

ESTTA Tracking number: **ESTTA536505**

Filing date: **05/06/2013**

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	Tissot SA
Granted to Date of previous extension	05/05/2013
Address	17, Chemin des Tourelles Le Locle, CH-2400 SWITZERLAND

Attorney information	Jess M. Collen Collen IP, Intellectual Property Law, PC The Holyoke-Manhattan Building, 80 South Highland Avenue Ossining, NY 10562 UNITED STATES lmcandrews@collenip.com, pmulhern@collenip.com, docket@collenip.com Phone:914-941-5668
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**Applicant Information**

Application No	85643792	Publication date	11/06/2012
Opposition Filing Date	05/06/2013	Opposition Period Ends	05/05/2013
Applicant	TouchDome LLC 3900 Fairfax Drive, #1902 Arlington, VA 22203 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 014. All goods and services in the class are opposed, namely: Wristwatches
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**Grounds for Opposition**

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

**Mark Cited by Opposer as Basis for Opposition**

U.S. Registration No.	3653565	Application Date	07/03/2008
Registration Date	07/14/2009	Foreign Priority Date	NONE

Word Mark	T TOUCH
Design Mark	
Description of Mark	The mark consists of a stylized "T" inside a circle and to the right of this is the stylized wording "TOUCH".
Goods/Services	Class 014. First use: First Use: 2002/01/00 First Use In Commerce: 2002/01/00 Horological and chronometric instruments

Attachments	N1865_NOTICE OF OPPOSITION_130506.pdf ( 5 pages )(232541 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	/Jess M. Collen/
Name	Jess M. Collen
Date	05/06/2013

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

Applicant : TouchDome LLC  
Serial No. : 85643792  
Filed : June 5, 2012  
For : TOUCHDOME  
Published : November 6, 2012

Assistant Commissioner of Trademarks  
Trademarks Box TTAB - FEE  
P.O. Box 1451  
Arlington, Virginia 22313-1451

**NOTICE OF OPPOSITION**

Opposer, Tissot S.A., a corporation located at 17, Chemin des Tourelles, CH-2400 Le Locle, Switzerland (“Tissot” or “Opposer”), through its attorneys believes that it would be damaged by the registration of the mark shown in the above-identified application, and hereby opposes same, pursuant to 15 U.S.C. § 1063 and 37 C.F.R. § 2.104.

As grounds for opposition, it is alleged that:

1. Tissot is the owner of the following valid and subsisting U.S. trademark registration, among others (“T TOUCH Trademark”):

T TOUCH & Design                      Registration No. 3,653,565

2. Tissot is and has been engaged in the sale and marketing of identical and highly related goods to those recited by Applicant in its application to register since a time prior to the filing of Applicant’s application for registration.
3. Tissot is and has been engaged in the sale and marketing of horological and chronometric instruments under its T TOUCH Trademark in the United States since at least 2002.

4. Tissot has used its T TOUCH Trademark in commerce extensively and has acquired considerable and valuable goodwill and widescale recognition for its mark. The public has come to associate the T TOUCH Trademark with Opposer and Opposer's horological and chronometric instruments and related goods.
5. Tissot's registration is prima facie proof of ownership and use of the mark from the original date of filing of the application, pursuant to 15 U.S.C. § 1057(b), and of the exclusive right to use the registered mark in commerce.
6. Applicant's mark is confusingly similar to Tissot's T TOUCH Trademark and is likely, when applied to the goods of the applicant, to cause confusion, or to cause mistake or to deceive. 15 U.S.C. § 1052(d). Applicant's mark makes a highly similar commercial impression to Opposer's T TOUCH Trademark due to its similar sound and appearance. The overall commercial impression of applicant's mark, when applied to the same or similar goods, would cause confusion or be likely to cause confusion, mistake, or deception.
7. On information and belief, Applicant intends to use its confusingly similar mark for wristwatches in Class 14.
8. On information and belief, use by the Applicant for goods in class 14, will cause confusion, mistake and deception with respect to those goods, by virtue of the Opposer's prior use of its T TOUCH Trademark and by virtue of the Opposer's renown as a manufacturer of watches and parts thereof.
9. On information and belief, the Applicant's mark and Tissot's T TOUCH Trademark are applied to highly related, if not identical, goods and are likely to be sold to the same or similar channels of distribution. Applicant's mark so resembles Tissot's T TOUCH

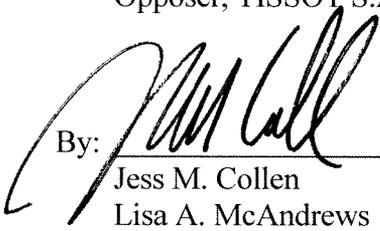
registration and well-known trademark, as used in the United States and not abandoned, as to be likely to cause confusion, or to cause mistake or to deceive.

10. Applicant's intended use of its mark will be confusingly similar to the manner in which the Opposer uses its T TOUCH Trademark.

11. Upon information and belief, Applicant's registration of its mark would substantially harm Tissot.

OPPOSER TISSOT prays that this application Serial No. **85643792** be refused, that no registration be issued thereon to Applicant and that this Opposition be sustained in favor of TISSOT.

Respectfully submitted for  
Opposer, TISSOT S.A.

By: 

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Jess M. Collen  
Lisa A. McAndrews  
COLLEN IP  
The Holyoke-Manhattan Building  
80 South Highland Ave  
Ossining, NY 10562  
(914) 941-5668

(914) 941-6091

Encl.: Opposition fee \$300.00 per class (\$300.00)

DATED: May 6, 2013  
JMC/LAM

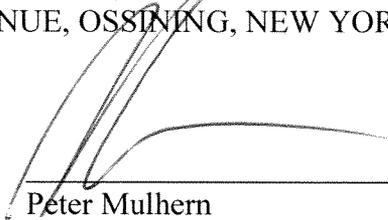
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SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 03-2465.

I HEREBY CERTIFY THAT THIS NOTICE OF OPPOSITION IS BEING FILED ELECTRONICALLY WITH THE UNITED STATE PATENT AND TRADEMARK OFFICE.

COLLEN *IP*, THE HOLYOKE-MANHATTAN BUILDING, 80 SOUTH HIGHLAND AVENUE, OSSINING, NEW YORK 10562

By:

  
\_\_\_\_\_

Peter Mulhern

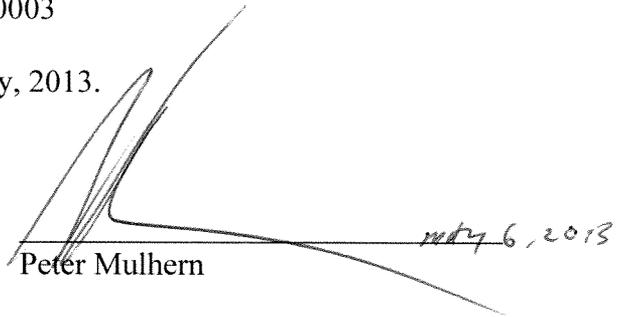
Date: MAY 6, 2013

**CERTIFICATE OF SERVICE**

I, Peter Mulhern, hereby certify that I caused a true and correct copy of the foregoing Notice of Opposition to be served upon Applicant's Attorney of Record at the following address:

Edward M. Weisz  
Cozen O'Connor  
277 Park Ave  
New York, NY 10172-0003

via first class mail, postage pre-paid on this 6th day of May, 2013.

A handwritten signature in black ink, appearing to read 'Peter Mulhern', is written over a horizontal line. To the right of the signature, the date 'May 6, 2013' is handwritten in a cursive style.

Peter Mulhern