

ESTTA Tracking number: **ESTTA736193**

Filing date: **03/28/2016**

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	03/27/2016
Address	Jakob-Stämpfli-Strasse 96 Biel/Bienne, CH-2502 SWITZERLAND

Attorney information	Jess M. Collen Collen IP, Intellectual Property Law, PC The Holyoke-Manhattan Building, 80 South Highland Avenue Ossining, NY 10562 UNITED STATES ogelber@collen.com, docket@collenip.com Phone:(914) 941-5668
----------------------	---

### Applicant Information

Application No	77448012	Publication date	09/29/2015
Opposition Filing Date	03/28/2016	Opposition Period Ends	03/27/2016
Applicant	ELECTRICA AUTOMOTRIZ OMEGA, S. A. DE C.V. Ave. Miguel Aleman ote. 4423 Guadalupe N.L., 67130 MEXICO		

### Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Batteries, namely, batteries for industrial, commercial, and automotive use
--

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	25036	Application Date	05/23/1894
Registration Date	07/24/1894	Foreign Priority Date	NONE
Word Mark	OMEGA		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 1894/03/10 First Use In Commerce: 1894/03/10 WATCH MOVEMENTS AND WATCH CASES		

U.S. Registration No.	566370	Application Date	12/08/1951
Registration Date	11/04/1952	Foreign Priority Date	NONE
Word Mark	OMEGA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 1894/00/00 First Use In Commerce: 1894/00/00 WATCHES AND PARTS THEREOF		

U.S. Registration No.	578041	Application Date	10/23/1952
Registration Date	07/28/1953	Foreign Priority Date	NONE
Word Mark	OMEGA		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 1894/00/00 First Use In Commerce: 1894/00/00 WATCHES (INCLUDING POCKET WATCHES, WRIST WATCHES WITH OR WITHOUT STRAPS, BANDS OR BRACELETS, PENDANT WATCHES, CALENDAR WATCHES, AND STOPWATCHES) EITHER STEM-WIND OR AUTOMATIC; CLOCKS; CHRONOMETERS, CHRONOGRAPHS, AND PARTS FOR ALL OF THE FOREGOING		

U.S. Registration No.	1290661	Application Date	06/17/1982
Registration Date	08/21/1984	Foreign Priority Date	NONE

Word Mark	OMEGA
-----------	-------

Design Mark			
-------------	--	--	--

Description of Mark	NONE		
---------------------	------	--	--

Goods/Services	Class 004. First use: First Use: 0 First Use In Commerce: 0 [ Lubricating Oils for Watches and Clocks ] Class 008. First use: First Use: 0 First Use In Commerce: 0 [ Tools Used in Clock and Watch Making;Tools Used in Jewelry Making ] Class 014. First use: First Use: 0 First Use In Commerce: 0 Watch Cases [ , Watch Chains, and WatchStands Sold as a Unit with Watches ] Class 016. First use: First Use: 0 First Use In Commerce: 0 [ Fountain Pens and mechanical pencils ]		
----------------	---	--	--

U.S. Application No.	77660056	Application Date	01/30/2009
Registration Date	NONE	Foreign Priority Date	08/08/2008

Word Mark	OMEGA
-----------	-------

Design Mark	
Description of Mark	The mark consists of the letter of the Greek alphabet "OMEGA" above the word "OMEGA".
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0</p> <p>Photo-finish apparatus, namely, electronic photo-finish cameras; transponders; acoustic start apparatus, namely, electronic horns, and electronic loudspeakers; electronic lap counters for counting laps in sports; electronic shot counters for counting shots in sports; countdown timers; starting timers; electronic starting guns for use in sports; electronic starting gates; electronic starting bloc; electronic starting platforms, electronic touchpads; flashes for signaling shots and goals in sports, goal lamps for signaling goals in sports; electronic windmeters; electronic scoreboards; electronic displays, namely, electronic panels, electronic boards and electronic screens; data processing apparatus, namely, hardware for recording, processing and transmitting sports data; software for recording, processing and transmitting sports data, all the aforesaid goods intended for the field of sports</p>

Attachments	<p>70025036#TMSN.png( bytes )  71622275#TMSN.png( bytes )  71637074#TMSN.png( bytes )  73370198#TMSN.png( bytes )  77660056#TMSN.png( bytes )  R1170 Notice of Opposition.pdf(586222 bytes )</p>
-------------	--

### 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	03/28/2016

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

Applicant : Electrica Automotriz Omega, S. A. De C. V.  
Serial No. : 77/448,012  
Filed : April 14, 2008



For :  
Published : September 29, 2015

Assistant Commissioner of Trademarks  
Box TTAB – FEE  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**NOTICE OF OPPOSITION**

Omega SA (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 its 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 identical and highly related goods to those recited by Applicant in its application to register since a time prior to the date of Applicant’s application date.

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

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

OMEGA (AND DESIGN)	REG. NO.	25,036	Exhibit 1
OMEGA	REG. NO.	566,370	Exhibit 2
OMEGA (AND DESIGN)	REG. NO.	578,041	Exhibit 3
OMEGA (AND DESIGN)	REG. NO.	1,290,661	Exhibit 4
OMEGA (AND DESIGN)	SER. NO.	77660056	Exhibit 5

and others (collectively referred to as the OMEGA Marks). (See Exhibits 1-5, 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 marks. The public has come to associate the OMEGA symbol and its spoken equivalent "OMEGA" word marks, with Opposer and Opposer's goods and services, including but not limited to watches, sports products, sports accessories, electronics, perfume, clothing, jewelry, publications, leather goods, bags, accessories and services.

(5) Omega'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 U.S.C. 1057(b), and of the exclusive right to use the registered mark in commerce. Furthermore, Registration Numbers 25,036, 566,370, 578,041 and 1,290,661 are 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).

