

ESTTA Tracking number: **ESTTA445617**

Filing date: **12/09/2011**

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	Roamer Watch Co., S.A.
Granted to Date of previous extension	12/11/2011
Address	Gibelinstrasse 27 Solothurn, 4503 SWITZERLAND

Attorney information	Dwayne K. Goetzel Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. P.O. Box 398 Austin, TX 78767-0398 UNITED STATES dkgpto@intprop.com Phone:512-853-8860
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Applicant Information

Application No	85115646	Publication date	06/14/2011
Opposition Filing Date	12/09/2011	Opposition Period Ends	12/11/2011
Applicant	Redcats USA, L.P. 2300 Southeastern Avenue Indianapolis, IN 46201 UNITED STATES		

Goods/Services Affected by Opposition

Class 014. First Use: 1998/12/00 First Use In Commerce: 1998/12/00 All goods and services in the class are opposed, namely: Jewellery
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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.	2740110	Application Date	09/06/2002
Registration Date	07/22/2003	Foreign Priority Date	NONE
Word Mark	ROAMER		

Design Mark	ROAMER
Description of Mark	NONE
Goods/Services	Class 014. First use: First Use: 1908/04/21 First Use In Commerce: 1908/04/21 Horological and chronometric instruments, namely, watches, wristwatches, straps for wristwatches, watch cases, travel clocks, clocks, chronographs for use as watches and as specialized time recording apparatus, and chronometers

U.S. Registration No.	158262	Application Date	12/09/1920
Registration Date	08/29/1922	Foreign Priority Date	NONE
Word Mark	ROAMER		
Design Mark	ROAMER		
Description of Mark	NONE		
Goods/Services	Class U027 (International Class 014). First use: First Use: 1908/04/21 First Use In Commerce: 1908/04/21 Watches, Clocks, and Parts Thereof Other than for Automobiles		

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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	/Dwayne K. Goetzel/
Name	Dwayne K. Goetzel

Date	12/09/2011
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of the Trademark Application Serial No. 85115646 for
the mark "ROAMAN'S" filed by Redcats USA L.P. and Published in the
Official Gazette on June 14, 2011

Roamer Watch Co., S.A.)	
Opposer)	
)	
v.)	
)	Opposition No. _____
Redcats USA, L.P.)	
Applicant)	
_____)	

NOTICE OF OPPOSITION

Roamer Watch Co., S.A., a Swiss joint stock company having an address of Gibelinstrasse 27, 4503 Solothurn, Switzerland ("Opposer"), believes that it will be damaged by registration of the mark ROAMAN'S that is the subject of application Serial No. 85115646, published in the *Official Gazette* on June 14, 2011, and therefore requests that registration to Applicant be refused.

As grounds in support of its opposition, Opposer asserts as follows:

1. Applicant filed application serial no. 85115646 on or about August 25, 2010, seeking to register ROAMAN'S ("Applicant's Mark") as a trademark in International Class 14 for "jewellery."
2. On or about July 13, 2011, and again on October 5, 2011, Opposer filed a request for extension of time to oppose Applicant's application, which was granted until December 11, 2011.
3. Opposer has used the ROAMER mark ("Opposer's Mark") since at least as early as 1908, which is well prior to Applicant's filing date, as indicated by, e.g., United States

Registration Nos. 0158262 and 2740110, each of which matured to registration years before Applicant's filing date.

4. Opposer's Mark is used in connection with the following goods in International Class 14:

Watches, Clocks, and Parts Thereof Other than for Automobiles (Reg. No. 0158262)

Horological and chronometric instruments, namely, watches, wristwatches, straps for wristwatches, watch cases, travel clocks, clocks, chronographs for use as watches and as specialized time recording apparatus, and chronometers (Reg. No. 2740110).

5. The filing date of Applicant's application is well after the first use of Opposer's Mark, in addition to being after the filing date and registration date for Opposer's Mark.

6. Opposer has dedicated time, money and effort in advertising, promoting and popularizing Opposer's Mark and in preserving the good will associated therewith.

7. Applicant's ROAMAN'S mark is confusingly similar to Opposer's ROAMER mark with respect to, *inter alia*, the sight, sound and meaning of the marks, as well as the goods offered (or that could be offered) thereunder.

8. As a result of such confusing similarity between the respective marks and the goods offered (or that could be offered) thereunder, damage and harm will result to Opposer and its prior trademark rights, and confusion may result in the marketplace. For example, registration of Applicant's ROAMAN'S mark may result in the loss of revenue and sales of products marketed under Opposer's ROAMER mark, as well as harm Opposer's reputation.

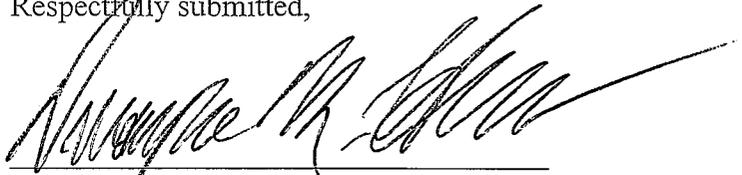
9. If the Applicant is granted the registration herein opposed, it would thereby obtain at least a *prima facie* exclusive right to the use of Applicant's ROAMAN'S mark in connection with the specified goods, which could include watches, clocks or other timepieces. Such

registration would be a source of damage and injury to the Opposer, for the reasons set forth above.

10. In light of such likely harm and confusion, the Patent and Trademark Office should refuse to register Applicant's Mark in light of Opposer's prior use, and earlier filing and registration date.

WHEREFORE, Opposer prays that application Serial No. 85115646 be rejected, and that the mark therein sought for the goods therein specified in International Class 14 be denied and refused.

Respectfully submitted,



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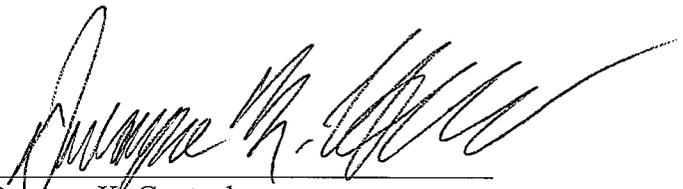
Date: December 9, 2011

CERTIFICATE OF SERVICE

I hereby certify I caused a true and correct copy of the foregoing *Notice of Opposition* to be served upon Applicant's correspondent and attorney of record, as set forth below, by first class, U.S. Mail, on this 9th day of December 2011.

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