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Filing date: **03/12/2015**

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

Proceeding	91220292
Party	Plaintiff Swatch AG (Swatch SA) (Swatch Ltd)
Correspondence Address	Jeffrey A. Lindenbaum Collen IP, Intellectual Property Law, P.C. The Holyoke-Manhattan Building,80 South Highland Avenue Ossining, NY 10562 UNITED STATES jlindenbaum@collenip.com, docket@collenip.com
Submission	Motion to Amend Pleading/Amended Pleading
Filer's Name	Jeffrey A. Lindenbaum
Filer's e-mail	jlindenbaum@collenip.com, docket@collenip.com
Signature	/Jeffrey A. Lindenbaum/
Date	03/12/2015
Attachments	Q1154_Amended Notice of Opposition_150312.pdf(17293 bytes) Ex A 512 Reg.pdf(32809 bytes) Ex B 076 Reg.pdf(17880 bytes) Ex C 862 Reg.pdf(32848 bytes) Ex D 562 Reg.pdf(28276 bytes)

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

SWATCH AG (SWATCH SA)
(SWATCH LTD.),

Opposer,

v.

THE SPARK AGENCY, INC.,

Applicant.

Mark: SWITCH

Opp. No.: 91,220,292

Serial No.: 86/267,771

AMENDED NOTICE OF OPPOSITION

The Opposer, Swatch AG (Swatch SA) (Swatch Ltd.), a corporation duly organized and existing under the laws of Switzerland, located at Jakob-Stampfli-Strasse 94 Biel/Bienne Switzerland (referred to as “Opposer”) believes it would be damaged by 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) Opposer is and has been engaged in the sale and marketing of goods and services under the SWATCH trademark since a time long prior to the date of first use alleged by Applicant in its application for registration and/or the filing date of its application.

(2) Opposer is and has been engaged in the sale and marketing in commerce of goods since 1982 under the trademark SWATCH. SWATCH has sold goods under its SWATCH trademark continuously since that time.

(3) Opposer is also the owner of numerous valid United States Trademark registrations (“SWATCH Marks”), including but not limited to:

SWATCH	Reg. 1,356,512
SWATCH	Reg. 1,671,076
SWATCH	Reg. 1,799,862
SWATCH	Reg. 3,799,562

(See Exhibits A - D)

(4) Opposer's registrations are *prima facie* proof of ownership and use of the mark from the original date of filing of the application, pursuant to 15 USC 1057(b), and of the exclusive right to use the registered mark in commerce. Registrations 1,356,512, 1,671,076, and 1,799,862 are incontestable, pursuant to section 15 of the Trademark Act.

(5) Opposer has used its mark 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 SWATCH Marks with Opposer and Opposer's goods. The SWATCH Marks have acquired distinctiveness.

(6) Applicant's mark is confusingly similar to Opposer's SWATCH Marks and is likely, when applied to the services of the Applicant, to cause confusion or mistake.

(7) Consumers encountering the Applicant's mark and services are likely to believe that such services originate from or are authorized or sponsored by the Opposer, in view of the wide scale fame of the Opposer's mark and the indistinguishable differences between Opposer's services and the Applicant's mark and services.

(8) Consumers hearing the Applicant's mark will likely confuse it with the Opposer's SWATCH Marks.

(9) The Opposer offers services under its SWATCH marks that are similar to Applicant's services. Opposer's services under the SWATCH marks include advertising and marketing services. Consumers would be likely to believe that the Opposer is the source of Applicant's services, or that Applicant's use of its mark would designate the Opposer as the source of those services.

(10) On information and belief, the Applicant has adopted its trademark with full knowledge of the Opposer's SWATCH Marks.

(11) Applicant's mark so resembles the SWATCH Marks, as used in the United States and not abandoned, as to be likely to cause confusion or mistake.

(12) The Opposer's SWATCH Marks are famous and distinctive trademarks.

