

ESTTA Tracking number: **ESTTA581622**

Filing date: **01/13/2014**

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	Omega SA (Omega AG) (Omega Ltd.)
Granted to Date of previous extension	01/12/2014
Address	Jakob-Stampfli-Stasse 96 Biel/Bienne, CH-2502 SWITZERLAND

Attorney information	Mr. Jess M. Collen Collen IP The Holyoke-Manhattan Building 80 South Highland Avenue Ossining, NY 10562 UNITED STATES tgulick@collenip.com, ogelber@collenip.com, docket@collenip.com Phone:(914) 941-5668
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Applicant Information

Application No	85857065	Publication date	07/16/2013
Opposition Filing Date	01/13/2014	Opposition Period Ends	01/12/2014
Applicant	Alpha Omega Epsilon, Inc. 4731 Arlington Boulevard Arlington, VA 22203 WI		

Goods/Services Affected by Opposition

Class 200. First Use: 1983/00/00 First Use In Commerce: 1983/00/00
All goods and services in the class are opposed, namely: Indicating membership in a(n) professional and social collegiate sorority for student and alumna members

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3318408	Application Date	09/29/2005
Registration Date	10/23/2007	Foreign Priority Date	08/24/2005
Word Mark	OMEGA		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 0 First Use In Commerce: 0 Timekeeping of sports events [organization of sports and cultural events, namely, organization of water sports, athletic, golf, sailing and tennis competitions and organization of art exhibits and of cinematographic, musical and theatrical performances]

U.S. Application No.	85877912	Application Date	03/15/2013
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	OMEGA
Design Mark	
Description of Mark	The mark consists of the Omega letter of the Greek alphabet above the word "OMEGA".
Goods/Services	Class 035. First use: First Use: 2013/03/15 First Use In Commerce: 2013/03/15 Retail store services featuring perfumery, jewellery, horological and chronometric instruments, fine leather goods

Related Proceedings	Opposition No. 91214449
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Attachments	79016420#TMSN.jpeg(bytes) 85877912#TMSN.jpeg(bytes) P893_Notice of Opposition_140113.pdf(307706 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	/Oren Gelber/
Name	Oren Gelber
Date	01/13/2014

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

Applicant : Alpha Omega Epsilon, Inc.
Serial No. : 85857065
Filed : February 22, 2013
For : ALPHA OMEGA EPSILON
Published : July 16, 2013

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
Box TTAB-Fee
P. O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Omega S.A. (Omega AG) (Omega Ltd.), 96 Rue Jakob Stampfli, Biel/Bienne 2502, Switzerland, a corporation duly organized and existing under the laws of Switzerland, (“Omega” or “Opposer”) through their 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) Omega is and has been engaged in the sale and marketing of similar and highly related goods and services to those recited by Applicant in its application to register since a time prior to the date of first use alleged by Applicant in its application for registration.

(2) Omega is and has been engaged in the sale and marketing of goods under the registered trademarks Ω and OMEGA, since at least as early as 1894.

(3) Omega is the owner of the following valid and subsisting U.S. trademark registrations, including:

OMEGA (AND DESIGN)	REG. NO.	3318408	
	(INT'L REG. NO.)	865357	Exhibit 1
OMEGA (AND DESIGN)	SER. NO.	85877912	Exhibit 2

and others (collectively referred to as the OMEGA Marks). (See Exhibits 1 -2, attached)

(4) Omega has used its OMEGA Marks in commerce extensively and has acquired a considerable and valuable goodwill and wide scale recognition for its mark. The public has come to associate OMEGA and the OMEGA symbol " Ω " marks, with Opposer and Opposer's goods and services. The public has come to associate the OMEGA Marks with Opposer and Opposer's goods and services, which include not only watches and sports timing products, but clothing, accessories, and other goods and services, including retail services.

(5) Omega's application and registration are *prima facie* proof of ownership of the mark. Omega's registration is *prima facie* proof of 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. Furthermore, Registration Number 3318408 is incontestable, pursuant to section 15 of the Trademark Act.

