificate: In the statement, Column 1 and 2, the goods in classes 4,8, and 16 are deleted.

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Oct. 17, 2014

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Omega SA (Omega AG) (Omega Ltd.)

Assignment 1 of 1

Conveyance: CHANGE OF NAME 19820624

Reel/Frame: [0444/0955](#)

Pages: 3

Date Recorded: May 05, 1983

Supporting Documents: No Supporting Documents Available

Assignor

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

Execution Date: Mar. 16, 1983

Legal Entity Type: UNKNOWN

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [OMEGA SA \(OMEGA AG\) \(OMEGA LTD.\)](#)

Legal Entity Type: UNKNOWN

State or Country Where Organized: No Place Where Organized Found

Address: No Assignee Address Found

Correspondent

Correspondent Name: HENRY L. SHENIER

Correspondent Address: SHENIER & O'CONNOR
380 LEXINGTON AVE.
NEW YORK, NY 10168
SHENIER AND O'CONNOR

Domestic Representative - Not Found

EXHIBIT 7

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

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

United States Patent and Trademark Office

Reg. No. 1,969,071

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, MECHANICAL 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

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Mark: OMEGA



US Serial Number: 74355965
Application Filing Date: Feb. 05, 1993
US Registration Number: 1969071
Registration Date: Apr. 23, 1996
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Aug. 05, 2006
Publication Date: Jun. 21, 1994

Mark Information

Mark Literal Elements: OMEGA
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Design Search Code(s): 28.01.05 - Alpha (Greek letter); Omega (Greek letter); Greek characters

Related Properties Information

Claimed Ownership of US Registrations: 1290661

Foreign Information

Foreign Registration Number: 368846
Foreign Registration Date: Dec. 16, 1988
Foreign Application/Registration Country: SWITZERLAND
Foreign Expiration Date: Dec. 16, 2008

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: metal key rings

International Class(es): 006 - Primary Class

U.S Class(es): 013, 025

Class Status: ACTIVE

Basis: 44(e)

For: pens and pencils; namely, mechanical pencils and ball point and felt-tip pens

International Class(es): 016 - Primary Class

U.S Class(es): 037

Class Status: ACTIVE

Basis: 44(e)

For: umbrellas and parasols

International Class(es): 018 - Primary Class

U.S Class(es): 041

Class Status: ACTIVE

Basis: 44(e)

For: clothing; namely, scarves, and neckties

International Class(es): 025 - Primary Class

U.S Class(es): 039

Class Status: ACTIVE

Basis: 44(e)

For: [chocolates]

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: SECTION 8 - CANCELLED

Basis: 44(e)

Basis Information (Case Level)

Filed Use:	No	Currently Use:	No	Amended Use:	No
Filed ITU:	Yes	Currently ITU:	No	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	Yes	Currently 44E:	Yes	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

Current Owner(s) Information

Owner Name: Omega S.A. (Omega AG) (Omega Ltd.)
Owner Address: 96, rue Staempfli
Bienne
SWITZERLAND
Legal Entity Type: CORPORATION
State or Country Where Organized: SWITZERLAND

Attorney/Correspondence Information

Attorney of Record

Docket Number: T-27740

Correspondent

Correspondent Name/Address: JANE F COLLEN
COLLEN IP
THE HOLYOKE-MANHATTAN BLDG
80 S HIGHLAND AVE
TOWN OF OSSINING, NEW YORK 10562
UNITED STATES

Domestic Representative

Domestic Representative Name: COLLEN IP INTELLECTUAL PROPERTY LAW
P.C.

Prosecution History

Date	Description	Proceeding Number
Jun. 13, 2007	CASE FILE IN TICRS	
Aug. 05, 2006	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	75461
Aug. 05, 2006	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Aug. 02, 2006	ASSIGNED TO PARALEGAL	75461
May 01, 2006	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
May 01, 2006	PAPER RECEIVED	
Jan. 02, 2003	REGISTERED - PARTIAL SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Oct. 24, 2002	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Oct. 24, 2002	PAPER RECEIVED	
Apr. 23, 1996	REGISTERED-PRINCIPAL REGISTER	
Dec. 12, 1995	NOTICE OF ALLOWANCE CANCELLED	
Jan. 24, 1996	Sec. 1(B) CLAIM DELETED	71695
Jun. 13, 1995	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 20, 1994	EXTENSION OF TIME TO OPPOSE RECEIVED	
Jun. 21, 1994	PUBLISHED FOR OPPOSITION	
May 20, 1994	NOTICE OF PUBLICATION	
Jan. 13, 1994	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 06, 1993	CORRESPONDENCE RECEIVED IN LAW OFFICE	

Jun. 07, 1993 NON-FINAL ACTION MAILED

Apr. 22, 1993 ASSIGNED TO EXAMINER

69987

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Apr. 23, 2006

Change in Registration: Yes

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: SCANNING ON DEMAND

Date in Location: Jun. 13, 2007

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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Mark:



US Serial Number: 78278182
US Registration Number: 2912918
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Sep. 25, 2014
Publication Date: Sep. 28, 2004

Application Filing Date: Jul. 24, 2003
Registration Date: Dec. 21, 2004

Mark Information

Mark Literal Elements: None
Standard Character Claim: No
Mark Drawing Type: 2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)/NUMBER(S)
Color(s) Claimed: Color is not claimed as a feature of the mark.
Design Search Code(s): 01.01.09 - Stars, two; Two stars
01.01.13 - Stars - multiple stars with five points
01.07.02 - Globes with meridians and parallels only
24.17.01 - Zodiac symbols; Astrological symbols
26.01.21 - Circles that are totally or partially shaded.

Foreign Information

Priority Claimed: Yes
Foreign Application Number: 01498/2003
Foreign Registration Number: 510612
Foreign Application/Registration Country: SWITZERLAND

Foreign Application Filing Date: Mar. 11, 2003
Foreign Registration Date: Jul. 16, 2003
Foreign Expiration Date: Mar. 11, 2013

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

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

International Class(es): 014 - Primary Class
U.S Class(es): 002, 027, 028, 050
Class Status: ACTIVE
Basis: 1(a) 44(e)
First Use: Sep. 11, 2003
Use in Commerce: Sep. 11, 2003

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: Yes	Currently 44E: Yes	Amended 44E: No