(13) The Opposer's SWATCH Marks acquired fame before Applicant began use of its mark, or before it filed its application.

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

(15) On October 1, 2014, the United States Trademark Trial and Appeal Board (the "Board"), in Opposition No. 91190380, sustained Swatch's Opposition against Applicant's application no. 77/505,539 for the mark SW:TCH.

(16) The parties in this opposition proceeding (against application no. 86/267,771) are the same as the parties in Opposition No. 91190380.

(17) In Opposition No. 91190380, the Board held that Applicant's application no. 77/505,539 for the mark SW:TCH was not entitled to registration because there was a likelihood of confusion with Swatch's SWATCH mark.

(18) The services identified in application no. 77/505,539 are identical to the services identified in application no. 86/267,771, except that the services in application no. 86/267,771 also include: (a) identify that the design of advertising multimedia presentations and themed graphics is also for "business to consumer events" in Class 035; and (b) custom manufacture of exhibits also includes "exhibits for business to business events and exhibits for business to consumer events" in Class 040.

(19) The applicant's mark in application no. 77/505,539 has the same commercial impression as applicant's mark in application no. 86/267,771.

(20) The claims presented in this opposition are the based on the same set of transactional facts as those presented in the first action.

(21) Applicant's application no. 86/267,771 should be refused registration, and this Opposition should be sustained on grounds of *res judicata*, since the Board has already found a likelihood of confusion between Opposer's SWATCH mark and Applicant's SW:TCH mark for the same services, and the mark in application no. 86/267,771 has the same commercial impression as the mark in application no. 77/505,539.

WHEREFORE, Opposer prays that this application Serial No. 86/267,771 be refused, that no registration be issued thereon to Applicant and that this Opposition be sustained in favor of Opposer.

Respectfully submitted for Opposer,

By: /Jeffrey A. Lindenbaum/
Jeffrey A. Lindenbaum
COLLEN IP
The Holyoke-Manhattan Building
80 South Highland Avenue
Ossining, NY 10562
914-941-5668 (tel)
914-941-6091 (fax)
jlindenbaum@collenip.com
*Attorneys for Opposer, Swatch A.G.,
(SWATCH SA) (SWATCH LTD)*

Dated: March 12, 2015

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

CERTIFICATE OF FILING AND SERVICE

I, Jeffrey A. Lindenbaum, hereby certify that I caused true and correct copy of the foregoing Amended Notice of Opposition to be filed electronically with the TTAB, and served upon Applicant via its attorney of record:

ANNETTE P. HELLER
HELLER & ASSOCIATES
400 CHESTERFIELD CTR STE 400
CHESTERFIELD, MISSOURI 63017-4800
tmattorneypto@aol.com

via first-class mail, postage pre-paid. Said service having taken place this 12th day of March, 2015.

/Jeffrey A. Lindenbaum/

EXHIBIT A

EXHIBIT A

Generated on: This page was generated by TSDR on 2015-03-12 12:16:34 EDT

Mark: SWATCH



US Serial Number: 73506848 Application Filing Date: Nov. 02, 1984
US Registration Number: 1356512 Registration Date: Aug. 27, 1985
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Sep. 19, 2005
Publication Date: Jun. 18, 1985

Mark Information

Mark Literal Elements: SWATCH
Standard Character Claim: No
Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Related Properties Information

Claimed Ownership of US Registrations: 1227456, 1252863

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: WATCHES AND PARTS THEREOF

International Class(es): 014 - Primary Class

U.S Class(es): 027

Class Status: ACTIVE

Basis: 1(a)

First Use: May 31, 1982

Use in Commerce: May 31, 1982

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: SWATCH S. A.
Owner Address: JAKOB-STAMFLI-STRASSE 94
BIEL/BIENNE
SWITZERLAND
Legal Entity Type: CORPORATION State or Country Where Organized: SWITZERLAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: JESS M. COLLEN

