

ESTTA Tracking number: **ESTTA388922**

Filing date: **01/18/2011**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	The Walz Group, fictitious business name of Walz Certified Mail Solutions, LLC
Granted to Date of previous extension	01/16/2011
Address	27398 Via Industria Temecula, CA 925903699 UNITED STATES

Attorney information	John L. Haller Gordon & Rees LLP 101 West Broadway, Suite 1600 San Diego, CA 92101 UNITED STATES jhaller@gordonrees.com, bamato@gordonrees.com, sgill@gordonrees.com Phone:619-696-6700
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Applicant Information

Application No	85034221	Publication date	07/20/2010
Opposition Filing Date	01/18/2011	Opposition Period Ends	01/16/2011
Applicant	UNITED STATES POSTAL SERVICE 475 L'Enfant Plaza, SW Washington, DC 202601136 UNITED STATES		

Goods/Services Affected by Opposition

Class 016. All goods and services in the class are opposed, namely: ENVELOPES AND BOXES OF CARDBOARD OR PAPER FOR SHIPPING AND PACKAGING
Class 035. All goods and services in the class are opposed, namely: SORTING, HANDLING, AND RECEIVING PACKAGES AND LETTERS
Class 039. All goods and services in the class are opposed, namely: PICKUP, TRANSPORTATION AND DELIVERY OF PACKAGES AND DOCUMENTS BY VARIOUS MODES OF TRANSPORTATION

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	CRITICAL MAIL		
Goods/Services	Full-service special mailing capabilities		

Attachments	Notice of Opposition.tiff (4 pages)(157274 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/John L. Haller/
Name	John L. Haller
Date	01/18/2011

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

In the Matter of Trademark Application)	
Serial No. 85/034,221)	
Filed: May 5, 2010)	
Published: July 20, 2010)	
By: United States Postal Service)	
For the Trademark: CRITICAL MAIL)	
<hr/>)	Opposition No.
)	
WALZ GROUP, INC., aka WALZ CERTIFIED MAIL)	
SOLUTIONS, LLC, WALZ POSTAL SOLUTIONS and)	
WALZ GROUP,)	
)	
)	Opposer,
)	
v.)	
)	
UNITED STATES POSTAL SERVICE, an independent)	
establishment of the executive branch of the government of)	
the United States,)	
)	Applicant.
<hr/>)	

NOTICE OF OPPOSITION

Opposer, WALZ GROUP, INC aka WALZ CERTIFIED MAIL SOLUTIONS, LLC, WALZ POSTAL SOLUTIONS and WALZ GROUP, having a place of business at 27398 Via Industria, Temecula, California 92590 (hereinafter “Opposer”) believes that it will be damaged by registration of the mark CRITICAL MAIL shown in Application Serial No. 85/034,221, as published in the Official Gazette on July 20, 2010, and hereby opposes the same.

As grounds for the Opposition, it is alleged that:

1. Opposer is currently using and has been using the mark CRITICAL MAIL before May 10, 2010 for full-service special mailing capabilities (“Opposer’s mark”).
2. As a result of Opposer’s widespread and extensive use of Opposer’s mark, the marks have become widely known throughout the United States and have become recognized by

the trade and public as identifying Opposer's goods and services and distinguishing them from the goods and services of others. Opposer has established goodwill in its mark, CRITICAL MAIL.

3. On information and belief, Applicant is an independent establishment of the executive branch of the government of the United States.

4. On or around May 10, 2010, Applicant filed an application to register the mark CRITICAL MAIL based on an intent to use the mark in International Class ("IC") 16 for "envelopes and boxes of cardboard or paper for shipping and packaging," IC 35 for "sorting, handling, and receiving packages and letters," and IC 39 for "pickup, transportation and delivery of packages and documents by various modes of transportation." This application was assigned serial no. 85/034,221 ("Application").

5. Opposer's use of the mark CRITICAL MAIL in connection with its goods and services predates Applicant's Application.

6. Applicant's proposed use of the mark CRITICAL MAIL in its Application is confusingly similar to Opposer's common law mark CRITICAL MAIL and will likely cause confusion, mistake, or deception as to the source of Applicant's goods, or the existence of an affiliation, connection, or sponsorship between Opposer and Applicant.

7. If Applicant were permitted to use and register the CRITICAL MAIL mark for the goods specified in its Application, confusion among consumers would cause damage and injury to Opposer by virtue of the related nature of the goods and services covered by the Application.

WHEREFORE, Opposer prays that Application Serial No. 85/034,221 be refused and denied registration as Opposer believes and avers that it will be damaged by the registration of

Serial No. 85/034,221, filed July 20, 2010, as aforesaid and requests that Applicant be required to answer the allegations of this Notice of Opposition and that the opposition to the said application be sustained.

The undersigned Opposer in the above-entitled cause hereby appoints John L. Haller, member of the bar in the state of California, its attorney with full power of substitution and revocation to prosecute this Opposition Proceeding and to transact all business in the United States Patent and Trademark Office in connection therewith.

This Notice of Opposition is being submitted electronically. The required fee is authorized to be charged against the Deposit Account No. 501990 of the Attorney for Opposer.

DATE: January 18, 2011

Respectfully submitted,

GORDON & REES LLP

/s/ John L. Haller

John L. Haller

Attorney for Opposer

WALZ GROUP, INC aka WALZ CERTIFIED

MAIL SOLUTIONS, LLC, WALZ POSTAL

SOLUTIONS and WALZ GROUP

Certificate of Mailing by "Federal Express Delivery"

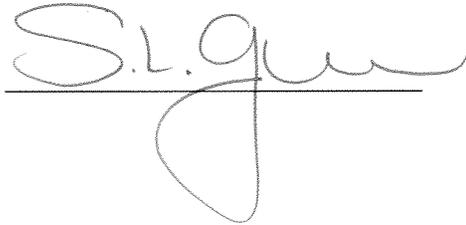
I hereby certify that a copy of this NOTICE OF OPPOSITION is being served by Federal Express service, to Addressee(s) on January 18, 2011, as follows:

Karen E. Owczarski
United States Postal Service
475 L'Enfant Plaza, SW
Washington, DC 20260-1136
(202) 268-4822
karen.e.owczarski@usps.gov

Date of Mailing: January 18, 2011
Federal Express No.: 794332159354

Printed Name: Sharee Gill

Signature:

A handwritten signature in cursive script, appearing to read "S. L. Gill", is written over a horizontal line. A large, stylized loop extends from the bottom of the signature.