Filed 66A: No
Filed No Basis: No

Currently 66A: No
Currently No Basis: No

Current Owner(s) Information

Owner Name: Omega SA (Omega AG) (Omega Ltd.)
Owner Address: Jakob-Stämpfli-Strasse 96
Biel/Bienne 2502
SWITZERLAND
Legal Entity Type: CORPORATION
State or Country Where Organized: SWITZERLAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jess M. Collen
Attorney Primary Email Address: trademark@collenip.com
Docket Number: 83645
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Jess M. Collen
COLLEN IP, INTELLECTUAL PROPERTY LAW, P.C.
80 South Highland Avenue
THE HOLYOKE-MANHATTAN BUILDING
OSSINING, NEW YORK 10562
UNITED STATES
Phone: (914) 941-5668
Fax: (914) 941-6091
Correspondent e-mail: trademark@collenip.com
Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Jess M. Collen
Phone: (914) 941-5668
Fax: (914) 941-6091
Domestic Representative e-mail: trademark@collenip.com
Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Sep. 25, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Sep. 25, 2014	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	67603
Sep. 25, 2014	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	67603
Sep. 25, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67603
Sep. 16, 2014	TEAS SECTION 8 & 9 RECEIVED	
Sep. 02, 2011	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - MAILED	
Sep. 02, 2011	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	69934
Dec. 23, 2010	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	69934
Aug. 11, 2011	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	
Mar. 17, 2011	POST REGISTRATION ACTION MAILED - SEC. 8 & 15	69934
Dec. 23, 2010	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Mar. 15, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69934
Dec. 23, 2010	PAPER RECEIVED	
Dec. 21, 2004	REGISTERED-PRINCIPAL REGISTER	
Sep. 28, 2004	PUBLISHED FOR OPPOSITION	
Sep. 08, 2004	NOTICE OF PUBLICATION	
Jul. 28, 2004	LAW OFFICE PUBLICATION REVIEW COMPLETED	70997
Jul. 28, 2004	ASSIGNED TO LIE	70997
Jul. 26, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 26, 2004	USE AMENDMENT ACCEPTED	

Jul. 12, 2004	AMENDMENT FROM APPLICANT ENTERED	70997
Jul. 12, 2004	CORRESPONDENCE RECEIVED IN LAW OFFICE	70997
Jul. 16, 2004	AMENDMENT TO USE PROCESSING COMPLETE	
Jul. 12, 2004	USE AMENDMENT FILED	
Jul. 12, 2004	PAPER RECEIVED	
Feb. 09, 2004	NON-FINAL ACTION MAILED	
Feb. 07, 2004	ASSIGNED TO EXAMINER	67523

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Dec. 21, 2014

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Sep. 25, 2014

EXHIBIT 9

Int. Cl.: 35

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

Reg. No. 3,146,117

United States Patent and Trademark Office

Registered Sep. 19, 2006

**SERVICE MARK
PRINCIPAL REGISTER**

**Ω
OMEGA**

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

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Mark: OMEGA



US Serial Number: 78045789 Application Filing Date: Jan. 31, 2001
US Registration Number: 3146117 Registration Date: Sep. 19, 2006
Register: Principal
Mark Type: Service Mark
Status: A Section 8 declaration has been accepted.
Status Date: Mar. 27, 2013
Publication Date: Jul. 02, 2002 Notice of Allowance Date: Apr. 15, 2003

Mark Information

Mark Literal Elements: OMEGA
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Color(s) Claimed: Color is not claimed as a feature of the mark.
Design Search Code(s): 28.01.05 - Alpha (Greek letter); Omega (Greek letter); Greek characters

Related Properties Information

Claimed Ownership of US Registrations: 0025036, 0566370, 0577415, 0660541, 0708731 and others

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

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, MIRRORS, STATIONARY, PENS AND PENCILS, BAGS AND BOXES OF PAPER, CLOTHING, HEAD GEAR, TEXTILE GOODS, GOLF EQUIPMENT AND ACCESSORIES, SMOKER'S ARTICLES]

International Class(es): 035 - Primary Class U.S Class(es): 100, 101, 102
Class Status: ACTIVE
Basis: 1(a)
First Use: Mar. 23, 2006 Use in Commerce: Mar. 23, 2006

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Omega SA (Omega AG)(Omega Ltd.)
Owner Address: Jakob-Stampfli-Strasse 96
Biel/Bienne 2502
SWITZERLAND

Legal Entity Type: CORPORATION

State or Country Where Organized: SWITZERLAND

Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jess M. Collen

Docket Number: T71685

Attorney Primary Email Address: trademark@collenip.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Jess M. Collen
COLLEN IP Intellectual Property Law, P.C.
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80 SOUTH HIGHLAND AVE.
OSSINING, NEW YORK 10562
UNITED STATES

Correspondent e-mail: trademark@collenip.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Jess M. Collen

Domestic Representative e-mail: trademark@collenip.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Mar. 28, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 - E-MAILED	
Mar. 27, 2013	REGISTERED - SEC. 8 (6-YR) ACCEPTED	71378
Mar. 27, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	71378
Mar. 18, 2013	TEAS SECTION 8 RECEIVED	
Jun. 26, 2012	COUNTERCLAIM OPP. NO. 999999	173784
Sep. 19, 2006	REGISTERED-PRINCIPAL REGISTER	
Aug. 04, 2006	LAW OFFICE REGISTRATION REVIEW COMPLETED	77978
Jul. 28, 2006	ASSIGNED TO LIE	77978
Jul. 11, 2006	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
May 13, 2006	STATEMENT OF USE PROCESSING COMPLETE	64657
Apr. 13, 2006	USE AMENDMENT FILED	64657
Apr. 18, 2006	PAPER RECEIVED	
Nov. 04, 2005	EXTENSION 5 GRANTED	76873
Oct. 14, 2005	EXTENSION 5 FILED	76873
Oct. 17, 2005	PAPER RECEIVED	
May 04, 2005	EXTENSION 4 GRANTED	76874
Apr. 08, 2005	EXTENSION 4 FILED	76874
Apr. 08, 2005	PAPER RECEIVED	
Sep. 24, 2004	EXTENSION 3 GRANTED	74192
Sep. 24, 2004	EXTENSION 3 FILED	74192
Apr. 04, 2004	EXTENSION 2 GRANTED	74192
Apr. 04, 2004	EXTENSION 2 FILED	74192
Sep. 24, 2004	PAPER RECEIVED	
Aug. 19, 2004	CASE FILE IN TICRS	
Apr. 08, 2004	PAPER RECEIVED	
Nov. 13, 2003	EXTENSION 1 GRANTED	
Oct. 14, 2003	EXTENSION 1 FILED	
Oct. 17, 2003	PAPER RECEIVED	
Apr. 15, 2003	NOA MAILED - SOU REQUIRED FROM APPLICANT	

Feb. 19, 2003	ASSIGNED TO EXAMINER	73711
Aug. 09, 2002	EXTENSION OF TIME TO OPPOSE RECEIVED	
Jul. 02, 2002	PUBLISHED FOR OPPOSITION	
Jun. 12, 2002	NOTICE OF PUBLICATION	
Mar. 24, 2002	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 21, 2002	EXAMINERS AMENDMENT MAILED	
Feb. 22, 2002	NON-FINAL ACTION MAILED	
Dec. 06, 2001	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jun. 19, 2001	NON-FINAL ACTION MAILED	
Jun. 15, 2001	ASSIGNED TO EXAMINER	78446

