

ESTTA Tracking number: **ESTTA418248**

Filing date: **07/06/2011**

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	Showa Glove Co.
Granted to Date of previous extension	07/27/2011
Address	565 Tohori Himeji Hyogo, 670 0802 JAPAN

Correspondence information	Lawrence K. Nodine & Katrina M. Quicker Ballard Spahr LLP 999 Peachtree Street, Suite 1000 Atlanta, GA 30309 UNITED STATES nodinel@ballardspahr.com, quickerk@ballardspahr.com, odonnellm@ballardspahr.com, hilleyl@ballardspahr.com Phone:678-420-9300
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Applicant Information

Application No	85164978	Publication date	03/29/2011
Opposition Filing Date	07/06/2011	Opposition Period Ends	07/27/2011
Applicant	ATG Ceylon (PVT) Limited Spur Road 7, Phase 2, IPZ Katunayake, SRI LANKA		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Safety gloves; industrial safety gloves
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Grounds for Opposition

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

U.S. Registration No.	1701906	Application Date	09/06/1991
Registration Date	07/21/1992	Foreign Priority Date	NONE
Word Mark	N-DEX		

Design Mark	N-DEX
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1990/05/00 First Use In Commerce: 1990/07/00 gloves

U.S. Registration No.	2729032	Application Date	08/28/2002
Registration Date	06/24/2003	Foreign Priority Date	NONE
Word Mark	N-DEX FREE		
Design Mark	N-DEX FREE		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2002/01/00 First Use In Commerce: 2002/03/00 protective gloves for industrial use Class 010. First use: First Use: 2002/01/00 First Use In Commerce: 2002/03/00 protective gloves for medical and healthcare use		

U.S. Registration No.	3109845	Application Date	11/17/2004
Registration Date	06/27/2006	Foreign Priority Date	NONE
Word Mark	NITRIDEX		
Design Mark	NITRIDEX		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2006/02/16 First Use In Commerce: 2006/03/08 gloves, namely, protective nitrile gloves for cleanroom and laboratory use		

U.S. Registration	2691302	Application Date	08/13/1999
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No.			
Registration Date	02/25/2003	Foreign Priority Date	NONE
Word Mark	CLEAN-DEX		
Design Mark	CLEAN-DEX		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1998/01/31 First Use In Commerce: 1998/01/31 PROTECTIVE GLOVES, NAMELY, NITRILE RUBBER GLOVES FOR INDUSTRIAL USE		

Attachments	74201136#TMSN.gif (1 page)(bytes) 76444546#TMSN.gif (1 page)(bytes) 76620954#TMSN.gif (1 page)(bytes) 75776024#TMSN.gif (1 page)(bytes) Maxidex.pdf (4 pages)(152292 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	/Lawrence K. Nodine/
Name	Lawrence K. Nodine & Katrina M. Quicker
Date	07/06/2011

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

In the Matter of Trademark Application Serial No. 85164978
Filed: October 29, 2010
For the Mark: MAXIDEX
Published in the Official Gazette on: March 29, 2011

Showa Glove Co.,

Opposer,

v.

ATG Ceylon (PVT) Limited

Applicant.

Opposition No.: _____

NOTICE OF OPPOSITION

Opposer, Showa Glove Co., believes that it will be damaged by registration of the mark MAXIDEX as shown in the above-identified application, and hereby opposes the same pursuant to Section 43(c) of the Trademark Act of 1946, as amended (the "Lanham Act"), 15 U.S.C. § 1125(c).

As grounds for its opposition, Opposer alleges as follows:

1. Opposer Showa Glove Co., is a Japanese corporation, with its principal place of business located at 565 Tohori, Himeji Hyogo, 670 0802, JAPAN.
2. Since 1954, Opposer, by itself and through its licensees, has continuously been and is in the business of manufacturing and selling gloves with latex rubber coatings for wet and dry grip; nitrile coatings for chemical, cut, and abrasion resistance; breathable polyurethane for comfort and details tasks; and PVC for chemical and liquid protection.
3. Opposer, owns a worldwide portfolio of trademark registrations including its family of "DEX" trademarks in the United States as follows:

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NOTICE OF OPPOSITION TO SERIAL NO. 85164978
OPPOSED MARK: MAXIDEX

- a. U.S. Registration No. 1701906 for the mark N-DEX for “gloves” in Class 25, with a date of first use in commerce of July 1990;
- b. U.S. Registration No. 2729032 for the mark N-DEX FREE for “protective gloves for industrial use” in Class 09 and “protective gloves for medical and healthcare use” in Class 10, with a date of first use in commerce of March 2002 in Classes 09 and 10;
- c. U.S. Registration No. 3109845 for the mark NITRIDEX for “gloves, namely, protective nitrile gloves for cleanroom and laboratory use” in Class 09, with a date of first use in commerce of March 8, 2006; and
- d. U.S. Registration No. 2691302 for the mark CLEAN-DEX for “protective gloves, namely, nitrile rubber gloves for industrial use” in Class 09, with a date of first use in commerce of January 31, 1998.

4. Opposer, by itself and through its licensees, has used one of these “DEX” mark, namely, its N-DEX mark (Registration No. 1701906), in United States commerce since at least as early as July 1990.

5. Opposer, by itself and through its licensees, has made continuous use of its “DEX” marks in U.S. Reg. Nos. 1701906, 2729032, 3109845, and 2691302 in United States commerce since the date of first use through the present.

6. Opposer, by itself and through its licensees, over the years has made large investments in both time and resources to build the “DEX” brand. Opposer’s Marks have gained world-wide public recognition and acceptance as unmistakable identifiers of Opposer and Opposer’s goods.

7. Upon information and belief, Applicant is a Sri Lanka “unlisted privately owned limited liability partnership” with a principal place of business located at Spur Road 7, Phase 2, IPZ, Katunayake, Sri Lanka.

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8. Applicant filed its application for MAXIDEX, Application Serial No. 85164978, pursuant to Section 1(b) of the Trademark Act on October 29, 2010, claiming a bona fide intent-to-use the mark in commerce for "Safety gloves; industrial safety gloves" in Class 09.

9. Opposer, by itself and through its licensees, first used its N-DEX, N-DEX FREE, NITRIDEX and CLEAN-DEX marks in commerce prior to the Applicant's filing date.

10. Applicant's future use of MAXIDEX is likely to cause confusion with Opposer's family of "DEX" marks for its similar glove products;

11. Therefore, the application for the trademark "MAXIDEX," Serial No. 85164978 should be rejected and refused pursuant to Lanham Act, §2(d).

WHEREFORE, Opposer prays that application Serial No. 85164978 be rejected, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

Respectfully submitted,



Lawrence K. Nodine
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Attorneys for Opposer

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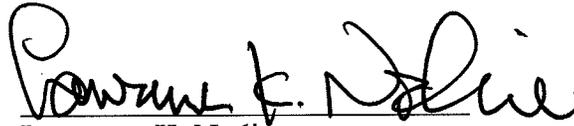
Applicant.

Opposition No.: _____

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of July, 2011, I served the foregoing Notice of
Opposition on the following by First Class Mail:

Bradley M. Stohry
Ice Miller, LLP
1 American Square, Suite 2900
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