(7) Applicant's mark makes a highly similar commercial impression to Opposer's marks due to its incorporation of OMEGA and the symbol  $\Omega$  in its mark, creating a virtually identical sound, appearance and connotation.

(8) Applicant has appropriated the distinctive aspect of Opposer's marks.

(9) 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.

(10) Omega has used its OMEGA Marks in commerce extensively and has acquired a considerable and valuable goodwill and wide scale recognition for its marks. The public has come to associate OMEGA and the  $\Omega$  and the OMEGA +  $\Omega$  marks, with Opposer and Opposer's goods and services.

(11) On information and belief, use of the OMEGA Marks by the Applicant for its goods in Class 009 will cause confusion, mistake and deception with respect to those goods by virtue of the Opposer's prior use and fame of its OMEGA Marks.

(12) On information and belief, both the Applicant's mark and Omega's OMEGA Marks are applied to similar and highly related goods and are likely to be sold to the same or similar channels of distribution.

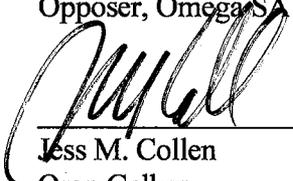
(13) Applicant's mark so resembles Omega's OMEGA Marks, which are well-known trademarks, as used in the United States and not abandoned, as to be likely to cause confusion, or to cause mistake or to deceive.

(14) Opposer has used the OMEGA Marks on highly related and/or identical goods to those recited by Applicant in its application, since a time prior to Applicant's filing date for its mark.

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

OPPOSER Omega prays that this application Serial No. 77/448,012, 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 SA

By: 

Jess M. Collen

Oren Gelber

COLLEN IP

The Holyoke-Manhattan Building

80 South Highland Ave

Ossining, NY 10562

Tel.: (914) 941-5668

Fax (914) 941-6091

[jcollen@collenip.com](mailto:jcollen@collenip.com)

[ogelber@collenip.com](mailto:ogelber@collenip.com)

*Attorneys for Opposer*

DATED: March 28, 2016

Enclosure: Exhibits 1-5  
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: Owen Gelber Date: March 28, 2016

**CERTIFICATE OF SERVICE**

I, Carina Scorcio, 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 by U.S. Mail, postage prepaid at the following address:

JOHN E. RUSSELL  
ALLMARK TRADEMARK  
2089 Avy Ave.  
Menlo Park, CA 94025

With courtesy copies sent by email to the following addresses:

[allmarktrademark@gmail.com](mailto:allmarktrademark@gmail.com)  
[john@allmarktrademark.com](mailto:john@allmarktrademark.com)

Said service having taken place this 28th day of March, 2016.

Carina Scorcio

# **EXHIBIT 1**

Generated on: This page was generated by TSDR on 2016-03-28 10:57:42 EDT

Mark: OMEGA



US Serial Number: 70025036

Application Filing Date: May 23, 1894

US Registration Number: 25036

Registration Date: Jul. 24, 1894

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Jul. 26, 2014

---

## Mark Information

---

Mark Literal Elements: OMEGA

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

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

---

## Related Properties Information

---

Publish Previously Registered Mark: Yes

Previously Registered Mark Publication Date: Jan. 17, 1950

---

## 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: WATCH MOVEMENTS AND WATCH CASES

International Class(es): 014

U.S Class(es): 027 - Primary Class

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 10, 1894

Use in Commerce: Mar. 10, 1894

---

## 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:** OMEGA SA (OMEGA AG) (OMEGA LTD.)

**Owner Address:** Jakof-Stämpfli-Strasse 96  
Biel/Bienne 2502  
SWITZERLAND

**Legal Entity Type:** CORPORATION

**State or Country** SWITZERLAND  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Jess M. Collen

**Docket Number:** 27540

**Attorney Primary** [trademark@collenip.com](mailto:trademark@collenip.com)  
**Email Address:**

**Attorney Email** Yes  
**Authorized:**

### Correspondent

**Correspondent** Jess M. Collen  
**Name/Address:** COLLEN IP Intellectual Property Law, P.C.  
80 South Highland Avenue  
THE HOLYOKE MANHATTAN BUILDING  
Ossining, NEW YORK 10562  
UNITED STATES

**Phone:** 914-941-5668

**Correspondent e-** [trademark@collenip.com](mailto:trademark@collenip.com)  
**mail:**

**Correspondent e-** Yes  
**mail Authorized:**

### Domestic Representative

**Domestic** Jess M. Collen  
**Representative**  
**Name:**

**Phone:** 914-941-5668

**Domestic** [trademark@collenip.com](mailto:trademark@collenip.com)  
**Representative e-**  
**mail:**

**Domestic** Yes  
**Representative e-**  
**mail Authorized:**

## Prosecution History

Date	Description	Proceeding Number
Jul. 26, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jul. 26, 2014	REGISTERED AND RENEWED (SIXTH RENEWAL - 10 YRS)	68335
Jul. 26, 2014	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68335
Jul. 24, 2014	TEAS SECTION 8 & 9 RECEIVED	
Jun. 10, 2008	NOTICE OF SUIT	
May 02, 2007	CASE FILE IN TICRS	
Jul. 26, 2006	REVIEW OF CORRESPONDENCE COMPLETE	59315
Oct. 20, 2004	PAPER RECEIVED	
Sep. 23, 2004	REGISTERED AND RENEWED (FIFTH RENEWAL - 10 YRS)	
Sep. 23, 2004	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jul. 15, 2004	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Sep. 17, 1985	REGISTERED AND RENEWED (FOURTH RENEWAL - 20 YRS)	