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 117

Date in Location: Mar. 27, 2013

EXHIBIT 10

Int. Cl.: 41

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

United States Patent and Trademark Office

Reg. No. 3,318,408

Registered Oct. 23, 2007

**SERVICE MARK
PRINCIPAL REGISTER**


Ω
OMEGA

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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Mark: OMEGA



US Serial Number: 79016420 **Application Filing Date:** Sep. 29, 2005
US Registration Number: 3318408 **Registration Date:** Oct. 23, 2007
Register: Principal
Mark Type: Service Mark
Status: A Section 71 and 15 declaration has been accepted and acknowledged.
Status Date: Nov. 12, 2013
Publication Date: Aug. 07, 2007

Mark Information

Mark Literal Elements: OMEGA
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Color(s) Claimed: Color is not claimed as a feature of the mark.
Design Search Code(s): 28.01.05 - Alpha (Greek letter); Omega (Greek letter); Greek characters

Related Properties Information

International Registration Number: 0865357
International Registration Date: Sep. 29, 2005
Claimed Ownership of US Registrations: 0578041, 0660541, 2747149, 2910721, 3055632, 3063837

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: 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]

International Class(es): 041 - Primary Class **U.S Class(es):** 100, 101, 107

Class Status: ACTIVE

Basis: 66(a)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: Yes	Currently 66A: Yes	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Omega SA (Omega AG) (Omega Ltd.)
Owner Address: Jakob-Stämpfli-Strasse 96
Biel/Bienne CH2502
SWITZERLAND
Legal Entity Type: CORPORATION **State or Country Where:** SWITZERLAND

Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jess M. Collen **Docket Number:** G-350
Attorney Primary Email Address: trademark@collenip.com **Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: JESS M. COLLEN
INTELLECTUAL PROPERTY LAW, P.C.
80 SOUTH HIGHLAND AVENUE
THE HOLYOKE-MANHATTAN BUILDING
OSSINING, NEW YORK 10562
UNITED STATES
Phone: 914-941-5668
Correspondent e-mail: trademark@collenip.com **Correspondent e-mail Authorized:** Yes

Domestic Representative

Domestic Representative Name: Jess M. Collen **Phone:** 914-941-5668
Domestic Representative e-mail: trademark@collenip.com **Domestic Representative e-mail Authorized:** Yes

Prosecution History

Date	Description	Proceeding Number
Nov. 12, 2013	NOTICE OF ACCEPTANCE OF SEC. 71 & 15 - E-MAILED	
Nov. 12, 2013	REGISTERED - SEC. 71 ACCEPTED & SEC. 15 ACK.	67603
Oct. 23, 2013	REGISTERED - SEC. 71 & SEC. 15 FILED	67603
Nov. 01, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67603
Oct. 23, 2013	TEAS SECTION 71 & 15 RECEIVED	
Dec. 13, 2008	FINAL DECISION TRANSACTION PROCESSED BY IB	
Jan. 28, 2008	FINAL DISPOSITION NOTICE SENT TO IB	
Jan. 28, 2008	FINAL DISPOSITION PROCESSED	67445
Jan. 25, 2008	FINAL DISPOSITION NOTICE CREATED, TO BE SENT TO IB	
Oct. 23, 2007	REGISTERED-PRINCIPAL REGISTER	
Aug. 07, 2007	PUBLISHED FOR OPPOSITION	
Jul. 18, 2007	NOTICE OF PUBLICATION	
Jul. 03, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	78413
Jul. 02, 2007	ASSIGNED TO LIE	78413
Jun. 30, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 11, 2007	AMENDMENT FROM APPLICANT ENTERED	77312
Jun. 11, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	77312
Jun. 07, 2007	ASSIGNED TO LIE	77312
May 21, 2007	PAPER RECEIVED	
Apr. 26, 2007	NOTIFICATION OF POSSIBLE OPPOSITION - PROCESSED BY IB	
Apr. 12, 2007	NOTIFICATION OF POSSIBLE OPPOSITION SENT TO IB	
Apr. 12, 2007	NOTIFICATION OF POSSIBLE OPPOSITION CREATED, TO BE SENT TO IB	
Nov. 17, 2006	NON-FINAL ACTION MAILED	
Nov. 17, 2006	NON-FINAL ACTION WRITTEN	74301
Oct. 07, 2006	AMENDMENT FROM APPLICANT ENTERED	76538
Sep. 28, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	76538
Oct. 04, 2006	PAPER RECEIVED	
Sep. 28, 2006	FAX RECEIVED	
Apr. 20, 2006	REFUSAL PROCESSED BY IB	

Apr. 04, 2006	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Apr. 04, 2006	REFUSAL PROCESSED BY MPU	74217
Apr. 04, 2006	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Apr. 03, 2006	NON-FINAL ACTION WRITTEN	74301
Mar. 28, 2006	NON-FINAL ACTION (IB REFUSAL) WITHDRAWN FOR REVIEW	74217
Mar. 27, 2006	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Mar. 26, 2006	NON-FINAL ACTION WRITTEN	74301
Mar. 19, 2006	ASSIGNED TO EXAMINER	74301
Nov. 14, 2005	NEW APPLICATION ENTERED IN TRAM	
Nov. 10, 2005	SN ASSIGNED FOR SECT 66A APPL FROM IB	

International Registration Information (Section 66a)

International Registration Number: 0865357	International Registration Date: Sep. 29, 2005
Priority Claimed Flag: Yes	Date of Section 67 Priority Claim: Aug. 24, 2005
Intl. Registration Status: REQUEST FOR EXTENSION OF PROTECTION PROCESSED	Date of International Registration Status: Nov. 10, 2005
Notification of Designation Date: Nov. 10, 2005	Date of Automatic Protection: May 10, 2007
International Registration Renewal Date: Sep. 29, 2015	
First Refusal Flag: Yes	

Maintenance Filings or Post Registration Information

Affidavit of Incontestability:	Section 15 - Accepted
Affidavit of Continued Use:	Section 71 - Accepted

TM Staff and Location Information

TM Staff Information

TM Attorney: PEREZ, STEVEN M

Law Office Assigned: LAW OFFICE 101

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Nov. 12, 2013

EXHIBIT 11

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

3 OMEGA S.A. (OMEGA AG)
4 (OMEGA LTD.),
5 Opposer,

6 Mark: ALPHA OMEGA EPSILON
7 (Greek letters)
8 Opp. No.: 91214449 (Parent)
9 Serial No.: 85855823

10 v.

