

ESTTA Tracking number: **ESTTA417468**

Filing date: **07/01/2011**

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	YKK Corporation
Granted to Date of previous extension	07/06/2011
Address	1 Kanda Izumi-Cho, Chiyoda-ku Tokyo, 101-8642 JAPAN

Attorney information	Michael D. Hobbs, Jr. Troutman Sanders LLP 600 Peachtree St. Suite 5200 Atlanta, GA 30308 UNITED STATES trademarks@troutmansanders.com Phone:404-885-3330
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Applicant Information

Application No	85180885	Publication date	03/08/2011
Opposition Filing Date	07/01/2011	Opposition Period Ends	07/06/2011
Applicant	Ideal Fastener Corporation 603 West Industry Drive Oxford, NC 27565 UNITED STATES		

Goods/Services Affected by Opposition

Class 026. All goods and services in the class are opposed, namely: Slide fasteners; Slide fasteners and parts thereof; Zipper fasteners; Zippers
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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. Registration No.	2658052	Application Date	12/06/2000
Registration Date	12/10/2002	Foreign Priority Date	11/06/2000
Word Mark	YZIP		

Design Mark	YZIP
Description of Mark	NONE
Goods/Services	Class 026. First use: [Slide fasteners;] zippers [; hook and loop fasteners; touch and close type fasteners; adjustable fasteners; snap buttons; snap fasteners; stud buttons; clothing buckles; hook and eyes; eyelets; strap holders; snap hooks; swivel hooks; hooks; belt clasps; fasteners for suspenders, slide locks for bags; cord stoppers; ribbons; elastic ribbons; webbing tapes; braids; patches for decoration of textile articles; and needles]

Attachments	76176376#TMSN.gif (1 page)(bytes) Notice of Opposition against IZIP.pdf (8 pages)(226041 bytes)
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Certificate of Service

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

Signature	/mdh/
Name	Michael D. Hobbs, Jr.
Date	07/01/2011

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

YKK CORPORATION)	
)	
Opposer,)	Application Serial No. 85/180,885
)	
v.)	Mark: IZIP
)	
IDEAL FASTENER CORPORATION)	Opposition No. _____
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

The Opposer, YKK CORPORATION (“Opposer”), for its Notice of Opposition against Application Serial No. 85/180,885 for the mark IZIP believes that it will be damaged by and thus opposes registration of the mark that is the subject matter of Application Serial No.85/180,885. As grounds for opposition, the Opposer alleges as follows:

1. The Opposer is a Japanese corporation with a principal place of business located at 1, Kanda Izumi-Cho, Chiyoda-ku, Tokyo, Japan.
2. The Applicant is a Delaware corporation with a correspondence address of 603 West Industry Drive, Oxford, North Carolina 27565.
3. Application No. 85/180,885 was published in the U.S. Patent and Trademark Office (“PTO”) *Official Gazette* on March 8, 2011.
4. The Opposer has timely extended time to oppose the application through and including July 6, 2011. This Notice of Opposition is timely filed.
5. The Opposer is a global leader in the manufacture and distribution of fasteners.
6. The Opposer is the owner of the incontestable U.S. Registration No. 2658052 for

the mark YZIP for “zippers” (the “YZIP Registration”). A true and correct copy of a printout from the U.S. Patent and Trademark Office TARR database for Registration No. 2658052 is attached to the Notice of Opposition as Exhibit A.

7. The Opposer is currently using and has continuously used the YZIP Mark to uniquely identify its zippers in the United States.

8. The Applicant is the owner of Application Serial No. 85/180,885 for the mark IZIP for “slide fasteners; slide fasteners and parts thereof; zipper fasteners; zippers” filed with the PTO on November 19, 2010 (the “IZIP Mark”).

9. The Applicant filed the application for the IZIP Mark on an intent to use basis pursuant to Section 1(b) of the Lanham Act, 15 U.S.C. § 1051(b).