## Maintenance Filings or Post Registration Information

**Affidavit of** Section 8 - Accepted  
**Continued Use:**

**Affidavit of** Section 15 - Accepted  
**Incontestability:**

**Renewal Date:** Jul. 24, 2014

# TM Staff and Location Information

## TM Staff Information - None

### File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Jul. 26, 2014

## Assignment Abstract Of Title Information

### Summary

Total Assignments: 2

Registrant: LOUIS BRANDT & FRERE

### Assignment 1 of 2

Conveyance: CHANGE OF NAME 19820324

Reel/Frame: [0440/0955](#)

Pages: 0

Date Recorded: May 20, 1983

Supporting Documents: No Supporting Documents Available

### Assignor

Name: [TIPP-EX FABRIKATION WOLFGANG DABISCH CHANGED TO](#)

Execution Date: Mar. 24, 1982

Legal Entity Type: UNKNOWN

State or Country Where Organized: No Place Where Organized Found

Name: [TIPP-EX TECHNIK WOLFGANG DABISCH CHANGED TO](#)

Execution Date: Not Found

Legal Entity Type: UNKNOWN

State or Country Where Organized: No Place Where Organized Found

### Assignee

Name: [WOLFGANG DABISCH](#)

Legal Entity Type: UNKNOWN

State or Country Where Organized: No Place Where Organized Found

Address: No Assignee Address Found

### Correspondent

Correspondent Name: HENRY L. SHENIER

Correspondent Address: 380 LEXINGTON AVE.  
NEW YORK, NY 10168

## Domestic Representative - Not Found

### Assignment 2 of 2

Conveyance: CHANGE OF NAME 19820624

Reel/Frame: [0444/0955](#)

Pages: 3

Date Recorded: May 05, 1983

Supporting Documents: No Supporting Documents Available

### Assignor

Name: [OMEGA LOUIS BRANDT & FRERE S.A.](#)

Execution Date: Mar. 16, 1983

Legal Entity Type: UNKNOWN

State or Country Where Organized: No Place Where Organized Found

### Assignee

Name: [OMEGA SA \(OMEGA AG\) \(OMEGA LTD.\)](#)

Legal Entity Type: UNKNOWN

State or Country Where Organized: No Place Where Organized Found

Address: No Assignee Address Found

### Correspondent

Correspondent Name: HENRY L. SHENIER

Correspondent: SHENIER & O'CONNOR

**Address:** 380 LEXINGTON AVE.  
NEW YORK, NY 10168  
SHENIER AND O'CONNOR

**Domestic Representative - Not Found**

original

Renewed to  
Societe Anonyme Louis Brandt & Frere Omega Watch Co.  
Renewed July 24-1944 to Societe Anonyme Louis Brandt  
& Frere Omega Watch Co., an organized company of  
Switzerland.

# UNITED STATES PATENT OFFICE.

LOUIS BRANDT & FRÈRE, OF BIENNE, SWITZERLAND.

## TRADE-MARK FOR WATCH-MOVEMENTS AND WATCHCASES.

STATEMENT and DECLARATION of Trade-Mark No. 25,036, registered July 24, 1894.

Application filed May 23, 1894.

### STATEMENT.

To all whom it may concern:

Be it known that we, LOUIS BRANDT & FRÈRE, a firm domiciled and doing business in Bienne, Switzerland, have adopted for our use a Trade-Mark for Watch-Movements and Watchcases, of which the following is a full, clear, and exact specification.

Our trade-mark consists of the arbitrary sign of the last letter of the Greek alphabet. This has generally been arranged as shown in the accompanying fac-simile, in which it appears above the word "Omega." But it may be differently arranged and the word "Omega" may be omitted without materially altering the character of our trade-mark, the essential feature of which is the Greek letter "Ω."

This trade-mark has been continuously used by us in our business since March 10, 1894.

The class of merchandise to which this trade-mark is appropriated is horology, and the particular description of goods comprised in such class on which it is used by us is watch-movements and watch-cases. It is usually affixed to the goods by stamping or by printing it upon suitable labels which are afterward placed upon the packages containing the articles.

Signed this 2d day of May, 1894.

LOUIS BRANDT & FRÈRE.

Witnesses:

EDOUARD HAAS,  
ALF. H. BESSIR.

### DECLARATION.

United States consulate Berne Switzerland ss.

LOUIS PAUL BRANDT being duly sworn deposes and says that he is a member of the firm of LOUIS BRANDT AND FRÈRE, the applicants named in the foregoing statement; that he verily believes that the foregoing statement is true; that the said firm has at this time a right to the use of the trade-mark therein described; that no other person, firm or corporation has the right to such use, either in the identical form or in any such near resemblance thereto as might be calculated to deceive; that it is

used by the applicants in commerce between the United States and foreign nations and particularly with Switzerland; and that the description and fac-simile presented for record truly represent the trade-mark sought to be registered.

LOUIS PAUL BRANDT.

Sworn to and subscribed before me this 14th day of June, 1894.

[L. s.]

JOHN E. HINNEN,  
U. S. Vice-Consul.

Republished, under the Act of 1946, Jan. 17, 1950, by  
Omega Louis Brandt & Frere, S. A., Bienne, Switzerland.

New Certificate issued November 18, 1952, under Sec. 7c for unexpired term to Omega Louis Brandt & Frere S. A., of Biénne, Switzerland, a corporation of Switzerland, by change of name from Societe Anonyme Louis Brandt & Frere Omega Watch Co.