Correspondent

Correspondent: JESS M COLLEN

Name/Address: COLLEN IP
THE HOLYOKE-MANHATTAN BLDG
80 S HIGHLAND AVE
OSSINING, NEW YORK 10562
UNITED STATES

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 07, 2011	NOTICE OF SUIT	
Mar. 25, 2011	NOTICE OF SUIT	
Nov. 12, 2010	NOTICE OF SUIT	
Sep. 19, 2005	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Sep. 19, 2005	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jul. 18, 2005	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Sep. 09, 2005	ASSIGNED TO PARALEGAL	76293
Jul. 18, 2005	PAPER RECEIVED	
Feb. 24, 2003	PAPER RECEIVED	
May 10, 1991	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Jan. 24, 1991	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Sep. 15, 1986	CANCELLATION TERMINATED NO. 999999	15213
Aug. 27, 1986	CANCELLATION DISMISSED NO. 999999	15213
Jan. 10, 1986	CANCELLATION INSTITUTED NO. 999999	15213
Aug. 27, 1985	REGISTERED-PRINCIPAL REGISTER	
Jun. 18, 1985	PUBLISHED FOR OPPOSITION	
May 17, 1985	NOTICE OF PUBLICATION	
Apr. 19, 1985	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 04, 1985	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jan. 31, 1985	NON-FINAL ACTION MAILED	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Aug. 27, 2005

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: SCANNING ON DEMAND

Date in Location: Dec. 02, 2005

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Registrant: ETA S.A. FABRIQUES D'EBAUCHES

Assignment 1 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Reel/Frame: [0505/0269](#)

Pages: 2

Date Recorded: Sep. 13, 1985

Supporting Documents: No Supporting Documents Available

Assignor

Name: [ETA S. A. FABRIQUES D'EBAUCHES](#)

Execution Date: Aug. 15, 1985

Legal Entity Type: CORPORATION

State or Country Where Organized: SWITZERLAND

Assignee

Name: [SWATCH S. A.](#)
Legal Entity Type: CORPORATION **State or Country Where Organized:** SWITZERLAND
Address: 9, ROUTE DE BOUJEAN
 2502-BIENNE, SWITZERLAND

Correspondent

Correspondent Name: MCGLEW AND TUTTLE
Correspondent Address: 28 WEST 44TH ST.
 NEW YORK, NY 10036

Domestic Representative - Not Found**Assignment 2 of 2**

Conveyance: ATTESTATION BY SUPERINTENDANT OF THE JOINT STOCK COMPANY, BIENNE, COMMERCIAL REGISTER SHOWING CHANGE OF ADDRESS ON NOV. 18, 1985 (IN FRENCH WITH ENGLISH TRANSLATION ATTACHED)
Reel/Frame: [0517/0992](#) **Pages:** 3
Date Recorded: Feb. 18, 1986
Supporting Documents: No Supporting Documents Available

Assignor

Name: [SWATCH AG \(SWATCH SA\) \(SWATCH LTD.\)](#) **Execution Date:** Dec. 11, 1985
Legal Entity Type: UNKNOWN **State or Country Where Organized:** No Place Where Organized Found

Assignee

Name: [SWATCH AG \(SWATCH SA\) \(SWATCH LTD.\)](#)
Legal Entity Type: UNKNOWN **State or Country Where Organized:** No Place Where Organized Found
Address: 94 RUE JAKOB STAEMPFLI

Correspondent

Correspondent Name: MCGLEW AND TUTTLE
Correspondent Address: 28 WEST 44TH ST.
 NEW YORK, NY 10036

Domestic Representative - Not Found**Proceedings****Summary**

Number of Proceedings: 25

Type of Proceeding: Opposition

Proceeding Number: [91220292](#) **Filing Date:** Jan 21, 2015
Status: Pending **Status Date:** Jan 21, 2015
Interlocutory Attorney: BENJAMIN U OKEKE

