

ESTTA Tracking number: **ESTTA616447**

Filing date: **07/18/2014**

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

**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Imperia & Monferrina S.p.A.
Granted to Date of previous extension	07/23/2014
Address	Via Savoia, 82 Roma, I-00198 ITALY

Attorney information	Jason D. Voight 5100A MacArthur Boulevard, NW Washington, DC 20016 UNITED STATES jason.voight@voightip.com Phone:2026370022
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**Applicant Information**

Application No	86079822	Publication date	03/25/2014
Opposition Filing Date	07/18/2014	Opposition Period Ends	07/23/2014
Applicant	Empire Bakery Equipment, Inc. 1 Enterprise Pl. Hicksville, NY 11801 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 007. First Use: 1978/00/00 First Use In Commerce: 1978/00/00 All goods and services in the class are opposed, namely: ELECTRIC MIXERS; ELECTRIC SPIRAL DOUGH MIXERS; ELECTRIC CAKE MIXERS; DOUGH PRODUCTION MACHINERY, NAMELY, DOUGH ROUNDERS, DOUGH DIVIDERS, DOUGH CUTTING MACHINES, COOKIE MACHINES AND DEPOSITORS, DOUGH FEEDERS, BREAD MOULDERS, REVERSIBLE DOUGH SHEETERS; BAKERY MACHINES, NAMELY, MACHINES COMPRISED OF A CHAMBER TUNNEL FOR THE FERMENTATION OF DOUGH
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**Grounds for Opposition**

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

U.S. Registration No.	3055617	Application Date	07/15/2004
Registration Date	01/31/2006	Foreign Priority Date	NONE

Word Mark	IMPERIA
Design Mark	
Description of Mark	NONE
Goods/Services	Class 007. First use: First Use: 0 First Use In Commerce: 0 Electric food processors for cutting out and shaping pasta

U.S. Registration No.	718529	Application Date	06/02/1960
Registration Date	07/18/1961	Foreign Priority Date	NONE
Word Mark	IMPERIA NOODLE CHEF		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 007. First use: First Use: 1957/06/01 First Use In Commerce: 1957/06/01 Hand-Operated Machine for Rolling and Cutting Dough into Noodles, Spaghetti, Ravioli, and the Like		

Attachments	79005537#TMSN.png( bytes ) 72098285#TMSN.png( bytes ) APRA-062-140718-Notice_of_Opposition.pdf(120366 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Jason D. Voight/
Name	Jason D. Voight
Date	07/18/2014

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

Imperia & Monferrina S.p.A.	)	
Opposer,	)	Opposition No. _____
	)	
v.	)	Application No. 86-079,822
	)	
Empire Bakery Equipment, Inc.	)	Application Filing Date: Oct. 1, 2013
Applicant/Respondent.	)	
	)	

July 18, 2014

Honorable Commissioner for Trademarks  
Alexandria, Virginia 22313-1451

**NOTICE OF OPPOSITION**

Opposer, Imperia & Monferrina S.p.A., organized under the laws of Italy, with a business address of via Savoia, Roma, I-00198, Italy, hereby opposes registration of the mark EMPIRE that is the subject of application Serial No. 86-079,822, published in the *Official Gazette* of March 25, 2014, and requests that registration to Applicant, Empire Bakery Equipment, Inc., be refused.

As ground in support of its opposition, Opposer asserts as follows:

1. Opposer, for many years and since long prior to the filing date of application Serial No. 86-079,822, has adopted and continuously used the term "IMPERIA" as a trademark at least for electric food processors for cutting out and shaping pasta, and hand-operated machines for rolling and cutting dough into noodles, spaghetti, ravioli, and the like.
2. Opposer is the owner of Registration No. 3,055,617 for the mark IMPERIA for electric food processors for cutting out and shaping pasta. That registration is valid, subsisting, unrevoked, and uncanceled.
3. Opposer is the owner of Registration No. 0,718,529 for the mark IMPERIA NOODLE CHEF for hand-operated machine for rolling and cutting dough into noodles, spaghetti, ravioli, and the like. That registration is valid, subsisting, unrevoked, and uncanceled.

4. Dictionaries define IMPERIA as the plural of IMPERIUM, and further define IMPERIUM as synonymous with EMPIRE. See Appendix A.

5. Dictionaries define pasta as a type of dough or as being made from dough. See Appendix B.

6. Applicant's mark so resembles Opposer's previously used and registered mark IMPERIA as to be likely, when applied to the goods in International Class 7 set forth in the above-referenced application, to cause confusion, mistake or deception within the meaning of Section 2(d) of the Trademark Act.

7. Opposer filed a First 30 Day Request for Extension of Time to Oppose in the above-referenced application on April 22, 2014. The Board granted said Request.

8. Opposer filed a 60 Day Request for Extension of Time to Oppose for Good Cause in the above-referenced application on May 22, 2014. The Board granted said Request.

WHEREFORE, Opposer prays that said application be refused.

Please charge any shortage in fees due in connection with the filing of this paper to Deposit Account No. 50-5535.

Respectfully submitted,

/Jason D. Voight/

Jason D. Voight  
Attorney for Petitioner, DC Bar Member

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## APPENDIX A

### **im·pe·ri·um** [im-peer-ee-uh m]

**noun, plural im·pe·ri·a** [im-peer-ee-uh], **im·pe·ri·ums.**

1. command; supreme power.
2. area of dominion; sphere of control or monopoly; empire.
3. a nation having or exerting supreme power; superpower.
4. *Law.* the right to command the force of the state in order to enforce the law.

### **Origin:**

1645-55; < Latin: supreme administrative power, authority, empire, equivalent to *imper* ( *āre* ) to rule (see imperative) + *-ium* -ium

Dictionary.com Unabridged

Based on the Random House Dictionary, © Random House, Inc. 2014.

### **im·pe·ri·um** (ĩm-pĩr'ē-əm)

*n. pl.* **im·pe·ri·a** (-pĩr'ē-ə)

1. Absolute rule; supreme power.
2. A sphere of power or dominion; an empire.
3. *Law* The right or power of a state to enforce the law.

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[Latin; see **empire**.]

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## APPENDIX B

**pas·ta** [pah-*stuh*; *especially British pas-tuh*]

**noun**

any of various flour-and-egg food preparations of Italian origin, made of thin, unleavened dough and produced in a variety of forms, usually served with a sauce and sometimes stuffed.

**Origin:**

1870–75; < Italian < Late Latin. See paste

Dictionary.com Unabridged

Based on the Random House Dictionary, © Random House, Inc. 2014.

**pas·ta**

n.

1. Unleavened dough, made with wheat or other flour, water, and sometimes eggs, that is molded into any of a variety of shapes and boiled.
2. A prepared dish containing pasta as its main ingredient.

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[Italian, from Late Latin, *paste*, pastry cake; see PASTE<sup>1</sup>.]

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