

ESTTA Tracking number: **ESTTA649050**

Filing date: **01/08/2015**

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	Micro Matic USA, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	2386 Simon Court Brooksville, FL 34606 UNITED STATES		

Name	Micro Matic USA, LLC		
Entity	Limited Liability Company	Citizenship	Delaware
Address	2386 Simon Court Brooksville, FL 34606 UNITED STATES		

Attorney information	Ryan M. Corbett Burr & Forman LLP 201 North Franklin Street, Suite 3200 Tampa, FL 33602 UNITED STATES rcorbett@burr.com Phone:(813) 367-5740		
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Applicant Information

Application No	79148013	Publication date	12/09/2014
Opposition Filing Date	01/08/2015	Opposition Period Ends	01/08/2015
International Registration No.	1159514	International Registration Date	04/16/2013
Applicant	Taizhou TALOS Sanitary Co., Ltd. Longxixiang Industrial Park, CHINA		

Goods/Services Affected by Opposition

Class 007. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Apparatus for drawing up beer under pressure; aerated beverages making machines; bottle washing machines; beer brewing machines; aerated water making apparatus; mineral water making machines; aerated beverage preparation machines, electromechanical; beer pumps; valves parts of machines; pressure regulating valves as parts of machines
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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		
Design Mark			
Goods/Services	Products and services rendered in the draught beer distribution industry.		

Attachments	Micro Matic - Notice of Opposition Filing.pdf(1275868 bytes) Micro Matic - Current Mark1.jpg
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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	/Ryan M. Corbett/
Name	Ryan M. Corbett
Date	01/08/2015

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

**In the matter of Application Serial No. 79/148,013
Filed on April 11, 2014**

**Published in Official Gazette on December 9, 2014
Mark: MICRO MATIC
(International Class 007)**

MICRO MATIC USA, INC.,)	
MICRO MATIC USA, LLC,)	
)	
Opposers,)	
)	Opposition No. _____
v.)	
)	
TAIZHOU TALOS SANITARY CO.,)	
LTD.,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Micro Matic USA, Inc. and Micro Matic USA, LLC (collectively, “Micro Matic” or “Opposers”) hereby give notice that they oppose registration on either the Principal or Supplemental Register of the applied-for mark MICRO MATIC, Serial No. 79/148,013 (filed April 11, 2014) (“Applicant's Mark”). Opposers believe that they will suffer irreparable harm and damage if Applicant's Mark is registered. In support of its opposition, Micro Matic states as follows:

1. Micro Matic USA, Inc. was incorporated under the laws of the State of Delaware on September 25, 1984. Micro Matic USA, Inc.’s national headquarters are located at 2386 Simon Court, Brooksville, Florida 34606.

2. Micro Matic USA, LLC is a Delaware limited liability company formed on December 21, 2001, and has its primary place of business at 2386 Simon Court, Brooksville, Florida 34606.

3. Micro Matic USA, Inc. is a wholly owned subsidiary of Micro Matic A/S, a Danish corporation located at Holkebjergvej 48, 5250 Odense SV, Denmark.

4. Micro Matic USA, LLC is a wholly owned subsidiary of Micro Matic USA, Inc.

5. Upon information and belief, Taizhou TALOS Sanitary Co., Ltd. (“Applicant”) is a Chinese Corporation located at Longxixiang Industrial Park, Yuhuan Town, 317600 Zhejiang, China.

6. Micro Matic has been operating in the draught beer industry since at least 1974 and using the mark “Micro Matic” since at least as early as 1988. Micro Matic has become an industry leader in providing commercial and residential bar equipment, including tower dispensers, refrigeration equipment, beer regulators, kegerators, beer line cleaning equipment, among other draught beer-related products. Micro Matic currently has locations in Florida, Pennsylvania, California, and Illinois, and has substantial portion of the beer tap market selling to customers across the United States.

7. Since as early as 1988, significantly prior to Applicant’s filing date (April 11, 2014) and, upon information and belief, Applicant’s first date of use in commerce, Micro Matic has been using and continues to use the trademark MICRO MATIC in connection with the sale of draught beer chilling and dispensing equipment.

8. Micro Matic owned U.S. Trademark Reg. No. 1,564,202 for MICRO MATIC USA, which was filed on February 10, 1989, for use in connection with hand tools for tapping kegs of beer and dispensing beer. Although the mark was canceled in 1996 for failure to file a

declaration of use pursuant to Section 8(a)(2) of the Trademark Act, Micro Matic has continued to use the MICRO MATIC USA mark since 1988 in connection with draught beer products.