11 ALPHA OMEGA EPSILON, INC.,
12 Applicant.

13 OMEGA S.A. (OMEGA AG)
14 (OMEGA LTD.),
15 Opposer,

16 Mark: ALPHA OMEGA EPSILON
17 Opp. No.: 91214454 (Child)
18 Serial No.: 85855839

19 v.

20 ALPHA OMEGA EPSILON, INC.,
21 Applicant.

22 OMEGA S.A. (OMEGA AG)
23 (OMEGA LTD.),
24 Opposer,

25 Mark: ALPHA OMEGA EPSILON
& Design
Opp. No.: 91214452 (Child)
Serial No.: 85857062

v.

ALPHA OMEGA EPSILON, INC.,
Applicant.

OMEGA S.A. (OMEGA AG)
(OMEGA LTD.),
Opposer,

Mark: ALPHA OMEGA EPSILON
Opp. No.: 91214453 (Child)
Serial No.: 85857065

v.

ALPHA OMEGA EPSILON, INC.,
Applicant.

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APPEARANCES

FOR THE OPPOSER:

Thomas P. Gulick, Esq.
COLLEN IP
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80 South Highland Avenue, Ossining-on-Hudson
Westchester County, NY 10562

FOR THE APPLICANT:

Jack A. Wheat, Esq.
STITES & HARBISON
400 West Market Street, Suite 1800
Louisville, KY 40902-3352

INDEX OF EXAMINATION

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INDEX OF EXHIBITS

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1 WYNN SMILEY,
2 having been first duly sworn to tell the truth, the
3 whole truth, and nothing but the truth took the stand
4 and testified as follows:

5 DIRECT EXAMINATION

6 BY MR. GULICK

7 Q Can you state your name and address for the record.

8 A Wynn Smiley, 8463 Pine Tree Boulevard,
9 Indianapolis.

10 Q Mr. Smiley, can you tell me where you're employed?

11 A Alpha Tau Omega.

12 Q And can you tell me your position with the company?

13 A Chief executive officer.

14 Q And have you held any previous positions within the
15 company?

16 A I was director of communication.

17 Q That was prior?

18 A Yes.

19 Q About how long ago was that?

20 A About 18 years ago.

21 Q Can you tell me what your responsibilities are in
22 your current position?

23 A I'm responsible for the management of the National
24 Fraternity and carrying out the directives of the
25 National Fraternity Board of Directors.

1 A Sure. Could range anywhere from clothing to
2 jewelry to educational publications.

3 Q Would the same be true of the Alpha Tau Omega Greek
4 letter mark, same merchandise?

5 A Yes.

6 Q Same would be true for the crest?

7 A Yes.

8 Q Can you tell me what type of jewelry would be sold
9 under those marks?

10 A Any variety of jewelry. Really, we leave it up for
11 the jeweler to propose pieces, and then we sign off
12 on them.

13 Q And are you in charge of signing off on all of the
14 merchandise that gets sold?

15 A Yes.

16 Q Do you know when the first piece of clothing was
17 sold with an Alpha Tau Omega mark?

18 A I do not.

19 Q Do you know when the first piece of jewelry was
20 sold with the Alpha Tau Omega mark?

21 A Sold, no.

22 Q Does Alpha Tau Omega manufacture any products?

23 A Jewelry or clothing, no. Some publications, yes.

24 Q And do you license the use of the Alpha Tau Omega
25 marks to third parties?

1 A Including the declaration.

2 Q Was that the extent of the documents?

3 A And the attachments, yes, everything attached.

4 Q And you didn't view any of the trademark
5 applications or registrations prior to coming here?

6 A No.

7 Q Do you know if the Alpha Tau Omega mark, the word
8 mark, is used on jewelry?

9 A I don't know that.

10 Q Do you know if the Alpha Tau Omega Greek letters
11 are used on jewelry?

12 A Yes.

13 Q Do you know for how long those, the Greek letter
14 mark has been used on jewelry?

15 A I do not.

16 Q Do you know if the crest mark is used on jewelry?

17 A It is.

18 Q Do you know for how long the crest mark has been
19 used on jewelry?

20 A I do not.

21 Q Do you know if the Alpha Tau Omega word mark is
22 used on apparel?

23 A It is.

24 Q Do you know how long it has been used on apparel?

25 A No.

1 Q Do you know if the Greek letters Alpha Tau Omega
2 are used on apparel?

3 A Yes.

4 Q Do you know how long they have been used on
5 apparel?

6 A I do not.

7 Q Do you know if the crest mark is used on apparel?

8 A Yes.

9 Q Do you know for how long the crest mark has been
10 used on apparel?

11 A I do not.

12 Q Would Alpha Tau Omega have documents showing when
13 the Greek letter Alpha Tau Omega was first used on
14 apparel?

15 A I don't know.

16 Q Do you know if there would be documents showing
17 when the Greek letter Alpha Tau Omega was used on
18 jewelry?

19 A I don't know.

20 Q Same question for the Alpha Tau Omega word mark for
21 apparel?

22 A Yes. I'm sorry, what?

23 Q Do you have documents that would show?

24 A Oh, I don't know.

25 Q How about for the Alpha Tau Omega word mark for

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

3 OMEGA S.A. (OMEGA AG)
4 (OMEGA LTD.),
5 Opposer,

6 v.

Mark: ALPHA PHI OMEGA
Opp. No.: 91157504 (Parent)
Serial No.: 77950436

7 ALPHA PHI OMEGA, INC.,
8 Applicant.

9 OMEGA S.A. (OMEGA AG)
10 (OMEGA LTD.),
11 Opposer,

12 v.

Mark: ALPHA PHI OMEGA
(Greek letters)
Opp. No.: 91157505 (Child)
Serial No.: 77905236

13 ALPHA PHI OMEGA, INC.
14 Applicant.

15 Job No. 311284

16 The deposition of WYNN SMILEY, taken in the
17 above-captioned matter, on April 9, 2015, and at the
18 time and place set out on the title page hereof.

19 It was requested that the deposition be
20 transcribed by the reporter and that same be reduced
21 to typewritten form.

22 It was agreed that the reading and signature
23 by the deponent to the deposition were waived on
24 behalf of the parties, the witness being present and
25 consenting thereto, the deposition to be read with the
same force and effect as if signed by said deponent.

