

ESTTA Tracking number: **ESTTA582121**

Filing date: **01/16/2014**

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	Tekni-Plex, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	201 Industrial Parkway Somerville, NJ 08876 UNITED STATES		

Attorney information	Carrie Webb Olson/Catherine O'Connor Day Pitney LLP One International Place Boston, MA 02110 UNITED STATES colson@daypitney.com, cdoconnor@daypitney.com, trademarks@daypitney.com, jlanzano@daypitney.com Phone:617-345-4767
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### Applicant Information

Application No	86001725	Publication date	12/17/2013
Opposition Filing Date	01/16/2014	Opposition Period Ends	01/16/2014
Applicant	Selig Sealing Products, Inc. 342 E. Wabash Avenue Forrest, IL 61741 GERMANY		

### Goods/Services Affected by Opposition

Class 017. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are opposed, namely: Primarily non-metal seals comprised of various layers including a metallic foillayer for use in container closures andcaps

### Grounds for Opposition

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

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	EDGE PULL		
Goods/Services	adhesive seals for packaging/closure liner/seal products		

Attachments	EdgepullOpposition.pdf(28643 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	/Catherine Dugan O'Connor/
Name	Catherine Dugan O'Connor
Date	01/16/2014

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

In re: Trademark Application of Selig Sealing Products, Inc.

Serial No.: 86/001725

Filed: July 3, 2013

Mark: EDGEPULL

For: *Primarily non-metal seals comprised of various layers including a metallic foil layer for use in container closures and caps* in Class 17

Published in the *Trademark Official Gazette* of December 17, 2013

Tekni-Plex, Inc.	)	Opposition No. _____
	)	
Opposer,	)	
	)	
v.	)	
	)	
Selig Sealing Products, Inc.	)	
	)	
Applicant.	)	
_____	)	

**NOTICE OF OPPOSITION**

Tekni-Plex, Inc., a Delaware corporation having its principal place of business at 201 Industrial Parkway, Somerville, New Jersey 08876 (“Tekni-Plex” or “Opposer”) believes that it will be damaged by registration of the mark shown in Application Serial No. 86/001725, filed July 3, 2013, and hereby opposes registration of same.

The grounds are as follows:

1. In its Application Serial No. 86/001725 (the “725 Application”) Selig Sealing Products, Inc. (“Selig” or “Applicant”) seeks registration of the mark EDGEPULL in Class 17 for “primarily non-metal seals comprised of various layers including a metallic foil layer for use in container closures and caps.” The ‘725 Application was filed on July 3, 2013 and is based on Applicant’s intent to use the mark in commerce pursuant to Section 1(b) of the Trademark Act.

2. On information and belief, Selig made no use of the mark EDGEPULL prior to July 3, 2013.

3. Prior to the filing date of the '725 Application, Tekni-Plex adopted and began using the mark EDGEPULL in commerce for the same type of goods, which are manufactured by both parties.

4. More particularly, in Spring 2012 Tekni-Plex employees came up with the idea to use "EDGEPULL" as a mark with adhesive seals for packaging, also known as closure liner/seal products, of the type identified in the '725 Application.

5. In April 2012 Tekni-Plex adopted the EDGEPULL mark for such goods and began to use the EDGEPULL mark in the United States in marketing, promotion and product testing of goods bearing the EDGEPULL mark at various customers' facilities.

6. Goods bearing the EDGEPULL mark were transported by Tekni-Plex in interstate commerce on or before October 1, 2012.

7. By virtue of Tekni-Plex's prior consistent use of the EDGEPULL mark with closure liner/seal products of the type identified in the '725 Application, an association between that mark and Tekni-Plex as the source of such goods was created among a substantial number of potential customers, well before the filing date of the '725 Application.

8. Tekni-Plex established goodwill and exclusive rights in and to the EDGEPULL mark prior to the filing date of the '725 Application.

9. Upon information and belief, Selig, a competitor of Tekni-Plex, learned about Tekni-Plex's adoption and use of the EDGEPULL mark with such goods.

10. Upon information and belief, Selig filed its own application to register the EDGEPULL mark with full knowledge of Tekni-Plex's prior rights in that mark and in an

attempt to improperly usurp such rights and cause confusion as to source among the consuming public.

11. Tekni-Plex has priority of use in and to the EDGEPULL mark over any rights that Selig may claim to that mark.

12. Opposer's mark and Applicant's mark are identical and cover the same or related goods.

13. Further, the channels of trade and class of consumers are the same.

14. Purchasers or prospective purchasers, users and others are likely to be confused, mistaken or deceived into the belief, contrary to fact, that Selig's goods emanate from and/or are in some way sponsored or approved by Tekni-Plex, thereby causing harm to Tekni-Plex.

15. Tekni-Plex would be damaged by registration of the EDGEPULL mark to Selig.

16. Accordingly, Applicant is not lawfully entitled to register the EDGEPULL mark because its mark so resembles Opposer's previously used EDGEPULL mark as to be likely, when used on or in connection with Applicant's goods, to cause confusion, to cause mistake, or to deceive within the meaning of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

17. Opposer therefore respectfully requests that this opposition be sustained and Applicant's application to register the EDGEPULL mark be refused.

TEKNI-PLEX, INC.

By: /s/ Catherine Dugan O'Connor  
Carrie Webb Olson  
Catherine Dugan O'Connor  
DAY PITNEY LLP  
One International Place  
Boston, MA 02110  
(617) 345-4767

ATTORNEYS FOR OPPOSER