9. As a result of the high quality of Micro Matic's products and services rendered in the draught beer distribution industry and the extensive promotion and public acceptance thereof, Micro Matic has gained significant and valuable goodwill for its MICRO MATIC mark.

10. Opposers' MICRO MATIC mark is known generally to the public to identify Micro Matic's goods and services and to distinguish them from the products and services of others. Opposers' MICRO MATIC mark functions as an indicator of origin for Micro Matic's products and services, and is exclusive property of Micro Matic.

11. On April 11, 2014, Applicant filed an application to register the mark MICRO MATIC (U.S. Serial No. 79/148,013) with the United States Patent and Trademark Office for an apparatus for drawing up beer under pressure, beer pumps, and pressure regulating valves, among other beer and liquid dispensing products.

12. Applicant's application describes Applicant's mark as consisting of "the wording 'MICRO MATIC' and two water drop shaped designs." Color is not claimed as a feature of Applicant's mark. Opposers' current MICRO MATIC mark and its previously registered mark, MICRO MATIC USA, both include identical wording "MICRO MATIC" and two water drop shaped designs.

13. Applicant's mark is identical to Opposers' MICRO MATIC mark and nearly identical to Opposers' previously registered MICRO MATIC USA mark. The identical nature of the words and similarity of the design elements between Applicant's mark and Opposers' MICRO MATIC marks is such that a substantial likelihood of confusion will arise if Applicant's

mark is allowed to register. Copies of Opposers' currently used and previously registered MICRO MATIC marks and the Applicant's mark are shown below.

Opposers' MICRO MATIC Mark



**Opposers' Previously Registered MICRO MATIC USA Mark (U.S. Trademark
Reg. No. 1,564,202)**



Applicant's Proposed Mark



14. These examples illustrate that the fonts used in the marks are essentially identical, with both marks depicted in a block, all caps format, and two identically shaped water drop designs. The identical term, common font, and identical water drop shapes shared by Opposers'

marks and Applicant's mark are such that a consumer is likely to believe there is a connection between the marks and/or the products and services they represent.

15. The similarity of the goods and services covered by Applicant's mark also engenders a likelihood of confusion. Applicant's description of the goods and services covered by Applicant's mark recites: "Apparatus for drawing up beer under pressure; aerated beverages making machines; bottle washing machines; beer brewing machines; aerated water making apparatus; mineral water making machines; aerated beverage preparation machines, electromechanical; beer pumps; valves parts of machines; pressure regulating valves as parts of machines." Similarly, Micro Matic sells kegerators for dispensing draft beer, beer pumps, and regulators for regulating pressure, screenshots of which are shown in **Exhibit A**. The clear overlap between the products covered by Applicant's mark and those products covered by Micro Matic's mark further demonstrates that consumers are likely to be confused and believe that the respective goods originate from the same source.

16. Both Applicant and Micro Matic market their goods to the general public, meaning both marks will be encountered by the same consumers.

17. In 2012, Opposers discovered that Applicant was using the MICRO MATIC mark to advertise Applicant's company and Applicant's products, without Opposers' permission. Micro Matic's Chinese counsel sent Applicant a letter on July 19, 2012 demanding that Applicant immediately stop using the MICRO MATIC mark. A copy of Micro Matic's July 19, 2012 letter to Applicant is attached hereto as **Exhibit B**. Accordingly, Applicant had actual notice of Opposers' MICRO MATIC mark at least by July 2012, and has acted in bad faith by (1) adopting Applicant's mark for use in selling draught beer equipment, and (2) attempting to register the MICRO MATIC mark.

18. Micro Matic will be damaged by the registration of Applicant's mark because the mark and its associated goods and services so resembles Micro Matic's mark and the associated goods and services that there will be confusion, mistake and deception in the marketplace.

19. Persons familiar with Micro Matic are likely to believe erroneously that Applicant's goods and services are offered by Micro Matic or are authorized, licensed, endorsed or sponsored by Micro Matic, and registration of Applicant's Mark on the Principal or Supplemental Register will be inconsistent with Opposers' rights in its MICRO MATIC marks.

20. For the foregoing reasons, the registration sought by Applicant is contrary to the provisions of Sections 2(a) and/or (d) of the Lanham Act, 15 U.S.C. § 1052(a), and Opposers believe it would be damaged thereby.