# **EXHIBIT 2**

Generated on: This page was generated by TSDR on 2016-03-28 11:00:12 EDT

Mark: OMEGA

OMEGA

US Serial Number: 71622275

Application Filing Date: Dec. 08, 1951

US Registration Number: 566370

Registration Date: Nov. 04, 1952

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Nov. 04, 2012

## Mark Information

Mark Literal Elements: OMEGA

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: 0025036

## 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

U.S Class(es): 027 - Primary Class

Class Status: ACTIVE

Basis: 1(a)

First Use: 1894

Use in Commerce: 1894

## 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: OMEGA SA (OMEGA AG) (OMEGA LTD.)

Owner Address: JAKOB-STAMPFLI-STRASSE 96

2502 BIEL/BIENNE  
SWITZERLAND

Legal Entity Type: CORPORATION

State or Country SWITZERLAND  
Where Organized:

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: JESS M. COLLEN

Docket Number: 27470

Attorney Primary Email Address: [trademark@collenip.com](mailto:trademark@collenip.com)

Attorney Email Authorized: Yes

### Correspondent

Correspondent Name/Address: JESS M. COLLEN  
COLLEN IP, INTELLECTUAL PROPERTY LAW, P.C.  
80 SOUTH HIGHLAND AVENUE  
The Holyoke-Manhattan Building  
OSSINING, NEW YORK 10562  
UNITED STATES

Phone: (914) 941-5668

Fax: (914) 941-6091

Correspondent e-mail: [trademark@collenip.com](mailto:trademark@collenip.com)

Correspondent e-mail Authorized: Yes

### Domestic Representative

Domestic Representative Name: JESS M. COLLEN

Phone: (914) 941-5668

Fax: (914) 941-6091

Domestic Representative e-mail: [trademark@collenip.com](mailto:trademark@collenip.com)

Domestic Representative e-mail Authorized: Yes

## Prosecution History

Date	Description	Proceeding Number
Nov. 25, 2015	NOTICE OF SUIT	
Nov. 25, 2015	NOTICE OF SUIT	
Nov. 25, 2015	NOTICE OF SUIT	
Nov. 25, 2015	NOTICE OF SUIT	
Nov. 25, 2015	NOTICE OF SUIT	
Nov. 25, 2015	NOTICE OF SUIT	
Nov. 25, 2015	NOTICE OF SUIT	
Oct. 07, 2013	NOTICE OF SUIT	
Aug. 06, 2013	NOTICE OF SUIT	
Nov. 05, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Nov. 04, 2012	REGISTERED AND RENEWED (FOURTH RENEWAL - 10 YRS)	68335
Nov. 04, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68335
Nov. 02, 2012	TEAS SECTION 8 & 9 RECEIVED	
Jan. 29, 2009	CASE FILE IN TICRS	
Jun. 10, 2008	NOTICE OF SUIT	
Mar. 04, 2003	REGISTERED AND RENEWED (THIRD RENEWAL - 10 YRS)	
Mar. 04, 2003	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Nov. 04, 2002	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Oct. 25, 2002	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	
Oct. 25, 2002	PAPER RECEIVED	
Dec. 08, 1992	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	
Oct. 01, 1992	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	
Nov. 04, 1972	REGISTERED AND RENEWED (FIRST RENEWAL - 20 YRS)	

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Nov. 04, 2012

---

## TM Staff and Location Information

---

### TM Staff Information - None

#### File Location

**Current Location:** GENERIC WEB UPDATE

**Date in Location:** Nov. 04, 2012

---

## Assignment Abstract Of Title Information

---

### Summary

**Total Assignments:** 1

**Registrant:** OMEGA LOUIS BRANDT & FRERE, S.A.

---

### Assignment 1 of 1

---

**Conveyance:** CHANGE OF NAME 19820624

**Reel/Frame:** [0582/0575](#)

**Pages:** 3

**Date Recorded:** Nov. 13, 1987

**Supporting Documents:** No Supporting Documents Available

### Assignor

**Name:** [OMEGA LOUIS BRANDT & FRERE S.A.](#)

**Execution Date:** Apr. 15, 1987

**Legal Entity Type:** UNKNOWN

**State or Country Where Organized:** No Place Where Organized Found

### Assignee

**Name:** [OMEGA SA \(OMEGA AG\) \(OMEGA LTD.\)](#)

**Legal Entity Type:** UNKNOWN

**State or Country Where Organized:** No Place Where Organized Found

**Address:** No Assignee Address Found

### Correspondent

**Correspondent Name:** SHENIER & O'CONNOR

**Correspondent Address:** 122 EAST 42ND STREET  
NEW YORK, NY 10168

---

**Domestic Representative - Not Found**

Registered Nov. 4, 1952

Registration No. 566,370

**PRINCIPAL REGISTER**  
**Trade-Mark**

**UNITED STATES PATENT OFFICE**

**Omega Louis Brandt & Frère, S. A.,  
Bienne, Switzerland**

**Act of 1946**

**Application December 8, 1951, Serial No. 622,275**

**OMEGA**

**STATEMENT**

Omega Louis Brandt & Frère, S. A., a Swiss corporation, located and doing business at Bienne, Switzerland, has adopted and is using the trade-mark shown in the accompanying drawing, for WATCHES AND PARTS THEREOF, in Class 27, Horological instruments, and presents herewith five specimens showing the trade-mark as actually used in connection with such goods, the trade-mark being applied by stamping, printing or engraving the same on the goods and by printing the same on the containers and/or tags attached to the goods, and requests that the same be registered in the United States Patent Office on the Principal Register in accordance with the act of July 5, 1946.

The trade-mark was first used in 1894 and was first used in commerce which may lawfully be regulated by the Congress, viz. commerce between the United States and Switzerland in the same year.

Applicant owns the following U. S. registration: No. 25,036.

The applicant hereby designates Chauncey P. Carter, of 4400 Klinge Street, Washington 16, D. C., as applicant's representative in the United States on whom notices or process in proceedings affecting the mark may be served.