Defendant

Name: The Spark Agency, Inc.
Correspondent Address: ANNETTE P. HELLER
 HELLER & ASSOCIATES
 400 CHESTERFIELD CTR STE 400
 CHESTERFIELD MO , 63017-4800
Correspondent e-mail: tmattorneypto@aol.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SWITCH	Opposition Pending	86267771	

Plaintiff(s)

Name: Swatch AG (Swatch SA) (Swatch Ltd)
Correspondent Address: Jeffrey A. Lindenbaum
 Collen IP, Intellectual Property Law, P.C.
 The Holyoke-Manhattan Building, 80 South Highland Avenue
 Ossining NY , 10562
 UNITED STATES
Correspondent e-mail: jlindenbaum@collenip.com , docket@collenip.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
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EXHIBIT B

EXHIBIT B

Address: _____

Authorized:

Correspondent

Correspondent Name/Address: Jess M. Collen
THE HOLYOKE MANHATTAN BLDG
80 S HIGHLAND AVENUE
OSSINING, NEW YORK 10562-5615
UNITED STATES

Phone: 9149415668

Fax: 9149416091

Correspondent e-mail: trademark@collenip.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Jess M. Collen

Phone: 9149415668

Fax: 9149416091

Domestic Representative e-mail: trademark@collenip.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Feb. 23, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Feb. 23, 2012	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	75461
Feb. 23, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	75461
Feb. 23, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	75461
Jan. 09, 2012	TEAS SECTION 8 & 9 RECEIVED	
Oct. 07, 2011	NOTICE OF SUIT	
Mar. 25, 2011	NOTICE OF SUIT	
Nov. 12, 2010	NOTICE OF SUIT	
Dec. 12, 2007	CASE FILE IN TICRS	
Mar. 01, 2002	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Mar. 01, 2002	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Dec. 28, 2001	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Apr. 28, 1997	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Apr. 08, 1997	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jan. 07, 1992	REGISTERED-PRINCIPAL REGISTER	
May 14, 1991	PUBLISHED FOR OPPOSITION	
Apr. 12, 1991	NOTICE OF PUBLICATION	
Jan. 03, 1991	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 03, 1991	ASSIGNED TO EXAMINER	66582
Dec. 13, 1990	ASSIGNED TO EXAMINER	66728

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jan. 07, 2012

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Feb. 23, 2012

Proceedings

Summary

EXHIBIT C

EXHIBIT C

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Mark: SWATCH



US Serial Number: 74801004 **Application Filing Date:** Feb. 21, 1992
US Registration Number: 1799862 **Registration Date:** Oct. 19, 1993
Register: Principal
Mark Type: Service Mark
Status: The registration has been renewed.
Status Date: Sep. 04, 2013
Publication Date: Jul. 27, 1993

Mark Information

Mark Literal Elements: SWATCH
Standard Character Claim: No
Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM
Color(s) Claimed: Color is not claimed as a feature of the mark.

Related Properties Information

Claimed Ownership of US Registrations: 1490111, 1664054, 1671076, 74248413 and others
Child Of: 74248413

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: retail store services; namely, retail shops featuring watches, watch parts and watch accessories

International Class(es): 042 - Primary Class

U.S Class(es): 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 1991

Use in Commerce: Mar. 20, 1992

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: SWATCH SA
Owner Address: 94, rue Jakob Stampfli
2501 Bienne
SWITZERLAND
Legal Entity Type: CORPORATION **State or Country Where Organized:** SWITZERLAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jess M. Collen

Docket Number: 34470

Attorney Primary Email trademark@collenip.com
Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Name/Address: Jess M. Collen
COLLEN IP INTELLECTUAL PROPERTY LAW, P.C.
80 South Highland Avenue
THE HOLYOKE-MANHATTAN BUILDING
TOWN OF OSSINING, NEW YORK 10562
UNITED STATES

Phone: 9149415668

Correspondent e-mail: trademark@collenip.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Jess M. Collen