WHEREAS, Opposers request that Applicant's Application Serial No. 79/148,013 be refused registration and this Notice of Opposition be sustained in favor of Opposers.

Respectfully submitted,

/Ryan M. Corbett/

India E. Vincent
BURR & FORMAN LLP
420 North 20th Street
Suite 3400
Birmingham, Alabama 35203
(205) 458-5284

Ryan M. Corbett
BURR & FORMAN LLP
201 North Franklin Street
Suite 3200
Tampa, Florida 33602
(813) 367-5740

Attorneys for Opposers

Date: January 8, 2015

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing Notice of Opposition on the attorney of record for the Applicant by delivering a copy of same via first-class United States mail, postage prepaid on January 8, 2015, to the following address:

Taizhou Nanfang
Trademark & Patent Law Office
116 Jinshui Street
Luqiao District
Taizhou, Zhejiang
CHINA

/Ryan M. Corbett/
Ryan M. Corbett
Burr & Forman LLP
201 North Franklin Street
Suite 3200
Tampa, Florida 33602
(813) 367-5740

Attorney for Opposers

EXHIBIT A

Exhibit A

Screenshots of Products Sold by Micro Matic USA, Inc. Under Micro Matic's Mark

<http://www.micromatic.com/kegerator-cid-5.html>

The screenshot displays the Micro Matic website's product page for kegerators. At the top, the Micro Matic logo is on the left, and a search bar, 'View Cart' button, and 'Distribution Login' link are on the right. Below the logo is a navigation menu with tabs for 'Beer Equipment', 'Wine Equipment', 'Water Equipment', 'Resources', 'Dispense Forum', and 'Help'. A secondary navigation bar includes 'View Cart', 'Shipping Locations', and 'Toll Free Orders: 1 (866) 291-5756'. The main heading is 'Kegerators and Kegerator Supplies', accompanied by four beer glass icons. A breadcrumb trail reads 'You Are Here: Beer Equipment > Kegerator'. A descriptive paragraph states: 'Micro Matic offers a complete line of Kegerators for dispensing draft beer. Priced to meet any budget our range of Home and Commercial Kegerator serve cold beer from a variety of keg packages.' Below this is a sub-heading 'Kegerator (Tapping Kit Incl.)' and three product cards. Each card features a 'UL' logo and a product image. The first card is for the 'Kegerator - EdgeStar', the second for the 'Kegerator - Summit', and the third for the 'Kegerator - Summit Dual'. To the right, a 'Featured Products' sidebar highlights the 'Micro Matic Pro-Line Direct Draw Keg Refrigerator' with a price of \$1,809.00, 'In Stock' status, and an 'Add to Cart' button.

MICRO MATIC

Search View Cart Distribution Login

[Home](#) [Beer Equipment](#) [Wine Equipment](#) [Water Equipment](#) [Resources](#) [Dispense Forum](#) [Help](#)

[View Cart](#) [Shipping Locations](#) Toll Free Orders: 1 (866) 291-5756

Kegerators and Kegerator Supplies

You Are Here: [Beer Equipment](#) > Kegerator

Micro Matic offers a complete line of Kegerators for dispensing draft beer. Priced to meet any budget our range of Home and Commercial Kegerator serve cold beer from a variety of keg packages.

Kegerator (Tapping Kit Incl.)

New!

Kegerator - EdgeStar
Kegerator fits up to 1/2 Barrel Kegs, Complete with keg tapping equipment.

Kegerator - Summit
Kegerator fits up to 1/2 Barrel (Full Size) Kegs, Complete with keg tapping equipment and cleaning kit.

Kegerator - Summit Dual
Kegerator - ideal for dispensing two 1/6th Barrel Kegs, Complete with keg tapping equipment and cleaning kit.

Featured Products

Micro Matic Pro-Line Direct Draw Keg Refrigerator
Kegerator - Commercial Grade Unit, Fits up to 1/2 Barrel (Full Size) Kegs
\$1,809.00
Stock: **In Stock**
MDD23
[+ Add to Cart](#)



Search



View Cart



Distribution Login



- [Home](#)
- [Beer Equipment](#)
- [Wine Equipment](#)
- [Water Equipment](#)
- [Resources](#)
- [Dispense Forum](#)
- [Help](#)

[View Cart](#)

[Shipping Locations](#)

Toll Free Orders: 1 (866) 291-5756

Keg Party Beer Pumps



You Are Here: [Beer Equipment](#) > Keg Party Pumps



SALE

[View All Items](#)

"D" System Keg Party Pumps

Be ready to party with keg beer! Large selection of draft beer picnic pumps for all American beers. 4" & 8" pumps in metal or plastic.