**OMEGA LOUIS BRANDT & FRÈRE, S. A.,**  
By **A. VALLAT,**  
*Commercial Manager.*

# **EXHIBIT 3**

Generated on: This page was generated by TSDR on 2016-03-28 11:02:49 EDT

Mark: OMEGA



US Serial Number: 71637074

Application Filing Date: Oct. 23, 1952

US Registration Number: 578041

Registration Date: Jul. 28, 1953

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Jul. 05, 2013

---

## Mark Information

---

Mark Literal Elements: OMEGA

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

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

---

## Related Properties Information

---

Claimed Ownership of US Registrations: 0025036, 0566370

---

## 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 (INCLUDING POCKET WATCHES, WRIST WATCHES WITH OR WITHOUT STRAPS, BANDS OR BRACELETS, PENDANT WATCHES, CALENDAR WATCHES, AND STOPWATCHES) EITHER STEM-WIND OR AUTOMATIC; CLOCKS; CHRONOMETERS, CHRONOGRAPHS, AND PARTS FOR ALL OF THE FOREGOING

International Class(es): 014

U.S Class(es): 027 - Primary Class

Class Status: ACTIVE

Basis: 1(a)

First Use: 1894

Use in Commerce: 1894

---

## 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:** OMEGA SA (OMEGA AG) (OMEGA LTD.)

**Owner Address:** Jakob-Stämpfli-Strasse 96  
2502 Biel/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:** 27640

**Attorney Primary Email Address:** [trademark@collenip.com](mailto:trademark@collenip.com)

**Attorney Email Authorized:** Yes

### 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](mailto: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](mailto:trademark@collenip.com)

**Domestic Representative e-mail Authorized:** Yes

## Prosecution History

Date	Description	Proceeding Number
Jul. 05, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jul. 05, 2013	REGISTERED AND RENEWED (FOURTH RENEWAL - 10 YRS)	68335
Jul. 05, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68335
Jun. 28, 2013	TEAS SECTION 8 & 9 RECEIVED	
Jun. 27, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jun. 27, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Oct. 09, 2008	CASE FILE IN TICRS	
Jun. 10, 2008	NOTICE OF SUIT	
Sep. 06, 2003	REGISTERED AND RENEWED (THIRD RENEWAL - 10 YRS)	
Sep. 06, 2003	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jun. 06, 2003	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Jun. 06, 2003	PAPER RECEIVED	
Dec. 10, 1997	ABANDONMENT DELETED BY TTAB	
Dec. 10, 1997	COUNTERCLAIM OPP. NO. 999999	105595
Dec. 10, 1997	ABANDONMENT DELETED BY TTAB	
May 12, 1994	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	
Apr. 12, 1994	RESPONSE RECEIVED TO POST REG. ACTION	
Oct. 12, 1993	POST REGISTRATION ACTION MAILED - SEC. 9	
Aug. 17, 1993	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	
Jul. 28, 1973	REGISTERED AND RENEWED (FIRST RENEWAL - 20 YRS)	

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Jul. 28, 2013

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** GENERIC WEB UPDATE

**Date in Location:** Jul. 05, 2013

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 1

**Registrant:** OMEGA LOUIS BRANDT & FRERE, S.A.

### Assignment 1 of 1

**Conveyance:** CHANGE OF NAME EFFECTIVE 6-24-82.

**Reel/Frame:** [1135/0407](#)

**Pages:** 5

**Date Recorded:** Apr. 12, 1994

**Supporting Documents:** No Supporting Documents Available

### Assignor

**Name:** [OMEGA LOUIS BRANDT & FRERE S.A.](#)

**Execution Date:** Apr. 15, 1987

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** SWITZERLAND

### Assignee

**Name:** [OMEGA SA \(OMEGA AG\) \(OMEGA LTD.\)](#)

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** SWITZERLAND

**Address:** BIENNE, SWITZERLAND

### Correspondent

**Correspondent Name:** JESS M. COLLEN

**Correspondent Address:** MCGLEW AND TUTTLE, P.C.  
SCARBOROUGH STATION  
SCARBOROUGH, NY 10510-0827

**Domestic Representative - Not Found**

Int. Cl.: 14

Prior U.S. Cl.: 27

United States Patent and Trademark Office  
10 Year Renewal

Reg. No. 578,041

Registered July 28, 1953

Renewal Term Begins July 28, 1993

**TRADEMARK  
PRINCIPAL REGISTER**



OMEGA SA (OMEGA AG) (OMEGA LTD.) (SWITZERLAND CORPORATION) BIENNE, SWITZERLAND, BY CHANGE OF NAME FROM OMEGA LOUIS BRANDT & FRERE, S.A. (SWITZERLAND CORPORATION) BIENNE, SWITZERLAND

OWNER OF U.S. REG. NOS. 25,036 AND 566,370.

FOR: WATCHES (INCLUDING POCKET WATCHES, WRIST WATCHES

WITH OR WITHOUT STRAPS, BANDS OR BRACELETS, PENDANT WATCHES, CALENDAR WATCHES, AND STOP-WATCHES) EITHER STEM-WIND OR AUTOMATIC; CLOCKS; CHRONOMETERS, CHRONOGRAPHS, AND PARTS FOR ALL OF THE FOREGOING, IN CLASS 27 (INT. CL. 14).

FIRST USE 0-0-1894; IN COMMERCE 0-0-1894.

SER. NO. 71-637,074, FILED 10-23-1952.