(6) Applicant's mark is confusingly similar to Omega's registered trademarks 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 mark due to its incorporation of an OMEGA mark, creating a virtually identical sound and appearance. Applicant has completely appropriated Opposer's entire mark. 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) The Opposer has a long history of sale and offering for sale of timekeeping devices in Class 014 and related retail services. The Opposer has also used its mark in a variety of ways in sponsorships and in areas such as sports timing in a highly visible way, including but not limited to as an official sponsor and official timekeeper for the Olympic Games in Beijing, China, in 2008, Vancouver, Canada in 2010, London in 2012 and the upcoming 2014 Olympics in Sochi, Russia, as well as other professional and amateur contests. Opposer is in the field of advertising and marketing its goods and involved in sponsorships and endorsement, which form a major component of the Opposer's brand marketing efforts in the U.S. and abroad.

(8) Omega has used its OMEGA Marks in commerce extensively and has acquired a considerable and valuable goodwill and wide scale recognition for its mark. The public has come to associate the OMEGA Marks with Opposer and Opposer's goods and services. The public has come to associate the OMEGA marks with Opposer and Opposer's timepieces, jewelry, sports timing products, clothing, accessories, retail services and sports promotion.

(9) On information and belief, use by the Applicant will cause confusion, mistake and deception with respect to those goods and services, by virtue of the Opposer's prior use and fame of its OMEGA mark.

(10) On information and belief, both the Applicant's mark and the OMEGA Marks are applied to highly related goods and services are likely to be sold to the same or similar channels of distribution. Applicant's mark so resembles Omega's OMEGA registrations and well-known trademarks, as used in the United States and not abandoned, as to be likely to cause confusion, or to cause mistake or to deceive.

(11) In addition, even use of the OMEGA symbol "Ω" mark with additional symbols, as depicted in Applicant's application, is highly similar to the manner in which the Opposer uses its marks.

(12) Upon information and belief, Applicant's actions would substantially harm the Opposer, by permitting registration in favor of Applicant for a mark which the Opposer used on its goods from an earlier date.

(13) Opposer's OMEGA mark is famous and well-known in the United States and throughout the world.

(14) On information and belief, the Applicant's mark is likely to diminish and dilute the value and distinctive character of Opposer's famous OMEGA mark, thus damaging the Opposer.

OPPOSER Omega prays that this application Serial No. 85857065, be refused, that no registration be issued thereon to Applicant and that this Opposition be sustained in favor of Omega.

Respectfully submitted for
Opposer, OMEGA S.A.

By: Oren Gelber

Jess M. Collen
Thomas P. Gulick
Oren Gelber
COLLEN IP
The Holyoke-Manhattan Building
80 South Highland Ave
Ossining, NY 10562
(914) 941-5668
(914) 941-6091

DATED: January 13, 2014

Encls.: Exhibits 1-2
Opposition fee \$300.00 per class (\$300.00)

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: Oren Gelber

Date: January 13, 2014

EXHIBIT 1

Int. Cl.: 41

Prior U.S. Cls.: 100, 101 and 107

United States Patent and Trademark Office

Reg. No. 3,318,408

Registered Oct. 23, 2007

**SERVICE MARK
PRINCIPAL REGISTER**



OMEGA SA (OMEGA AG) (OMEGA LTD.) (SWIT-
ZERLAND JOINT STOCK COMPANY)
JAKOB-STÄMPFLI-STRASSE 96
CH-2502 BIEL/BIENNE
SWITZERLAND

FOR: TIMEKEEPING OF SPORTS EVENTS; OR-
GANIZATION OF SPORTS AND CULTURAL
EVENTS NAMELY ORGANIZATION OF WATER
SPORTS, ATHLETIC, GOLF, SAILING AND TENNIS
COMPETITIONS AND ORGANIZATION OF ART
EXHIBITS AND OF CINEMATOGRAPHIC, MUSI-
CAL AND THEATRICAL PERFORMANCES, IN
CLASS 41 (U.S. CLS. 100, 101 AND 107).