[View All Items](#)

"S" System Keg Party Pumps

Tap a keg of Heineken, Becks or Stella for your next party! Choose from 4" & 8" pumps in metal or plastic.



[View All Items](#)

European A, G, M & U System Keg Party Pumps

Keg Party Dispensing Picnic Pumps, North American Beers, Lever Handle, Metal. Get the most out of your party keg by using a quality Party.



[View All Items](#)

Supreme Keg Pump

Supreme Party Pumps offer an elegant solution to dispensing keg beer. Great for catering or special events, uses the same faucet as a counter mounted draft tower.



[View All Items](#)

Twin Probe

Twin probe beer keg picnic pumps for micro brewery draft beers. Available with 3", 4" or 8" plastic or chrome plated pumps.



[View All Items](#)

Pump Assemblies

Convert a standard CO2 keg coupler into a party pump! Choose from restricted rod or vertical converter types. Available with 3", 4" or 8" pumps.



SALE

[View All Items](#)

Additional Parts

Replacement faucets and hoses. For specific party pump parts see the "Replacement Parts" tab on their page.



[View All Items](#)

Buckets & Jackets

Always serve keg beer cold for best results and flavor. See our FAQ section for Tips on using party/special event equipment.

Featured Products



4" Party Pump - Chrome w/ Lever Handle

4" Party Pump - Chrome w/ Lever Handle - 7509E: D system keg pump has a chrome body and is perfect for home and party draft beer dispensing

\$45.95

Stock: **In Stock**

7509E

[+ Add to Cart](#)

MICRO MATIC Search View Cart Distribution Login

Beer Equipment Wine Equipment Water Equipment Resources Dispense Forum Help

View Cart Shipping Locations Toll Free Orders: 1 (866) 291-5756

CO2 & Nitrogen Regulators for Keg Beer Dispensing

You Are Here: [Beer Equipment](#) > Beer Regulators

Join the Conversation Follow  FOLLOW US ON TWITTER



[View All Items](#)

Primary Beer CO2 Regulators
Single and Double gauge CO2 gas regulators, choice of three models: Economy, Classic and Premium. Maintain proper keg pressure with a reliable gas regulator.



[View All Items](#)

Primary Nitrogen
Primary N2 Gas Regulators in a choice of three models: Economy, Classic and Premium. Experience the difference of a quality gas regulator to maintain the right pressure.



[View All Items](#)

Secondary
Adjust individual keg pressure with a Secondary CO2 Gas Regulator. Modular design allows for creation of a multi-regulator bank.



[View All Items](#)

Panel Assemblies
Multi-keg draft beer systems need dedicated individual pressures. Choose pre-assembled secondary CO2 regulator panels for professional installations.



[View All Items](#)

High Pressure CO2 & Nitrogen Regulators
Recommended only for use with Gas Blender or Nitrogen Generator applications. Adjustable output pressure from 10 to 110 PSI.

EXHIBIT B



Capital Associates

PRC Lawyers

天 咨 律 师 事 务 所

中 华 人 民 共 和 国

北 京 100600 邮 编

朝 阳 区 东 外 大 街 亮 马 河 南 路 14 号

塔 园 外 交 办 公 大 楼 一 单 元 三 层

TEL(电 话): 8610-8447 9588

FAX(传 真): 8610-8447 9349

E-MAIL: lukalu@capitallaw.cc

Unit 1, 3/F

Tayuan Diplomatic Office Building,

No.14, Dongwai Dajie Liangmahe Nanlu,

Chaoyang District, Beijing 100600

People's Republic of China

致: 玉 环 县 和 成 铜 业 有 限 公 司

To: Yuhuan HC Plumbing Company

地 址: 中 国 浙 江 省 台 州 市 玉 环 县 龙 溪 工 业 区, 邮 编 317609

Address: Longxi Industrial Zone, Yuhuan, Taizhou, Zhejiang 317609, CHINA.