1 STATE OF INDIANA

2 COUNTY OF JOHNSON

3 I, Robin P. Martz, a Notary Public in and for
4 said county and state, do hereby certify that the
5 deponent herein was by me first duly sworn to tell the
6 truth, the whole truth, and nothing but the truth in
7 the aforementioned matter;

8 That the foregoing deposition was taken on
9 behalf of the Opposer; that said deposition was taken
10 at the time and place heretofore mentioned between
11 3:12 p.m. and 4:43 p.m.;

12 That said deposition was taken down in
13 stenograph notes and afterwards reduced to typewriting
14 under my direction; and that the typewritten
15 transcript is a true record of the testimony given by
16 said deponent;

17 And that the reading and signature by the
18 deponent to the deposition were waived on behalf of
19 the parties plaintiff and defendant by their
20 respective counsel, the witness being present and
21 consenting thereto, the deposition to be read with the
22 same force and effect as if signed by said deponent.

23 I do further certify that I am a disinterested
24 person in this cause of action; that I am not a
25 relative of the attorneys for any of the parties.

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IN WITNESS WHEREOF, I have hereunto set my
hand and affixed my notarial seal this 22nd day of
April, 2015.



Robin P. Martz, Notary Public

My Commission expires:
March 2, 2016

Job No. 97108

EXHIBIT 12

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

3 OMEGA S.A. (OMEGA AG)
4 (OMEGA LTD.),
5 Opposer,

6 v.

7 ALPHA PHI OMEGA, INC.,
8 Applicant.

Mark: ALPHA PHI OMEGA
Opp. No.: 91157504 (Parent)
Serial No.: 77950436

9 OMEGA S.A. (OMEGA AG)
10 (OMEGA LTD.),
11 Opposer,

12 v.

13 ALPHA PHI OMEGA, INC.
14 Applicant.

Mark: ALPHA PHI OMEGA
 (Greek letters)
Opp. No.: 91157505 (Child)
Serial No.: 77905236

15 The deposition upon oral examination of
16 JANINE WAMPLER, a witness produced and sworn before
17 me, Robin P. Martz, RPR, Notary Public in and for the
18 County of Johnson, State of Indiana, taken on behalf
19 of the Opposer at the offices of Alpha Tau Omega, One
20 North Pennsylvania Street, Indianapolis, Indiana, on
21 April 9, 2015, at 1:00 p.m., pursuant to the Indiana
22 Rules of Trial Procedure.
23
24
25

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

3 OMEGA S.A. (OMEGA AG)
4 (OMEGA LTD.),
5 Opposer,

6 Mark: ALPHA OMEGA EPSILON
7 (Greek letters)
8 Opp. No.: 91214449 (Parent)
9 Serial No.: 85855823

10 v.

11 ALPHA OMEGA EPSILON, INC.,
12 Applicant.

13 OMEGA S.A. (OMEGA AG)
14 (OMEGA LTD.),
15 Opposer,

16 Mark: ALPHA OMEGA EPSILON
17 Opp. No.: 91214454 (Child)
18 Serial No.: 85855839

19 v.

20 ALPHA OMEGA EPSILON, INC.,
21 Applicant.

22 OMEGA S.A. (OMEGA AG)
23 (OMEGA LTD.),
24 Opposer,

25 Mark: ALPHA OMEGA EPSILON
& Design
Opp. No.: 91214452 (Child)
Serial No.: 85857062

v.

ALPHA OMEGA EPSILON, INC.,
Applicant.

OMEGA S.A. (OMEGA AG)
(OMEGA LTD.),
Opposer,

Mark: ALPHA OMEGA EPSILON
Opp. No.: 91214453 (Child)
Serial No.: 85857065

v.

ALPHA OMEGA EPSILON, INC.,
Applicant.

1 APPEARANCES

2 FOR THE OPPOSER:

3 Thomas P. Gulick, Esq.
COLLEN IP
4 The Holyoke-Manhattan Building
80 South Highland Avenue, Ossining-on-Hudson
5 Westchester County, NY 10562

6 FOR THE APPLICANT:

7 Jack A. Wheat, Esq.
STITES & HARBISON
8 400 West Market Street, Suite 1800
Louisville, KY 40902-3352

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10 DIRECT EXAMINATION

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12 Questions BY MR. WHEAT 31

13 REDIRECT EXAMINATION

14 Questions BY MR. GULICK 49

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17 Questions BY MR. GULICK 65

18 RECROSS-EXAMINATION

Questions BY MR. WHEAT 65

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1 coat of arms mark?

2 A Yes.

3 Q You mentioned jewelry. Can you describe in more
4 detail what types of jewelry would have been sold
5 under those three marks?

6 A Sure. We have the official jewelry, which would be
7 our badge that every member has, a new member pin,
8 and then specific pins that designate an office
9 that you hold as a chapter member, things like
10 that. Then we have accessory jewelry which
11 encompasses everything else. That would include
12 necklaces, bracelets, earrings, rings, badges, etc.

13 Q Would that also include watches as well?

14 A Yes.

15 Q Can you tell me, the watches that you would sell,
16 would they be sold with the words Alpha Chi Omega
17 on the watch?

18 A I don't recall.

19 Q Do you know if the watches were sold with the Greek
20 letters Alpha Chi Omega on them?

21 A Yes.

22 Q And do you know if the watches were ever sold with
23 the coat of arms mark on them?

24 A I don't recall. Not to my knowledge.

25 Q For apparel, can you tell me when Alpha Chi Omega

1 started selling products, apparel products with the
2 Alpha Chi Omega word mark?

3 A I would have to look at records. I don't recall.

4 Q How about for the Alpha Chi Omega Greek letter
5 mark?

6 A On apparel, the same, I don't recall.

7 Q How about for the Alpha Chi Omega coat of arms
8 mark?

9 A I don't recall.

10 Q Can you tell me when watches were first sold with
11 any of the three Alpha Chi Omega marks?

12 A No, I cannot.

13 Q How about for what you referred to as accessory
14 jewelry?

15 A I cannot.

16 Q How about for badges?

17 A Yes. On our founding day October 15, 1885.

18 Q And that would have been a badge?

19 A Yes.

20 Q And would that have been the words Alpha Chi Omega?

21 A No, the letters.

22 Q Do you mean the Greek letters?

23 A The Greek letters.

24 Q Was part of your responsibilities at Alpha Chi
25 Omega controlling how the Alpha Chi Omega marks

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

3 OMEGA S.A. (OMEGA AG)
4 (OMEGA LTD.),
5 Opposer,

6 v.

7 ALPHA PHI OMEGA, INC.,
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9 Mark: ALPHA PHI OMEGA
10 Opp. No.: 91157504 (Parent)
11 Serial No.: 77950436

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14 OMEGA S.A. (OMEGA AG)
15 (OMEGA LTD.),
16 Opposer,

17 v.

18 ALPHA PHI OMEGA, INC.
19 Applicant.

20 Mark: ALPHA PHI OMEGA
21 (Greek letters)
22 Opp. No.: 91157505 (Child)
23 Serial No.: 77905236

24 Job No. 311284

25 The deposition of JANINE WAMPLER, taken in the
above-captioned matter, on April 9, 2015, and at the
time and place set out on the title page hereof.