PRIORITY DATE OF 8-24-2005 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION
0865357 DATED 9-29-2005, EXPIRES 9-29-2015.

OWNER OF U.S. REG. NOS. 578,041, 3,063,837 AND
OTHERS.

SER. NO. 79-016,420, FILED 9-29-2005.

STEVEN PEREZ, EXAMINING ATTORNEY



United States Patent and Trademark Office

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Assignments on the Web > [Trademark Query](#)

No assignment has been recorded at the USPTO

For Registration Number: 3318408

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.3.4
Web interface last modified: Jul 8, 2013 v.2.3.4

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EXHIBIT 2



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Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Mon Jan 13 03:10:46 EST 2014

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Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

TSDR **ASSIGN Status** **TTAB Status** (Use the "Back" button of the Internet Browser to return to TESS)



Word Mark OMEGA

Goods and Services IC 035. US 100 101 102. G & S: Retail store services featuring perfumery, jewellery, horological and chronometric instruments, fine leather goods. FIRST USE: 20130315. FIRST USE IN COMMERCE: 20130315

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 28.01.05 - Alpha (Greek letter); Greek characters; Omega (Greek letter)

Serial Number 85877912

Filing Date March 15, 2013

Current Basis 1A;44E

Original Filing Basis 1A;44E

Published for Opposition November 26, 2013

Owner (APPLICANT) Omega SA (Omega AG)(Omega Ltd.) CORPORATION SWITZERLAND Jakob-Stampfli-Strasse 96 2502 Biel/Bienne SWITZERLAND

Attorney of Record Jess M. Collen

Prior Registrations 0025036;0578041;1290661;1969071;3146117;3373227;3453913;3801228;3831079; AND OTHERS

Description of Mark Color is not claimed as a feature of the mark. The mark consists of the Omega letter of the Greek alphabet above the word "OMEGA".

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead

Indicator LIVE

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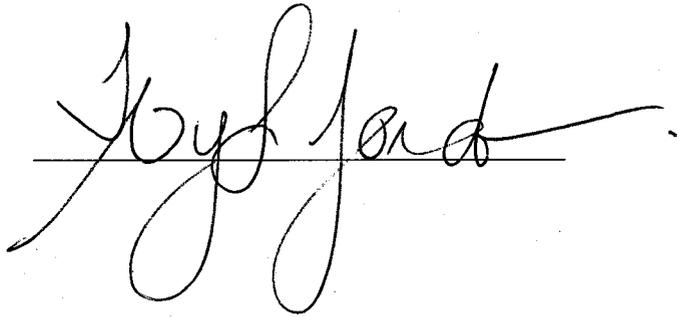
CERTIFICATE OF SERVICE AND FILING

I, Troy L. Jordan, 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 addresses:

Jack A. Wheat
Stites & Harbison PLLC
400 W Market Sreet, Suite 1800
Louisville, KY 40202-3352

Via first-class mail, postage pre-paid.

Said service having taken place this 13th day of January, 2014.

A handwritten signature in black ink, reading "Troy L. Jordan", written over a horizontal line. The signature is cursive and includes a long horizontal stroke at the end.

JMC/OG:tj

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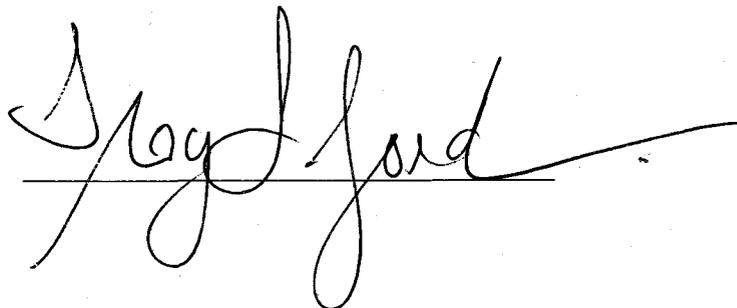
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JMC/OG:tj

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