

ESTTA Tracking number: **ESTTA562257**

Filing date: **09/30/2013**

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 parties oppose registration of the indicated application.

**Opposers Information**

Name	MSC Services Corp.
Granted to Date of previous extension	09/28/2013
Address	75 Maxess Road Melville, NY 11747 UNITED STATES

Name	Sid Tool Co., Inc. d/b/a MSC Industrial Supply Co.		
Entity	Corporation	Citizenship	New York
Address	75 Maxess Road Melville, NY 11747 UNITED STATES		

Attorney information	Michael R. Graif Curtis, Mallet-Prevost, Colt & Mosle LLP 101 Park Avenue34th Floor New York, NY 10178 UNITED STATES trademark@curtis.com Phone:(212) 696-6140
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**Applicant Information**

Application No	85853995	Publication date	07/30/2013
Opposition Filing Date	09/30/2013	Opposition Period Ends	09/28/2013
Applicant	Roto-Die Company, Inc. 800 HOWERTON LANE Eureka, MO 63025 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 007. All goods and services in the class are opposed, namely: Dies for use with machine tools, namely, cutting dies
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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	3243425	Application Date	09/28/2006
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No.			
Registration Date	05/22/2007	Foreign Priority Date	NONE
Word Mark	ACCUPRO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 007. First use: First Use: 1996/09/01 First Use In Commerce: 1996/09/01 Machine cutting tools, namely, end mills, thread mills, cutters, cutting tool holders, taps, bits for power drills; Holding devices for machine tools, namely collets, collet chucks and adapters for attaching a cutting tool to the spindle of a power-operated machine		

U.S. Registration No.	1759080	Application Date	10/15/1990
Registration Date	03/16/1993	Foreign Priority Date	NONE
Word Mark	ACCUPRO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1990/07/11 First Use In Commerce: 1990/07/11 precision measuring tools; namely, timing gauges, cylinder bore gauges, tire and wheel runout gauges, disk rotor/ball joint gauges, disk rotor thickness gauges, valve seat runout gauges, injector gauges, sleeve height and counterbore gauges, dial test indicators, dial calipers, vernier calipers, digital calipers, center line gauges, micrometers, surface gauges, planer and shaper gauges, radius gauges, protractors, screw pitch gauges, thread wire sets, fillet gauges, depth gauges		

Attachments	ACCUPRIME Opposition.pdf(273011 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	/Michael R. Graif/
Name	Michael R. Graif
Date	09/30/2013



1. Opposers market, distribute and sell a variety of tools, industrial products, and maintenance, repair and operations supplies throughout the United States. In particular, Opposers market, distribute and sell a variety of machine tools and machine tool accessories throughout the United States.

2. Opposers have continuously made commercial use of ACCUPRO as a trademark throughout the United States since at least 1990. Specifically, Opposers have marketed, distributed and sold a wide range of machine tools, machine tool accessories, cutting tools, and related safety products under the ACCUPRO mark.

3. Opposer MSC Services Inc. is the owner of U.S. Trademark Registration No. 1,759,080 for ACCUPRO mark for:

precision measuring tools; namely, timing gauges, cylinder bore gauges, tire and wheel runout gauges, disk rotor/ball joint gauges, disk rotor thickness gauges, valve seat runout gauges, injector gauges, sleeve height and counterbore gauges, dial test indicators, dial calipers, vernier calipers, digital calipers, center line gauges, micrometers, surface gauges, planer and shaper gauges, radius gauges, protractors, screw pitch gauges, thread wire sets, fillet gauges, depth gauges

and recites a date of first use in commerce at least as early as July 11, 1990. The United States Patent and Trademark Office (the "USPTO") issued the Registration No. 1,759,080 on March 16, 1993. Opposer Sid Tool Co., Inc. is the licensee of Registration No. 1,759,080.

4. Opposer MSC Services Inc. is also the owner of U.S. Trademark Registration No. 3,243,425 for the ACCUPRO mark for "Machine cutting tools, namely, end mills, thread mills, cutters, cutting tool holders, taps, bits for power drills; Holding devices for machine tools, namely collets, collet chucks and adapters for attaching a cutting tool to the spindle of a power-operated machine" and recites a date of first use in commerce at least as early as September 1, 1996. Opposer MSC Services Corp., filed its application on September 28, 2006, and the

USPTO issued the Registration No. 3,243,425 on May 22, 2007. Opposer Sid Tool Co., Inc. is the licensee of Registration No. 3,243,425.

5. Opposer MSC Services Inc. is also the owner of U.S. Trademark Registration No. 3,243,426 for the ACCUPRO mark for “Machine cutting tools, namely, end mills, thread mills, cutters, cutting tool holders, taps, bits for power drills; Holding devices for machine tools, namely collets, collet chucks and adapters for attaching a cutting tool to the spindle of a power-operated machine” and recites a date of first use in commerce at least as early as September 1, 1996. Opposer MSC Services Corp., filed its application on September 28, 2006, and the USPTO issued the Registration No. 3,243,426 on May 22, 2007. Opposer Sid Tool Co., Inc. is the licensee of Registration No. 3,243,426.

6. Upon information and belief, Applicant Roto-Die Co., Inc. is a company incorporated under the laws of Missouri and located and doing business at 800 Howerton Lane, Eureka, Missouri 63025.

7. Opposers have used the ACCUPRO Marks in connection with marketing, distributing and selling products that are identical, substantially similar, and/or related to the products listed in the Application.

8. In view of Opposers’ use and registration of the ACCUPRO Marks before the effective filing of date of the Application, Opposers have rights in the name and mark ACCUPRO that have priority to and are superior to those of Applicant.

9. If the Application is not withdrawn, or amended so as to avoid a likelihood of confusion with Opposers’ ACCUPRO Marks, Opposers will suffer damage to their goodwill and reputation, and the public is likely to be confused or deceived with respect to the source, origin,

connection, affiliation, sponsorship or approval of Applicant's goods and/or Opposers' affiliation, sponsorship or connection with Applicant.

10. By reason of all of the foregoing, issuance of a registration to Applicant with respect to the Application would seriously damage Opposers.

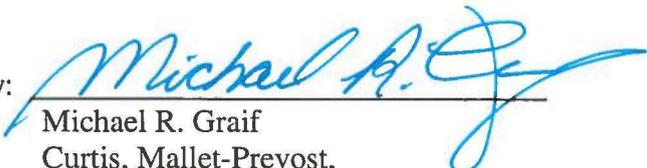
WHEREFORE, Opposers pray that this opposition be sustained and that Application Serial No. 85/8583995 for the mark ACCUPRIME be refused registration.

Respectfully submitted,

MSC Services Corp., Sid Tool Co., Inc.  
(d/b/a MSC Industrial Supply Co.)

Dated: New York, New York  
September 29, 2013

By:

  
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