法 定 代 表 人: 邱 迪 林

Legal Representative: Qiu Dilin

电 话 / Telephone: 0086 576 8749 8132, 0086 576 8749 6785, 13819656656

传 真 / Fax: 0086 576 8749 8131

电 子 邮 件 / Email: sales4@chinabrass.com; chgliu1236@hotmail.com; Adi@chinabrass.com

律 师 函
Legal Letter

关 于: 停 止 侵 权 事 宜

Re: Ceasing Infringement

敬 启 者:

To whom it may concern,

我 们, 北 京 市 天 咨 律 师 事 务 所, 接 受 北 京 迈 克 罗 · 迈 帝 克 机 械 有 限 公 司 及 其 关 联 公 司 (以 下 合 称 “Micro Matic”) 的 委 托, 就 贵 公 司 侵 犯 Micro Matic 合 法 权 益 一 事, 特 发 出 本 律 师 函。

We, Capital Associates, on behalf of Beijing Micro Matic Machinery Co., Ltd and its affiliated companies (hereinafter collectively referred to as “Micro Matic”), hereby issue this legal letter to your company regarding your infringement on the legitimate

rights and interests of Micro Matic.

鉴于：

Whereas,

Micro Matic 是知名的啤酒设备及饮料设备的生产商和供应商之一，其生产和销售的产品包括酒头、酒矛、耦合器、分配器、啤酒冷却机等产品。Micro Matic 的产品凭借高端的设计和质量享誉全球，具有广泛的市场。

Micro Matic is one of the well-known manufacturers and suppliers of the beer and soft drinks equipment. Its products include wine faucet, wine spear, coupler, distributor, beer refrigerator etc. The products of Micro Matic are well known all over the world with huge market by virtue of high level design and quality.

最近 Micro Matic 发现贵公司声称自己为 Micro Matic 的供应商，并在宣传贵公司及产品的过程中未经 Micro Matic 的许可和授权擅自使用 Micro Matic 的品牌、产品图片及信息。但 Micro Matic 从未与贵公司有过任何合作，也未曾授权贵公司使用 Micro Matic 的品牌、产品图片及信息。贵公司的行为不仅违反了诚实信用原则和公认的商业道德，也侵犯了 Micro Matic 的合法权益。

Recently Micro Matic found that your company was spreading the false information that your company was Micro Matic's supplier and your company was also using the brand name of Micro Matic and the pictures and information of Micro Matic's products to advertise your company and your company's products without the due permission and authorization of Micro Matic. However, Micro Matic has never done any cooperation with your company and has never authorized your company to use the brand name of Micro Matic and the pictures and information of Micro Matic's products. The acts of your company have not only violated the principle of integrity and the generally accepted business ethics, but also infringed the legitimate rights and interests of Micro Matic.

为此，我们郑重地通知贵公司：

We therefore notify your company that,

请于收到本律师函后立刻停止上述行为，即立刻停止通过任何途径（包括但不限于邮件、网站等）宣称为 Micro Matic 的供应商，立刻停止以任何方式使用 Micro Matic 的品牌、产品图片和信息，立刻停止一切侵犯 Micro Matic 合法权益的行为。

Upon receiving this Legal Letter, please immediately stop the said acts, that is to immediately stop saying by any means (including but not limited to emails and websites) that your company is Micro Matic's supplier, immediately stop using the brand name of Micro Matic and the pictures and information of Micro Matic's products by any means and immediately stop all acts that may infringe the legitimate rights and benefits of Micro Matic.

如贵公司能够如期履行前述要求，Micro Matic 将不再追究贵公司相关法律责任。
If your company could perform the above requests within the required time limit,

Micro Matic will not make any further claim against your company on the subject matter.

如贵公司未能履行前述要求，Micro Matic 将不再另行通知而直接采取法律行动以保护其合法权益，包括但不限于向相关工商行政主管部门举报投诉。贵公司将承担因此而产生的所有赔偿金、损失和费用，包括但不限于律师费、诉讼费以及其他赔偿。

If your company fails to perform the above requests, Micro Matic will, without any further notification, take legal actions against your company to protect its legal rights and interests, including but not limited to make report to the competent Administration for Industrial and Commerce. Your company shall take the liability for compensating all the damages, losses and expenses incurred thereby, including but not limited to the attorney fees, litigation fees and other compensations.

顺颂商祺！
Best Regards,

赵文靖 律师
Lawyer Paula Zhao

北京市天咨律师事务所
Capital Associates

2012年7月19日
July 19, 2012