Phone: 9149415668

Domestic Representative e-mail: trademark@collenip.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Sep. 04, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Sep. 04, 2013	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	76985
Sep. 04, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76985
Aug. 22, 2013	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	76985
Sep. 04, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76985
Aug. 22, 2013	TEAS SECTION 8 & 9 RECEIVED	
Sep. 12, 2007	CASE FILE IN TICRS	
Sep. 06, 2003	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Sep. 06, 2003	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jun. 23, 2003	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Jun. 23, 2003	PAPER RECEIVED	
Feb. 11, 2000	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Oct. 19, 1999	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Oct. 19, 1993	REGISTERED-PRINCIPAL REGISTER	
Jul. 27, 1993	PUBLISHED FOR OPPOSITION	
Jun. 25, 1993	NOTICE OF PUBLICATION	
May 05, 1993	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 05, 1993	USE AMENDMENT ACCEPTED	
May 03, 1993	AMENDMENT TO USE PROCESSING COMPLETE	
Oct. 22, 1992	USE AMENDMENT FILED	
May 03, 1993	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Jan. 08, 1993	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 22, 1992	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Dec. 29, 1992	DIVISIONAL PROCESSING COMPLETE	
Apr. 23, 1992	NON-FINAL ACTION MAILED	
Apr. 09, 1992	ASSIGNED TO EXAMINER	70428

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Oct. 19, 2013

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Sep. 04, 2013

Proceedings

Summary

Number of Proceedings: 22

Type of Proceeding: Opposition

Proceeding Number: [91220292](#)

Filing Date: Jan 21, 2015

Status: Pending

Status Date: Jan 21, 2015

Interlocutory Attorney: BENJAMIN U OKEKE

Defendant

Name: The Spark Agency, Inc.

Correspondent Address: ANNETTE P. HELLER
HELLER & ASSOCIATES
400 CHESTERFIELD CTR STE 400
CHESTERFIELD MO , 63017-4800

Correspondent e-mail: tmattorneypto@aol.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SWITCH	Opposition Pending	86267771	

Plaintiff(s)

Name: Swatch AG (Swatch SA) (Swatch Ltd)

Correspondent Address: Jeffrey A. Lindenbaum
Collen IP, Intellectual Property Law, P.C.
The Holyoke-Manhattan Building, 80 South Highland Avenue
Ossining NY , 10562
UNITED STATES

Correspondent e-mail: jlindenbaum@collenip.com , docket@collenip.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SWATCH	Renewed	73506848	1356512
SWATCH	Renewed	74079220	1671076
SWATCH	Renewed	74801004	1799862
SWATCH	Registered	78194325	3799562

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 21, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 21, 2015	Mar 02, 2015
3	PENDING, INSTITUTED	Jan 21, 2015	
4	ANSWER AND COUNTERCLAIM (FEE)	Feb 25, 2015	

Type of Proceeding: Opposition

Proceeding Number: [91216391](#)

Filing Date: May 14, 2014

Status: Terminated

Status Date: Aug 26, 2014

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: Ventus Wireless

Correspondent Address: VENTUS WIRELESS
10 NORDEN PL
NORWALK CT , 06855-1452
UNITED STATES

Correspondent e-mail: jkotran@ventusnetworks.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
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EXHIBIT D

EXHIBIT D

power, electric switches; apparatus for recording, transmission or reproduction of sound or image, namely, juke boxes, audio tape recorders, video tape recorders, video monitors

International Class(es): 009 - Primary Class **U.S Class(es):** 021, 023, 026, 036, 038
Class Status: ACTIVE
Basis: 44(e)

For: APPARATUS FOR LIGHTING, NAMELY, ELECTRIC LIGHTING FIXTURE, WATER PUMPS FOR SPAS, BATHS, WATER FILTERING UNITS

International Class(es): 011 - Primary Class **U.S Class(es):** 013, 021, 023, 031, 034
Class Status: ACTIVE
Basis: 44(e)