 It was requested that the deposition be
transcribed by the reporter and that same be reduced
to typewritten form.

 It was agreed that the reading and signature
by the deponent to the deposition were waived on
behalf of the parties, the witness being present and
consenting thereto, the deposition to be read with the
same force and effect as if signed by said deponent.

1 STATE OF INDIANA

2 COUNTY OF JOHNSON

3 I, Robin P. Martz, a Notary Public in and for
4 said county and state, do hereby certify that the
5 deponent herein was by me first duly sworn to tell the
6 truth, the whole truth, and nothing but the truth in
7 the aforementioned matter;

8 That the foregoing deposition was taken on
9 behalf of the Opposer; that said deposition was taken
10 at the time and place heretofore mentioned between
11 1:00 p.m. and 3:00 p.m.;

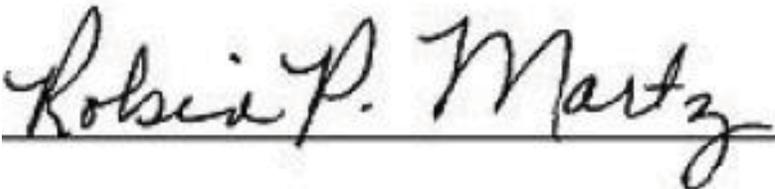
12 That said deposition was taken down in
13 stenograph notes and afterwards reduced to typewriting
14 under my direction; and that the typewritten
15 transcript is a true record of the testimony given by
16 said deponent;

17 And that the reading and signature by the
18 deponent to the deposition were waived on behalf of
19 the parties plaintiff and defendant by their
20 respective counsel, the witness being present and
21 consenting thereto, the deposition to be read with the
22 same force and effect as if signed by said deponent.

23 I do further certify that I am a disinterested
24 person in this cause of action; that I am not a
25 relative of the attorneys for any of the parties.

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IN WITNESS WHEREOF, I have hereunto set my
hand and affixed my notarial seal this 22nd day of
April, 2015.



Robin P. Martz, Notary Public

My Commission expires:
March 2, 2016

Job No. 97108

EXHIBIT 13

In the Matter Of:

OMEGA S.A. vs. ALPHA PHI OMEGA

ROBERT LONDON

J 05, 2013

30(b)(6)



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1 UNITED STATES PATENT AND TRADEMARK OFFICE

2 TRADEMARK TRIAL AND APPEAL BOARD

3
4 OMEGA S.A. (OMEGA AG) (OMEGA LTD)

5 OPPOSER

6
7 V.

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9 ALPHA PHI OMEGA

10 APPLICANT

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23 DEPONENT: ROBERT LONDON

24 DATE: JUNE 05, 2013

25 REPORTER: VANESSA SCOTT

1 APPEARANCES

2
3 ON BEHALF OF THE OPPOSER, OMEGA S.A. (OMEGA AG)

4 (OMEGA LTD) :

5 THOMAS P. GULICK

6 COLLEN IP

7 INTELLECTUAL PROPERTY LAW, P.C.

8 THE HOLYOKE-MANHATTAN BUILDING

9 80 SOUTH HIGHLAND AVENUE, OSSINING-ON-HUDSON

10 WESTCHESTER COUNTY, NEW YORK 10562 USA

11 EMAIL: TGULICK@COLLENIP.COM

12 TELEPHONE: 914-941-5668

13 FACSIMILE: 914-941-6091

14
15 ON BEHALF OF THE APPLICANT, ALPHA PHI OMEGA:

16 JACK A. WHEAT

17 STITES & HARBISON PLLC

18 400 WEST MARKET STREET, SUITE 1800

19 LOUISVILLE, KENTUCKY 40202-3352

20
21 ALSO PRESENT: HANNAH BROTHERS, REGGIE BENTLEY

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STIPULATION

The deposition of RICHARD LONDON taken at THE OFFICES OF STITES & HARBISON PLLC, 400 W MARKET STREET, SUITE 1800, LOUISVILLE, KENTUCKY on WEDNESDAY, the 5TH day of JUNE, 2013 at approximately 10:06 a.m. Said deposition was taken pursuant to the FEDERAL Rules of Civil Procedure. It is agreed that VANESSA SCOTT, being a Notary Public and Court Reporter for the State of Kentucky, may swear the witness.

PROCEEDINGS

COURT REPORTER: Will you raise your right hand, please? Do you swear or affirm the testimony you are about to give today will be the truth, the whole truth and nothing but the truth?

THE WITNESS: I do.

COURT REPORTER: Okay. Thank you.

DIRECT EXAMINATION

BY MR. GULICK:

Q Can you state your name for the record?

A Sure. Robert London.

Q Mr. London, have you ever been deposed before?

A Once.

Q Okay. I'll just kind of go over a couple ground rules for you. The court reporter is transcribing all of this so if you can, please, make sure that your answers come in the form of words, not nodding or motions one way or the other because the court reporter can't pick that up the same way as she can the actual words. If you have any questions about what I'm asking you, please go ahead and ask me, and I'll try to clarify as best as I can. If you need a break for any reason, just sort of let me know ahead of

1 Q Do you know when the first goods were sold
2 with the words, Alpha Phi Omega on them?

3 A I do not know.

4 Q Do you know when goods were first sold with
5 the crest on them?

6 A I do not know.

7 Q Okay. Do you know when goods were sold with
8 the Greek symbols -- first sold with the Greek symbols
9 on them.

10 A I do not know.

11 Q I'm going to show you now what's labeled
12 Plaintiff's Exhibit 3.

13 MR. GULICK: This is for the witness.

14 COURT REPORTER: All right.

15 (PLAINTIFF'S EXHIBIT 3 MARKED FOR IDENTIFICATION)

16 Q And I just ask you to take a look at the
17 document.

18 A Um-hmm.

19 Q Have you seen this document before?

20 A I have.

21 Q Okay. And can you tell me what this document
22 is?

23 A Not being a lawyer, believe it's a -- a
24 filing with the United States Trademark Office or
25 Patent Office.

CERTIFICATE OF REPORTER

COMMONWEALTH OF KENTUCKY AT LARGE

I do hereby certify that the witness in the foregoing transcript was taken on the date, and at the time and place set out on the Title page hereof, by me after first being duly sworn to testify the truth, the whole truth, and nothing but the truth; and that the said matter was recorded stenographically and mechanically by me and then reduced to typewritten form under my direction, and constitutes a true record of the transcript as taken, all to the best of my skill and ability. I further certify that the inspection, reading and signing of said transcript were waived by counsel for the respective parties and by the witness. I certify that I am not a relative or employee of either counsel and that I am in no way interested financially, directly or indirectly, in this action.

