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06-24-2002

U.S. Patent & TMOtc/TM Mail Rcpt Dt. #70

File No. 59126-9202

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

02 JUL - 2 PM 8:16
TRADEMARK TRIAL AND APPEAL BOARD

In the Application of: Alice Manufacturing

Serial No.: 76/117,018

Filed: August 25, 2000

Published: April 30, 2002

Mark: PALMETTO

NOTICE OF OPPOSITION

07/01/2002 JHARLEY 00000215 76117018

Assistant Commissioner for Trademarks

01 FC:377

300.00 OP

2900 Crystal Drive

Arlington, VA 22202-3513

Sir:

Knight Textile Corporation, a corporation of the State of Delaware, having a place of business at 310 South Main Street, Saluda, South Carolina 29138-1779, believes that it will be damaged by the registration of the mark of Serial No. 76/117,018 and hereby opposes its registration.

As grounds for the opposition, it is alleged that:

1. Opposer has continuously used in commerce the mark PALMETTO'S on clothing and apparel since at least as early as June 1995.
2. Opposer is the owner of record of U.S. Registration No. 2,308,030 for the mark PALMETTO'S for clothing and apparel, namely shirts, blouses, pants, shorts, jackets and skirts. The application was filed on October 2, 1995, and the registration issued on January 11, 2000.
3. Opposer is also the owner of record of an application with the U.S. Patent and Trademark Office Serial No. 76/177,835 to register PALMETTO'S for cosmetics, non-medicated skin care preparations, namely serums, masks, creams, oils, powders, sprays, mists, skin

moisturizers and lotions, bath and shower gels, non-medicated salts, bubble bath, eye cream, sun screen, sun block, suntan lotions, and essential oils for personal use; non-medicated hair care preparations; perfume and cologne. The application was filed on December 8, 2000, and was published for opposition on March 19, 2002.

4. Opposer adopted and has used the mark PALMETTO'S in commerce for clothing and apparel continuously since June 1995, prior to the filing date of Applicant's application for its mark, August 25, 2000.

5. Applicant has applied to register the mark PALMETTO in connection with home textile products, namely, bed sheets, pillow cases, comforters, duvet covers, bed ruffles, pillow shams, and soft window treatments, namely bedroom curtains and bedroom drapes, in International Class 24.

6. Applicant's mark PALMETTO, so resembles Opposer's PALMETTO'S mark as to be likely, when used in connection with the Applicant's goods, to cause confusion, mistake, or deception.

WHEREFORE, Opposer respectfully requests that this opposition be sustained and that Application Serial No. 76/117,018 not be registered.

Respectfully submitted,

Date: June 21, 2002

Bernard R. Gans
BERNARD R. GANS for
Attorney for Petitioner

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Serial No. 76/117,018

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I certify that on 6-21-2002, which is the date I am signing this certificate, this correspondence and all identified attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

TRADEMARK

Bobbie-Jean Corbin
Bobbie-Jean Corbin

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Alice Manufacturing :

Applicant: Alice Manufacturing : Trademark Attorney
Serial No.: 76/117,018 :
Filed: August 25, 2000 : Law Office
Mark: PALMETTO :

NOTICE OF OPPOSITION

Assistant Commissioner for Trademarks
2900 Crystal Drive - Box ITU
Arlington, VA 22202-3513

Sir:

Enclosed are the following documents for filing in the above-identified opposition matter:

- Notice of Opposition (3 copies); and
- Our Check No. 149142 in the amount of \$300.00.

Please charge any additional fee that may be due or credit any overpayment to our deposit Account No. 10-0440. A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,

Date: June 21, 2002

Bernard R. Gans
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