For: WATCH PROTECTORS; WATCHCASES; NECK CHAINS

International Class(es): 014 - Primary Class **U.S Class(es):** 002, 027, 028, 050
Class Status: ACTIVE
Basis: 44(e)

For: MUSICAL INSTRUMENTS

International Class(es): 015 - Primary Class **U.S Class(es):** 002, 021, 036
Class Status: ACTIVE
Basis: 44(e)

For: Paper, namely, bags, envelopes, covers, folders, note paper, art paper, carbon paper; photographs; albums, balls for ball point pens, booklets, books, boxes of cardboard or paper, calendars, cardboard articles and tubes, greeting cards, printed publications, namely, catalogues, magazines, manuals, and periodicals all in the field of horology and jewelry; printed timetables; clips for offices, folders for papers, postcards, notebooks, photograph stands, posters, prints, rubber erasers, table cloths, table mats, table linen, table napkins of paper, stationery; artist's materials, namely, pastels, pencils, paint brushes, painter's brushes; paper clasps, paper clips, crayons, pen cases, pencil and pen holders, pens and pencils, pencil sharpeners, wrappers, wrapping paper, writing cases, wristbands for retention of writing instruments

International Class(es): 016 - Primary Class **U.S Class(es):** 002, 005, 022, 023, 029, 037, 038, 050
Class Status: ACTIVE
Basis: 44(e)

For: Suitcases, travel bags, briefcase-type portfolios, briefcases, wallets, handbags, umbrellas, parasols, canes, backpacks, shoulder bags, cases of leather, namely, leather attache cases, purses, rucksacks, shopping bags

International Class(es): 018 - Primary Class **U.S Class(es):** 001, 002, 003, 022, 041
Class Status: ACTIVE
Basis: 44(e)

For: FURNITURE; NON-METAL KEY HOLDERS; CHAIRS

International Class(es): 020 - Primary Class **U.S Class(es):** 002, 013, 022, 025, 032, 050
Class Status: ACTIVE
Basis: 44(e)

For: HOUSEHOLD OR KITCHEN UTENSILS NOT OF PRECIOUS METAL OR COATED THEREWITH, NAMELY, POT AND PAN SCRAPERS, ROLLING PINS, SPATULAS, TURNERS, WHISKS, HOUSEHOLD OR KITCHEN CONTAINERS NOT OF PRECIOUS METAL OR COATED THEREWITH; HAIR COMBS; SPONGES FOR HOUSEHOLD PURPOSES; HAIR BRUSHES; BRUSH-MAKING MATERIALS; ARTICLES FOR CLEANING PURPOSES, NAMELY, CLEANING RAGS, IMPREGNATED CLEANING, DUSTING OR POLISHING CLOTHS, STEEL WOOL FOR CLEANING; BEVERAGE GLASSWARE; PORCELAIN FIGURINES, PORCELAIN MUGS; EARTHENWARE MUGS

International Class(es): 021 - Primary Class **U.S Class(es):** 002, 013, 023, 029, 030, 033, 040, 050
Class Status: ACTIVE
Basis: 44(e)

For: Ropes, string, tents, awnings not made of metal; tarpaulins, sails, nets, namely, commercial nets, fabric and polyester mesh net used for storing toys and other household items, hammocks

International Class(es): 022 - Primary Class **U.S Class(es):** 001, 002, 007, 019, 022, 042, 050
Class Status: ACTIVE
Basis: 44(e)

For: Towels, handkerchiefs, bed blankets, shower curtains, table cloths not of paper, table mats not of paper

International Class(es): 024 - Primary Class **U.S Class(es):** 042, 050
Class Status: ACTIVE
Basis: 44(e)

For: DOWN VESTS; WIND RESISTANT JACKETS; SKI BOOTS

International Class(es): 025 - Primary Class **U.S Class(es):** 022, 039

Class Status: ACTIVE

Basis: 44(e)