10. The Opposer’s priority in the YZIP Registration date back to December 6, 2000.

11. The Opposer’s rights in the YZIP Registration are superior to any rights the Applicant may own in the IZIP Mark.

12. The YZIP mark is virtually the same in sight, sound and meaning as the IZIP Mark.

13. The YZIP Registration and the IZIP Mark both identify zippers. The other products identified in the application for the IZIP mark, namely “slide fasteners; slide fasteners and parts thereof; zipper fasteners” perform the same or a similar function to zippers. All such products are categorized as fasteners.

14. The use and registration of the IZIP Mark is likely to cause confusion in the minds of the purchasing public and to cause the purchasing public to assume that the products identified by such mark are offered by Opposer or that such products originate with or are in some way connected to Opposer, which they are not, in violation of 15 U.S.C. §§ 1052(d) and 1125(a).

15. Use and registration of the IZIP Mark will be injurious to the Opposer in violation of Section 13(a) of the Lanham Act, 15 U.S.C. § 1063(a).

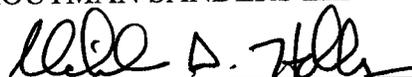
16. The Opposer has paid the requisite fees to the United States Patent and Trademark Office contemporaneous with the filing of this opposition action. If such fees are deficient or any other fees are required, the USPTO is authorized to charge counsel's deposit account no. 20-1507 for the required amount.

WHEREFORE, the Opposer believes that it will be damaged by the registration of the IZIP Mark and prays that said Application Serial No.85/180,885 be refused, and that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

This 1st day of July, 2011.

Respectfully submitted,

TROUTMAN SANDERS LLP



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F. Richard Rimer
Georgia Bar No. 140819
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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YKK CORPORATION)	
)	
Opposer,)	Application Serial No. 85/180,885
)	
v.)	Mark: IZIP
)	
IDEAL FASTENER CORPORATION)	Opposition No. _____
)	
Applicant.)	
_____)	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Opposition was sent by first-class mail, postage prepaid to the Applicant, as follows:

Neal B. Wolgin
Tillman Wright PLLC
PMB 108
105 West Hwy 54, Suite 265
Durham, NC 27713

This 1st day of July, 2011.



Michael D. Hobbs, Jr.

EXHIBIT A

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-06-23 15:49:20 ET

Serial Number: 76176376 Assignment Information Trademark Document Retrieval

Registration Number: 2658052

Mark (words only): YZIP

Standard Character claim: No

Current Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Date of Status: 2008-11-29

Filing Date: 2000-12-06

Transformed into a National Application: No

Registration Date: 2002-12-10

Register: Principal

Law Office Assigned: LAW OFFICE 109

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2011-06-06

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. YKK Corporation

Address:

YKK Corporation
1, Kanda Izumi-Cho, Chiyoda-ku
Tokyo
Japan

Legal Entity Type: Corporation

State or Country of Incorporation: Japan

GOODS AND/OR SERVICES

International Class: 026

Class Status: Active

zippers

Basis: 44(e)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Foreign Application Number: 2000-119835

Foreign Registration Number: 4498247

Foreign Registration Date: 2001-08-10

Country: Japan

Foreign Filing Date: 2000-11-06

Foreign Expiration Date: 2011-08-10

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-04-26 - Section 7 amendment filed

2011-04-27 - Section 7 amendment issued

2011-04-27 - Case Assigned To Post Registration Paralegal

2011-04-26 - TEAS Section 7 Request Received

2011-04-26 - TEAS Withdrawal Of Attorney Received-Firm Retains

2008-11-29 - Section 8 (6-year) accepted & Section 15 acknowledged

2008-11-14 - Assigned To Paralegal

2008-11-06 - TEAS Section 8 & 15 Received

2008-02-20 - Case File In TICRS

2002-12-10 - Registered - Principal Register

2002-09-17 - Published for opposition

2002-08-28 - Notice of publication

2002-04-27 - Approved for Pub - Principal Register (Initial exam)

2002-02-25 - Sec. 1(B) Claim Deleted

2002-02-25 - Communication received from applicant

2001-12-18 - Letter of suspension mailed

2001-09-26 - Communication received from applicant

2001-05-18 - Non-final action mailed

2001-05-04 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

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Correspondent

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