

TTAB



01-28-2002
U.S. Patent & TMO/c/TM Mail Rcpt Dt. #70

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

Sharp Kabushiki Kaisha,)	
a/t/a Sharp Corporation,)	
)	
Opposer,)	
v.)	Opposition No. _____
)	
Mikromasch Eesti Ltd.)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20031

Sir:

In the matter of an application for registration of the mark ULTRASHARP, Serial No. 75/798,895, filed September 14,1999, for "cantilevers for microscopes in class 9; application of protective metal coatings in class 40; and for scientific research; industrial research, namely, chemical research, mechanical research, medical research and product research; computer programming for others in class 42" by Mikromasch Eesti Ltd. (hereafter "applicant"), which was published in the Official Gazette dated November 28, 2000 (Vol. 1240 at TM 74 in International Classes 9, 40 and 42, Sharp Kabushiki Kaisha, a/t/a Sharp Corporation, a corporation of Japan and having a principal place of business located at 22-22 Nagaike-cho, Abeno-ku, Osaka 545-8522, Japan (hereafter "opposer"), believes that it will be damaged by the registration of the mark shown in the above-identified application and hereby opposes all of the goods and services set forth in that application under the provisions of Section 13 of the Trademark Act of July 5, 1945 (15 U.S.C. §1063).

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As grounds for opposition, it is alleged that:

1. Opposer is the owner of the entire right, title and interest to the mark SHARP as well as a "family" of related SHARP marks including, inter alia, SHARP CARD, SHARP CORPORATION and SHARPVISION & Design as used in connection with the sale of an extremely wide variety of electrical and/or electronic products and services in the computer and computer peripherals field and in other fields (such as medical devices and the application of protective and/or metal coatings to various products). Further, opposer is engaged in industrial research both in Japan and around the world, including the United States.

2. Since its initial use many years ago, opposer has continuously sold such broad categories of goods and services under the mark SHARP and the "family" of related SHARP marks in virtually all channels of trade (including retail and online channels of trade) in the United States. By virtue of its long, exclusive and continuous usage of the SHARP mark and the "family" of SHARP marks, opposer has acquired and is the sole owner of substantial common law trademark and service mark rights with respect to those goods, as well as related goods and services. Furthermore, due to the very extensive nature of the sale and advertisement of these SHARP services and products, opposer's SHARP mark and its related SHARP family of marks have become famous within the United States and throughout the world to both actual and potential customers. In other words, the SHARP mark is an internationally famous mark that is well known not only in the United States but also all over the world with respect to electronic products and services for use by businesses and individuals. A significant indicia of the international fame of the SHARP marks is the fact that sales of SHARP brand products ranked 17th in the broad field of electronics and electrical

equipment based upon worldwide sales (as ranked by Fortune magazine). Likewise, the SHARP mark has been legally recognized as famous in various countries throughout the world.

3. In addition to its substantial common law rights, opposer is the exclusive owner, inter alia, of the following federal registrations:

- 1) Registration No. 1,093,113 for the mark SHARP, issued June 13, 1978.
- 2) Registration No. 1,405,542 for the mark SHARP, issued August 19, 1986.
- 3) Registration No. 1,985,630 for the mark SHARP issued July 9, 1996.
- 4) Registration No. 1,859,359 for the mark SHARP issued October 25, 1994.
- 5) Registration No. 1,725,154 for the mark SHARP issued October 20, 1992.
- 6) Registration No. 1,606,267 for the mark SHARPVISION & Design issued July 17, 1990.
- 7) Registration No. 1,526,673 for the mark SHARP issued February 28, 1989.
- 8) Registration No. 1,517,107 for the mark the mark SHARP CORPORATION issued December 20, 1988.
- 9) Registration No. 1,470,546 for the mark SHARP issued December 29, 1987.
- 10) Registration No. 1,120,410 for the mark SHARP issued June 19, 1979.
- 11) Registration No. 1,059,852 for the mark SHARP issued February 22, 1977.
- 12) Registration No. 877,692 for the mark SHARP issued September 30, 1969
- 13) Registration No. 870,542 for the mark SHARP issued June 3, 1969.
- 14) Registration No. 842,768 for the mark SHARP issued January 23, 1968

Moreover, opposer is the owner of pending trademark applications directed to the SHARP mark and/or the SHARP "family" of marks.

4. Upon information and belief, applicant knew or should have known of opposer's

long prior use and registration of its SHARP mark and "family" of SHARP marks covering a wide variety of services and products.

5. Upon information and belief, the goods/services that are proposed to be sold by applicant under the mark ULTRASHARP and the goods/services sold by opposer under the SHARP mark and the SHARP "family" of marks are closely "related" since, inter alia, they are identical or very similar and/or they are purchased by the same customers.

6. The mark ULTRASHARP which applicant now seeks to register for "cantilevers for microscopes in class 9; application of protective metal coatings in class 40; and for scientific research; industrial research, namely, chemical research, mechanical research, medical research and product research; computer programming for others in class 42" is confusingly similar to opposer's famous SHARP mark and similar to the SHARP "family" of marks. In this connection, the dominant portion of this mark is "SHARP" which is identical to opposer's famous mark.

7. Furthermore, the term "ULTRA" has a descriptive meaning when applied to a printer ribbon. Thus, the "ULTRA" portion of should be ignored when considering the issue of likelihood of confusion..

8. In view of the foregoing, the registration of the mark ULTRASHARP by applicant is likely to injure and/or dilute the strength of opposer's aforesaid trademarks and its related goodwill.

9. In addition, the registration of ULTRASHARP for all of the goods/services set forth in the application (and especially with respect to "computer programming for others in class 42") is likely to cause the purchasing public to erroneously assume that applicant's services are related to, sponsored by or otherwise connection with opposer, or vice versa.

Opposition - Ser. No. 75/798,895.
Mark: ULTRASHARP
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WHEREFORE, opposer requests that this opposition be sustained in all respects and,
further, that the application of applicant be refused registration.

SHARP KABUSHIKI KAISHA
a/t/a SHARP CORPORATION

By Its Attorneys,

Date: 1/28/02

By: 

Robert W. Adams
NIXON & VANDERHYE, P.C.
1100 North Glebe Road, 8th Flr.
Arlington, Virginia 22201
Tel: (703)-816-4022

ATTY DOCKET: 790-1114



THE UNITED STATES PATENT AND TRADEMARK OFFICE

**BOX - TTAB
FEE**

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**Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513**



01-28-2002
U.S. Patent & TMO/c/TM Mail Rcpt Dt. #70

In re application of:
Mikromasch Eesti Ltd.
Serial No. 75/798,895

Mark: ULTRASHARP

Our Account No. 14-1140

Our Docket No. 790-1114

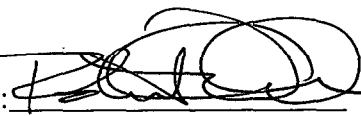
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Sir:

Enclosed for filing is Notice of Opposition. Our check in the amount of \$900.00 is also enclosed.

The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account/Order Nos. shown in the above heading. A duplicate copy of this sheet is attached.

Respectfully submitted
NIXON & VANDERHYE, P.C.

By: 

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Encl. Notice of Opposition and Check

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