For: BOARD GAMES, GYMNAS TIC AND SPORTS ARTICLES, NAMELY SKIS, SKI POLES, PORTABLE COVERS AND CASES FOR SKIS AND SKI BINDINGS, TENNIS RACKETS, TENNIS BALLS, TENNIS RACKET CASES AND COVERS, KITES, BALLS OF ALL KINDS, TOY FIGURES, SOFT-SCULPTURED DOLLS, AND STUFFED TOYS, TOY VEHICLES, SKATE BOARDS, ROLLER SKATES, BALLOONS, JIGSAW PUZZLES TOY WATCHES, TOY JEWELRY, CHRISTMAS TREE DECORATIONS, YOYOS, AND PLAYING CARDS

International Class(es): 028 - Primary Class

U.S Class(es): 022, 023, 038, 050

Class Status: ACTIVE

Basis: 44(e)

For: MEATS AND PROCESSED FOODS, NAMELY, MEAT, CHICKEN, PROCESSED FRUITS AND VEGETABLES, CLAM CHOWDER

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 44(e)

For: BEVERAGES, NAMELY, FRUIT JUICE, VEGETABLE JUICE, CARBONATED SOFT DRINKS

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 44(e)

For: CIGARETTE AND CIGAR LIGHTERS NOT OF PRECIOUS METAL

International Class(es): 034 - Primary Class

U.S Class(es): 002, 008, 009, 017

Class Status: ACTIVE

Basis: 44(e)

For: MANAGEMENT OF BUSINESS; ADVERTISING AGENCIES; COMPUTER ASSISTED PROCESSING OF DATA DERIVED FROM THE TIMING OF SPORTING ACTIVITIES FOR USE IN EDUCATION, ENTERTAINMENT AND PUBLICITY

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 44(e)

For: Electronic transmission of data derived from sporting events; and radio and television broadcast of programs and shows

International Class(es): 038 - Primary Class

U.S Class(es): 100, 101, 104

Class Status: ACTIVE

Basis: 44(e)

For: Providing of entertainment, namely, sporting and cultural activities

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 44(e)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: Yes

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Swatch AG (Swatch SA) (Swatch Ltd.)

Owner Address: 94, rue Jacob Stämpfli
Biene 2500
SWITZERLAND

Legal Entity Type: CORPORATION

State or Country Where Organized: SWITZERLAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jess M. Collen

Docket Number: T-79255

Correspondent

Correspondent Name/Address: JESS M. COLLEN
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Domestic Representative