*In testimony whereof I have hereunto set my hand and caused the seal of The Patent and Trademark Office to be affixed on June 21, 1994.*

COMMISSIONER OF PATENTS AND TRADEMARKS

Registered July 28, 1953

Registration No. 578,041

**PRINCIPAL REGISTER**  
**Trade-Mark**

**UNITED STATES PATENT OFFICE**

**Omega Louis Brandt & Frère, S. A.,  
Biemme, Switzerland**

**Act of 1946**

**Application October 23, 1952, Serial No. 637,074**



**STATEMENT**

Omega Louis Brandt & Frère, S. A., a Swiss corporation, located and doing business at Biemme, Switzerland, has adopted and is using the trade-mark shown in the accompanying drawing, for WATCHES (INCLUDING POCKET WATCHES, WRIST WATCHES WITH OR WITHOUT STRAPS, BANDS OR BRACELETS, PENDANT WATCHES, CALENDAR WATCHES, AND STOPWATCHES) EITHER STEM-WIND OR AUTOMATIC; CLOCKS; CHRONOMETERS, CHRONOGRAPHS, AND PARTS FOR ALL OF THE FOREGOING, in Class 27, Horological instruments, and presents herewith five specimens showing the trade-mark as actually used in connection with such goods, the trade-mark being applied to the goods; to tags or labels fastened to the goods; or to the containers, and requests that the same be registered in the United States

Patent Office on the Principal Register in accordance with the act of July 5, 1946.

The trade-mark was first used in 1894, and was first used in commerce which may lawfully be regulated by Congress, viz., commerce between the United States and Switzerland in the same year. Such first usage was on watches.

Applicant owns the following U. S. registrations: Nos. 25,036 and 566,370.

The applicant hereby designates Chauncey P. Carter, of 4400 Klinge Street, Washington 16, D. C., as applicant's representative in the United States on whom notices or process in proceedings affecting the mark may be served.

OMEGA LOUIS BRANDT &  
FRÈRE, S. A.,

By ADOLPHE VALLAT,  
*Commercial Manager.*

# **EXHIBIT 4**

Generated on: This page was generated by TSDR on 2016-03-28 11:04:29 EDT

Mark: OMEGA



US Serial Number: 73370198

Application Filing Date: Jun. 17, 1982

US Registration Number: 1290661

Registration Date: Aug. 21, 1984

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Oct. 17, 2014

Publication Date: Nov. 15, 1983

---

## Mark Information

---

Mark Literal Elements: OMEGA

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

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

---

## Foreign Information

---

Foreign Registration Number: 312,338

Foreign Registration Date: May 12, 1981

Application/Registration Country: Foreign SWITZERLAND

Foreign Expiration Date: May 12, 2001

---

## 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: [ Lubricating Oils for Watches and Clocks ]

International Class(es): 004 - Primary Class

U.S Class(es): 001, 006, 015

Class Status: SECTION 8 - CANCELLED

Basis: 44(e)

For: [ Tools Used in Clock and Watch Making; Tools Used in Jewelry Making ]

International Class(es): 008 - Primary Class

U.S Class(es): 023, 028, 044

Class Status: SECTION 8 - CANCELLED

Basis: 44(e)

For: Watch Cases [ , Watch Chains, and Watch Stands Sold as a Unit with Watches ]

International Class(es): 014 - Primary Class

U.S Class(es): 002, 027, 028, 050

**Class Status:** ACTIVE

**Basis:** 44(e)

**For:** [ Fountain Pens and mechanical pencils ]

**International Class(es):** 016 - Primary Class

**U.S Class(es):** 002, 005, 022, 023, 029, 037, 038, 050

**Class Status:** SECTION 8 - CANCELLED

**Basis:** 44(e)

## Basis Information (Case Level)

<b>Filed Use:</b> No	<b>Currently Use:</b> No	<b>Amended Use:</b> No
<b>Filed ITU:</b> No	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> Yes	<b>Currently 44E:</b> Yes	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

## Current Owner(s) Information

**Owner Name:** Omega SA (Omega AG) (Omega Ltd.)

**Owner Address:** Jakob-Stämpfli-Strasse 96  
Biel/Bienne CH2500  
SWITZERLAND

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** SWITZERLAND

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** JESS M. COLLEN  
**Attorney Primary Email Address:** [trademark@collenip.com](mailto:trademark@collenip.com)  
**Docket Number:** 27590  
**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** JESS M. COLLEN  
COLLEN IP Intellectual Property Law, P.C.  
80 South Highland Avenue  
THE HOLYOKE-MANHATTAN BUILDING  
OSSINING, NEW YORK 10562  
UNITED STATES  
**Phone:** 914-941-5668  
**Correspondent e-mail:** [trademark@collenip.com](mailto:trademark@collenip.com)  
**Correspondent e-mail Authorized:** Yes

### Domestic Representative

**Domestic Representative Name:** JESS M. COLLEN  
**Domestic Representative e-mail:** [trademark@collenip.com](mailto:trademark@collenip.com)  
**Phone:** 914-941-5668  
**Domestic Representative e-mail Authorized:** Yes

## Prosecution History

Date	Description	Proceeding Number
Oct. 17, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Oct. 17, 2014	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	68973
Oct. 17, 2014	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68973
Aug. 30, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68973
Aug. 14, 2014	TEAS SECTION 8 & 9 RECEIVED	

Jul. 24, 2014	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	73376
Jul. 24, 2014	REGISTERED - SEC. 9 GRANTED/CHECK RECORD FOR SEC. 8	73376
Jul. 24, 2014	ASSIGNED TO PARALEGAL	73376
Apr. 23, 2014	COUNTERCLAIM OPP. NO. 999999	122979
Jun. 10, 2008	NOTICE OF SUIT	
Apr. 04, 2006	AMENDMENT UNDER SECTION 7 - ISSUED	
Mar. 31, 2006	ASSIGNED TO PARALEGAL	73376
Dec. 16, 2005	REGISTERED - PARTIAL SEC. 8 (10-YR) ACCEPTED	
Dec. 05, 2005	PAPER RECEIVED	
Aug. 03, 2005	POST REGISTRATION ACTION CORRECTION	
Feb. 22, 2005	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Feb. 22, 2005	PAPER RECEIVED	
Sep. 25, 2001	COUNTERCLAIM OPP. NO. 999999	122979
Oct. 23, 1990	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Aug. 14, 1990	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Aug. 21, 1984	REGISTERED-PRINCIPAL REGISTER	
Nov. 15, 1983	PUBLISHED FOR OPPOSITION	
Nov. 15, 1983	PUBLISHED FOR OPPOSITION	
Sep. 28, 1983	NOTICE OF PUBLICATION	
Sep. 23, 1983	NOTICE OF PUBLICATION	
Aug. 26, 1983	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 06, 1983	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Apr. 21, 1983	NON-FINAL ACTION MAILED	
Mar. 28, 1983	ASSIGNED TO EXAMINER	