VANESSA SCOTT,
CERTIFIED COURT REPORTER / NOTARY
MY COMMISSION EXPIRES: 03/22/2017
SUBMITTED ON: 06/14/2013

EXHIBIT 14



PRESS INFORMATION for immediate release

OMEGA announces worldwide Co-Axial advertising campaign

OMEGA is kicking off a worldwide advertising campaign in celebration of the tenth anniversary of its revolutionary Co-Axial escapement.

The advertisements feature photographs of OMEGA's brand ambassadors sporting loupes, the magnifying glasses favoured by watchmakers.

Inspired by OMEGA's award-winning advertisement

The visuals were inspired by OMEGA's award-winning "Watchmaker Wanted" campaign, which featured a Greg Williams photograph of George Clooney wearing a lab coat and a loupe.

In one of the new advertisements, Apollo 11 astronaut Buzz Aldrin, the first man to walk on the Moon wearing an OMEGA Speedmaster, appears with the headline, "It's not rocket science. But it's close."

Formula One superstar Michael Schumacher's Co-Axial advertisement describes the steady, constant performance of the movements with the legend, "When faster isn't better."

All of OMEGA's high-flying ambassadors are taking part in the campaign including George Clooney, Michael Phelps, Nicole Kidman, Cindy Crawford, Zhang Ziyi, and Sergio Garcia.

The advertising texts have been written with reference to the ambassadors' professional fields of endeavour and an aspect of OMEGA's Co-Axial movements. Swimmer Phelps's ad talks about the importance of timing. Super model Crawford's copy is about the fashion statement made by the movements.

For further information, please contact: OMEGA International Press Office - Rue Stämpfli 96 - 2504 Bienne - Switzerland -
Tel. +41 32 343 9211 - Fax +41 32 343 9715 - press@omega.ch - www.omegawatches.com

OMEGA is a company of the Swatch Group, the largest manufacturer and distributor of watches and jewellery in the world.

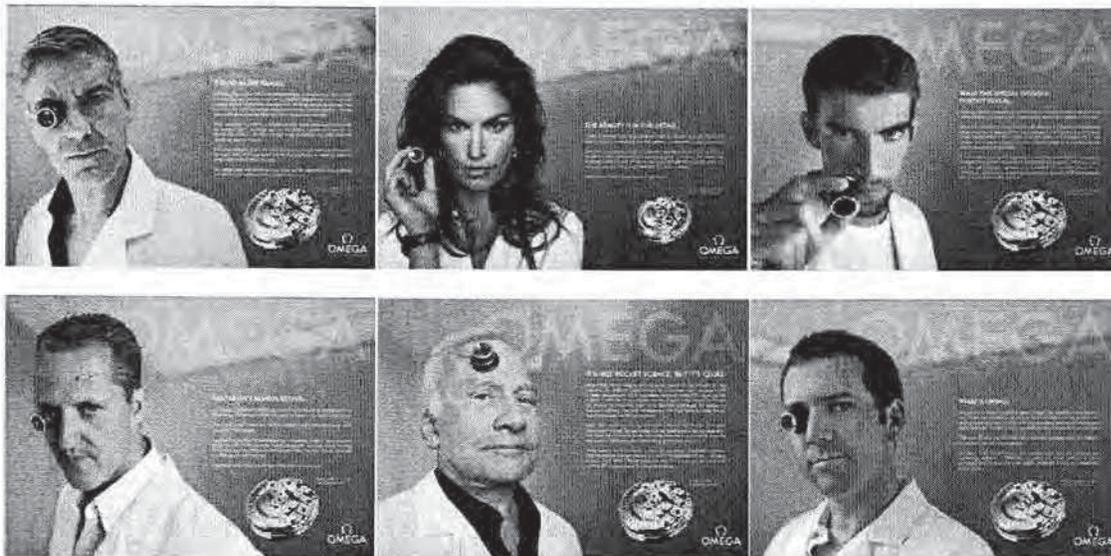
The other "stars" in the adverts: OMEGA's Co-Axial calibres

The Co-Axial escapement, introduced in 1999, was the first practical new watch escapement to be developed in some 250 years. The escapement is, in simple terms, the heart of the mechanical watch. It maintains the oscillations of the balance, the watch's regulating mechanism. The Co-Axial Escapement reduces the friction among the parts that transmit energy from one component to another, resulting in longer service intervals, a reduced need for lubrication and, above all, greater stability of the watch's precision over time.

Since 2007 OMEGA has been producing its exclusive Co-Axial calibres in house comprising more than 200 parts.

"Co-Axial has been a turning point"

Commenting on the advertisements, OMEGA president Stephen Urquhart said, "The Co-Axial has been a turning point for us. It has given substance to our message. Creating a campaign around the quality of OMEGA's Co-Axial movements using these pictures of our brand ambassadors is an innovative and eye-catching way to communicate how proud we are that the calibres have been so well received and how confident we are about the role they will play in OMEGA's future."



For further information, please contact: OMEGA International Press Office - Rue Stämpfli 96 - 2504 Bienne - Switzerland -
Tel. +41 32 343 9211 - Fax +41 32 343 9715 - press@omega.ch - www.omegawatches.com

OMEGA is a company of the Swatch Group, the largest manufacturer and distributor of watches and jewellery in the world.