Domestic Representative Name: Jess M. Collen

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Prosecution History

Date	Description	Proceeding Number
Jun. 08, 2010	REGISTERED-PRINCIPAL REGISTER	
Mar. 23, 2010	PUBLISHED FOR OPPOSITION	
Mar. 03, 2010	NOTICE OF PUBLICATION	
Feb. 18, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	74215
Feb. 18, 2010	ASSIGNED TO LIE	74215
Jan. 20, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 20, 2010	EXAMINERS AMENDMENT MAILED	
Jan. 19, 2010	EXAMINER'S AMENDMENT ENTERED	88888
Jan. 19, 2010	EXAMINERS AMENDMENT -WRITTEN	77300
Aug. 06, 2009	NON-FINAL ACTION MAILED	
Aug. 05, 2009	NON-FINAL ACTION WRITTEN	77300
Jul. 28, 2009	ASSIGNED TO EXAMINER	77300
Jul. 28, 2009	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Jul. 27, 2009	WITHDRAWN FROM PUB - OG REVIEW QUERY	61844
Jul. 03, 2009	NOTICE OF REINSTATEMENT MAILED	
Jul. 01, 2009	1(B) BASIS DELETED; NEW BASIS REQUESTED	65362
Apr. 30, 2009	NOTICE OF ALLOWANCE CANCELLED	65362
Jun. 30, 2009	REINSTATEMENT GRANTED - REQUEST TO DELETE 1(B) FILED	65294
Jun. 22, 2009	ABANDONMENT NOTICE MAILED - NO USE STATEMENT FILED	
Jun. 22, 2009	ABANDONMENT - NO USE STATEMENT FILED	99999
Jun. 19, 2009	ATTORNEY REVIEW/DECISION ON AMENDMENT REQUIRED	
Jun. 18, 2009	PETITION TO DIRECTOR - CHANGE BASIS - GRANTED	65294
Jun. 18, 2009	ASSIGNED TO PETITION STAFF	65294
May 04, 2009	PETITION TO DIRECTOR - CHANGE BASIS - RECEIVED	77978
May 27, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76538
May 04, 2009	PAPER RECEIVED	
Oct. 30, 2008	EXTENSION 2 GRANTED	98765
Oct. 30, 2008	EXTENSION 2 FILED	98765
Oct. 30, 2008	TEAS EXTENSION RECEIVED	
May 01, 2008	EXTENSION 1 GRANTED	66530
Apr. 21, 2008	EXTENSION 1 FILED	66530
Apr. 21, 2008	PAPER RECEIVED	
Oct. 30, 2007	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Sep. 18, 2007	OPPOSITION TERMINATED NO. 999999	165898
Sep. 18, 2007	OPPOSITION DISMISSED NO. 999999	165898
Jul. 17, 2005	OPPOSITION INSTITUTED NO. 999999	165898
Feb. 01, 2005	EXTENSION OF TIME TO OPPOSE RECEIVED	

Jan. 18, 2005	PUBLISHED FOR OPPOSITION	
Dec. 29, 2004	NOTICE OF PUBLICATION	
Nov. 19, 2004	LAW OFFICE PUBLICATION REVIEW COMPLETED	59272
Nov. 19, 2004	ASSIGNED TO LIE	59272
Nov. 15, 2004	EXAMINERS AMENDMENT MAILED	
Nov. 15, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 15, 2004	EXAMINERS AMENDMENT -WRITTEN	77300
Sep. 02, 2004	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Jul. 14, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 03, 2004	CORRESPONDENCE RECEIVED IN LAW OFFICE	
May 03, 2004	PAPER RECEIVED	
Nov. 03, 2003	FINAL REFUSAL MAILED	
Sep. 02, 2003	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Oct. 08, 2003	CASE FILE IN TICRS	
Sep. 04, 2003	PAPER RECEIVED	
Mar. 03, 2003	NON-FINAL ACTION MAILED	
Feb. 28, 2003	ASSIGNED TO EXAMINER	77300

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jun. 08, 2010

Proceedings

Summary

Number of Proceedings: 16

Type of Proceeding: Opposition

Proceeding Number: [91220292](#)

Filing Date: Jan 21, 2015

Status: Pending

Status Date: Jan 21, 2015

Interlocutory Attorney: BENJAMIN U OKEKE

Defendant

Name: The Spark Agency, Inc.

Correspondent Address: ANNETTE P. HELLER
HELLER & ASSOCIATES
400 CHESTERFIELD CTR STE 400
CHESTERFIELD MO , 63017-4800

Correspondent e-mail: tmattorneypto@aol.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SWATCH	Opposition Pending	86267771	

Plaintiff(s)

Name: Swatch AG (Swatch SA) (Swatch Ltd)

Correspondent Address: Jeffrey A. Lindenbaum
Collen IP, Intellectual Property Law, P.C.
The Holyoke-Manhattan Building, 80 South Highland Avenue
Ossining NY , 10562
UNITED STATES

Correspondent e-mail: jlindenbaum@collenip.com , docket@collenip.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SWATCH	Renewed	73506848	1356512
SWATCH	Renewed	74079220	1671076
SWATCH	Renewed	74801004	1799862