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Filed Section 15 - Accepted

**Renewal Date:** Aug. 21, 2014

**Change in Registration:** Yes

**Amendment to a Registration/Renewal Certificate:** In the statement, Column 1 and 2, the goods in classes 4,8, and 16 are deleted.

## TM Staff and Location Information

**TM Staff Information - None**

**File Location**

**Current Location:** POST REGISTRATION

**Date in Location:** Oct. 17, 2014

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 1

**Registrant:** Omega SA (Omega AG) (Omega Ltd.)

### Assignment 1 of 1

**Conveyance:** CHANGE OF NAME 19820624

**Reel/Frame:** [0444/0955](#)

**Pages:** 3

**Date Recorded:** May 05, 1983

**Supporting Documents:** No Supporting Documents Available

### Assignor

**Name:** [OMEGA LOUIS BRANDT & FRERE S.A.](#)

**Execution Date:** Mar. 16, 1983

**Legal Entity Type:** UNKNOWN

**State or Country:** No Place Where Organized Found

**Where Organized:**

**Assignee**

**Name:** [OMEGA SA \(OMEGA AG\) \(OMEGA LTD.\)](#)

**Legal Entity Type:** UNKNOWN

**State or Country** No Place Where Organized Found  
**Where Organized:**

**Address:** No Assignee Address Found

**Correspondent**

**Correspondent Name:** HENRY L. SHENIER

**Correspondent Address:** SHENIER & O'CONNOR  
380 LEXINGTON AVE.  
NEW YORK, NY 10168  
SHENIER AND O'CONNOR

**Domestic Representative - Not Found**

Int. Cls.: 4, 8, 9, 14 and 16

Prior U.S. Cls.: 15, 23, 26, 27 and 37

**United States Patent and Trademark Office**

**Reg. No. 1,290,661**

Registered Aug. 21, 1984

**TRADEMARK**  
Principal Register



Omega SA (Omega AG) (Omega Ltd.) (Switzerland corporation)  
96 rue Staempfli  
Bienne, Switzerland 2500, by change of name from  
Omega Louis Brandt & Frere S.A. (Switzerland corporation)  
Bienne, Switzerland

For: LUBRICATING OILS FOR WATCHES AND CLOCKS, in CLASS 4 (U.S. Cl. 15).

For: TOOLS USED IN CLOCK AND WATCH MAKING; TOOLS USED IN JEWELRY MAKING, in CLASS 8 (U.S. Cl. 23).

For: COMPUTER APPARATUS FOR CHECKING AND CONTROLLING THE MEASUREMENT OF TIME AND DISTANCE FOR SPORTING EVENTS, SCIENTIFIC INVESTIGATION, AND INDUSTRIAL APPLICATION, INCLUDING THE ACQUISITION, TRANSMISSION, AND MANAGEMENT OF INFORMATION INTENDED FOR TRANSPORTA-

TION, PUBLICITY, AND FINANCIAL USE; COMPUTERS FOR CALCULATING INFORMATION IN RESPECT OF TIME AND DISTANCE, STORING SUCH INFORMATION, AND MAKING THE SAME AVAILABLE IN VISUAL OR AUDIBLE FORM -- ALL OF WHICH INSTALLATIONS CONTAIN ELECTRONIC ELEMENTS, in CLASS 9 (U.S. Cl. 26).

For: WATCH CASES, WATCH CHAINS, AND WATCH STANDS SOLD AS A UNIT WITH WATCHES, in CLASS 14 (U.S. Cl. 27).

For: FOUNTAIN PENS AND MECHANICAL PENCILS, in CLASS 16 (U.S. Cl. 37).

Owner of Switzerland Reg. No. 312,338, dated May 12, 1981, expires May 12, 2001.

Ser. No. 370,198, filed Jun. 17, 1982.

B. C. WASHINGTON, Examining Attorney

# **EXHIBIT 5**

Generated on: This page was generated by TSDR on 2016-03-28 11:06:22 EDT

Mark: OMEGA



US Serial Number: 77660056

Application Filing Date: Jan. 30, 2009

Register: Principal

Mark Type: Trademark

Status: A first request for extension of time to file a Statement of Use has been granted.

Status Date: Oct. 23, 2015

Publication Date: Mar. 03, 2015

Notice of Allowance Date: Apr. 28, 2015

---

## Mark Information

---

Mark Literal Elements: OMEGA

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the letter of the Greek alphabet "OMEGA" above the word "OMEGA".

Color(s) Claimed: Color is not claimed as a feature of the mark.