OSA 001662



ANNA KOURNIKOVA

CHOICES



Ω
OMEGA



GINDY CRAWFORD

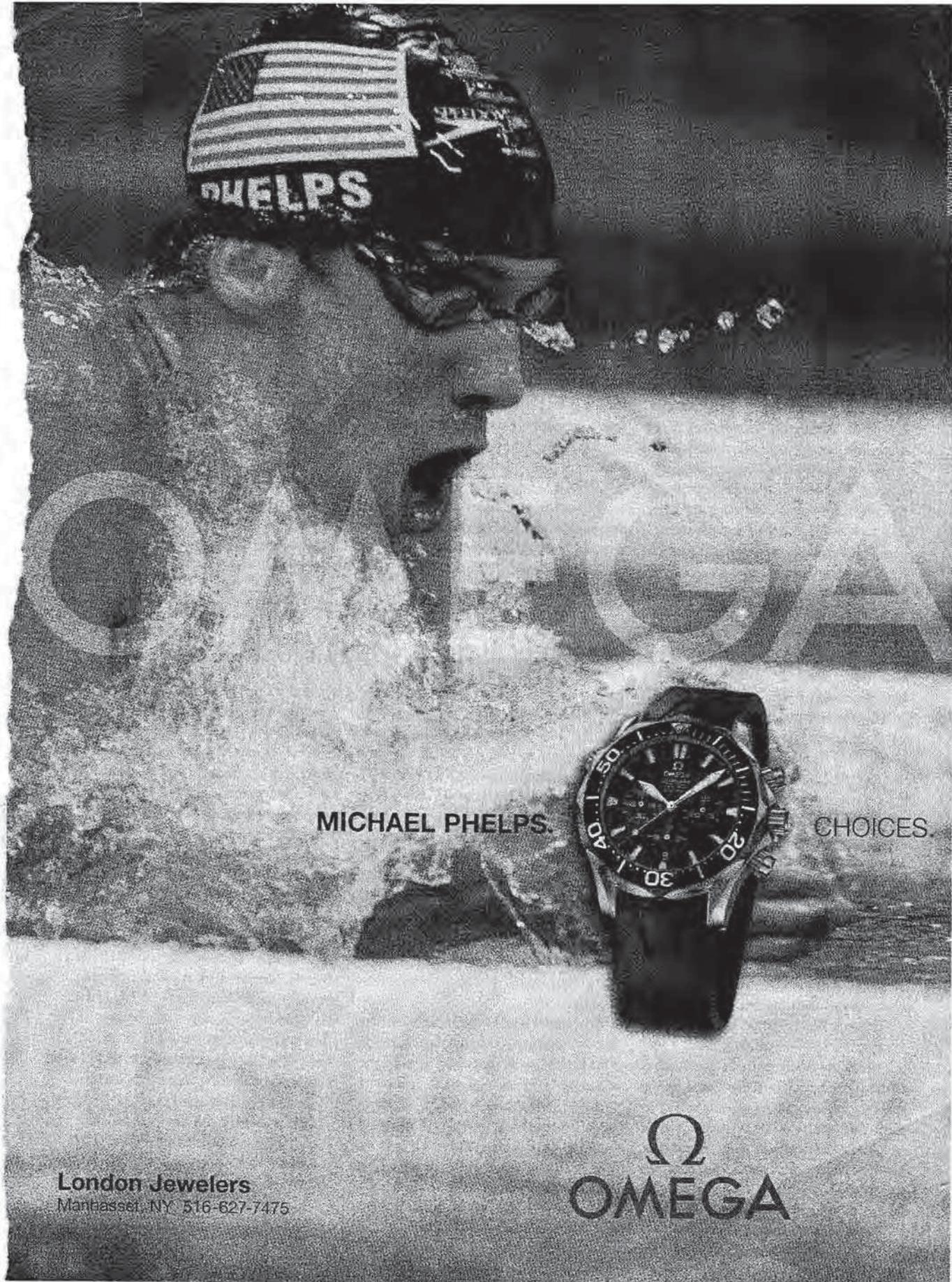
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www.omega.ch

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www.omega.ch



MICHAEL PHELPS.

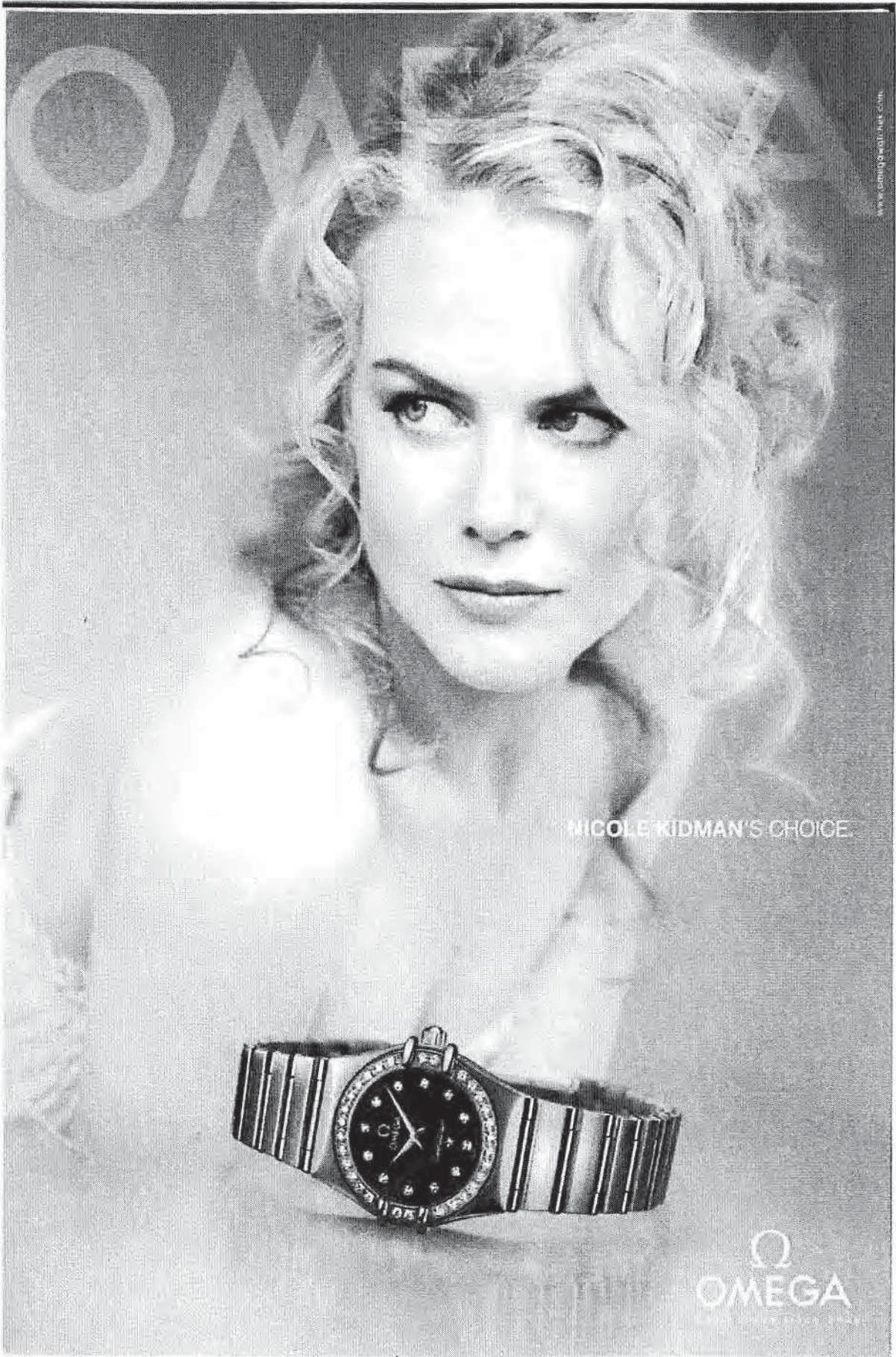
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London Jewelers
Manhasset, NY 516-627-7475

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OMEGA
L'ART DE LA PRÉCISION

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PIERCE BROSNAN

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