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

---

## Related Properties Information

---

Claimed Ownership of US Registrations: 1969071, 3146117, 3318408 and others

---

## Foreign Information

---

Priority Claimed: Yes

Foreign Application Number: 59866/2008

Foreign Application Filing Date: Aug. 08, 2008

Foreign Registration Number: 579785

Foreign Registration Date: Nov. 28, 2008

Foreign Application/Registration Country: SWITZERLAND

Foreign Expiration Date: Aug. 08, 2018

---

## 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: Photo-finish apparatus, namely, electronic photo-finish cameras; transponders; acoustic start apparatus, namely, electronic horns, and electronic loudspeakers; electronic lap counters for counting laps in sports; electronic shot counters for counting shots in sports;

countdown timers; starting timers; electronic starting guns for use in sports; electronic starting gates; electronic starting bloc; electronic starting platforms, electronic touchpads; flashes for signaling shots and goals in sports, goal lamps for signaling goals in sports; electronic windmeters; electronic scoreboards; electronic displays, namely, electronic panels, electronic boards and electronic screens; data processing apparatus, namely, hardware for recording, processing and transmitting sports data; software for recording, processing and transmitting sports data, all the aforesaid goods intended for the field of sports

**International Class(es):** 009 - Primary Class

**U.S Class(es):** 021, 023, 026, 036, 038

**Class Status:** ACTIVE

**Basis:** 1(b) 44(e)

## Basis Information (Case Level)

<b>Filed Use:</b> No	<b>Currently Use:</b> No	<b>Amended Use:</b> No
<b>Filed ITU:</b> Yes	<b>Currently ITU:</b> Yes	<b>Amended ITU:</b> No
<b>Filed 44D:</b> Yes	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> Yes	<b>Currently 44E:</b> Yes	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

## Current Owner(s) Information

**Owner Name:** Omega SA (Omega AG) (Omega Ltd.)

**Owner Address:** Jakob-Stampfli-Strasse 96  
2502 Biel/Bienne SWITZERLAND

**Legal Entity Type:** JOINT STOCK COMPANY

**State or Country Where Organized:** SWITZERLAND

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Jess M. Collen

**Docket Number:** J230

### Correspondent

**Correspondent Name/Address:** AUDRA KEMP  
COLLEN IP INTELLECTUAL PROPERTY LAW PC  
80 SOUTH HIGHLAND AVENUE  
THE HOLYOKE-MANHATTAN BUILDING  
OSSINING, NEW YORK UNITED STATES 10562

**Phone:** (914) 941-5668

**Fax:** (914) 941-6091

### Domestic Representative

**Domestic Representative Name:** Jess M. Collen

**Phone:** (914) 941-5668

**Fax:** (914) 941-6091

## Prosecution History

Date	Description	Proceeding Number
Oct. 27, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST MAILED	
Oct. 23, 2015	EXTENSION 1 GRANTED	98765
Oct. 23, 2015	EXTENSION 1 FILED	98765
Oct. 23, 2015	TEAS EXTENSION RECEIVED	
Apr. 28, 2015	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 03, 2015	PUBLISHED FOR OPPOSITION	
Feb. 11, 2015	NOTICE OF PUBLICATION	
Jan. 26, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	73296
Jan. 20, 2015	ASSIGNED TO LIE	73296
Jan. 13, 2015	EXPARTE APPEAL TERMINATED	660056
Jan. 13, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 19, 2014	EX PARTE APPEAL-INSTITUTED	660056

Dec. 19, 2014	JURISDICTION RESTORED TO EXAMINING ATTORNEY	660056
Dec. 19, 2014	EXPARTE APPEAL RECEIVED AT TTAB	
Dec. 19, 2014	ASSIGNED TO LIE	59554
Dec. 18, 2014	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Jun. 19, 2014	FINAL REFUSAL MAILED	
Jun. 18, 2014	FINAL REFUSAL WRITTEN	82419
Jun. 05, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 05, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 05, 2014	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Dec. 05, 2013	INQUIRY AS TO SUSPENSION MAILED	
Dec. 05, 2013	SUSPENSION INQUIRY WRITTEN	82419
Dec. 04, 2013	LIE CHECKED SUSP - TO ATTY FOR ACTION	68691
Jun. 03, 2013	LETTER OF SUSPENSION MAILED	
Jun. 03, 2013	SUSPENSION LETTER WRITTEN	82419
May 31, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	68691
May 31, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	68691
May 31, 2013	ASSIGNED TO LIE	68691
May 31, 2013	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Dec. 03, 2012	INQUIRY AS TO SUSPENSION MAILED	
Dec. 03, 2012	SUSPENSION INQUIRY WRITTEN	82419
Nov. 26, 2012	LIE CHECKED SUSP - TO ATTY FOR ACTION	73296
May 21, 2012	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	73296
Nov. 18, 2011	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	73296
May 17, 2011	LETTER OF SUSPENSION MAILED	
May 17, 2011	SUSPENSION LETTER WRITTEN	82419
May 17, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	73296
May 17, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	73296
May 02, 2011	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Nov. 01, 2010	INQUIRY AS TO SUSPENSION MAILED	
Oct. 30, 2010	SUSPENSION INQUIRY WRITTEN	82419
Apr. 28, 2010	LETTER OF SUSPENSION MAILED	
Apr. 28, 2010	SUSPENSION LETTER WRITTEN	82419
Apr. 27, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Apr. 27, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Apr. 27, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 28, 2009	NON-FINAL ACTION MAILED	
Oct. 27, 2009	NON-FINAL ACTION WRITTEN	82419
Oct. 21, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	73296
Oct. 21, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	73296
Oct. 21, 2009	ASSIGNED TO LIE	73296
Oct. 13, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 15, 2009	NON-FINAL ACTION MAILED	
Apr. 14, 2009	NON-FINAL ACTION WRITTEN	82419
Apr. 12, 2009	ASSIGNED TO EXAMINER	82419
Feb. 04, 2009	NOTICE OF DESIGN SEARCH CODE MAILED	
Feb. 03, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 03, 2009	NEW APPLICATION ENTERED IN TRAM	

---

## TM Staff and Location Information

---

### TM Staff Information

**TM Attorney:** LOVELACE, JAMES B

**Law Office:** LAW OFFICE 119  
**Assigned:**

### File Location

**Current Location:** INTENT TO USE SECTION

**Date in Location:** Apr. 28, 2015