



10-15-2002

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #58

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731117.0029

TRADEMARK

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

Power Tool Specialists, Inc.	)	
	)	
Opposer,	)	
	)	
vs.	)	Opposition No.
	)	
Siplast, Inc.,	)	Serial No. 76/378,355
	)	
Applicant.	)	10/22/2002 ZCARRITH 00000025 110231 76378355
	)	01 FC:6402 300.00 CH

**NOTICE OF OPPOSITION**

Power Tool Specialists, Inc., a Massachusetts corporation, located and doing business at 3 Craftsman Road, East Windsor, Connecticut 06088, believes that it will be damaged by registration of the mark sought to be registered by the following application:

Application Serial No. 76/378,355, filed March 4, 2002, published in the Official Gazette on August 27, 2002 seeking registration of the mark TRADESMAN for "metallic roofing fasteners and metallic retention plates sold therewith," in International Class 6,

and hereby opposes such registration. The grounds for opposition are:

1. Opposer manufactures and markets in the United States a wide variety of power tools and accessories under its TRADESMAN mark. Opposer has used its TRADESMAN trademark continuously since at least as early as 1987.

2. Through such use, Opposer has acquired a valuable interest in its TRADESMAN mark for its goods. This interest will be injured by Applicant's use of the

exact mark on goods that are so closely related to those offered by Opposer, over which Opposer has no control.

3. Opposer is the owner of U.S. Trademark Registration Nos. 1,565,504 and 2,205,373 registered November 14, 1989 and November 24, 1998, respectively, on the Principal Register, for the trademark TRADESMAN covering the following goods:

“stationary/bench electric power tools, namely; table saws, floor drill presses, miter saws, floor band saws, floor jointers and parts therefor,” in International Class 7 (Reg. No. 1,565,504); and

“power tools, namely, nailers, sanders, lathes, saws, mortising machines, drill presses, shapers, planers, grinders, jointers, dust collectors, and parts and accessories therefor, including chucks, blades, bits, chisels, knives, discs, drums, wheels, belts, sleeves, abrasive attachments, arbors, dados, moulding inserts, hex keys, brackets, plates, vises, jaws, clamps, gauges, rip fences, guides, extensions, jigs, blocks, work supports, rollers, stands, casters, tables, tool collectors, dust chutes, vacuum attachments, control switches, cleaners, chuck adaptors, and push blocks,” in International Class 7 (Reg. No. 2,205,373).

(see Exhibit A, attached hereto).

4. Opposer is also the owner of U.S. Trademark Application Serial No. 78/104,874, filed January 25, 2002 for TRADESMAN covering:

“hand-held electric, cordless, and pneumatic power tools, namely, drill, single speed drill, variable speed drill, driver, drill/driver, screw driver, grinder, angle grinder, hammer, hammer drill, nailer, nailing gun, brad nailer, brad nailer-stapler, angle finish nailer, roofing coil nailer, finish nailer, framing nailer, sander, orbit sander, random orbit sander, palm grip sander, sheet finishing sander, saw, circular saw, reciprocating saw, stapler, crown stapler, and staple gun, and parts and accessories therefor, namely, air compressors, rechargeable batteries, battery chargers, power packs and chargers therefor, bits, blades, chucks, drivers, hammers, nails, staples, grinding wheels, abrasive attachments, abrasive belts and abrasive discs,” in International Class 7.

(see Exhibit B, attached hereto).

5. Opposer has expended considerable time, money and effort in advertising and promoting its TRADESMAN mark, its products sold under these marks, and in developing substantial and exclusive goodwill and reputation in connection with TRADESMAN and the goods under which it is used. As a result of these expenditures, combined with substantial sales of quality goods under the TRADESMAN mark, the public has come to recognize TRADESMAN as favorably distinguishing Opposer's goods from those of others, making TRADESMAN a valuable asset of Opposer.

6. Applicant's use of TRADESMAN in connection with "metallic roofing fasteners and metallic retention plates sold therewith," would cause Opposer injury because such use would be likely to cause confusion or mistake in wrongly leading persons to believe that such items were provided by, sponsored by or otherwise somehow associated with, Opposer.

7. Applicant's "metallic roofing fasteners and metallic retention plates sold therewith" are likely to be purchased, used or otherwise received by consumers and potential consumers of Opposer's goods who, upon purchasing, using or otherwise receiving such "metallic roofing fasteners and metallic retention plates sold therewith" featuring the identical TRADESMAN mark, would likely be confused, to the injury of Opposer, and falsely believe in the existence of some association between the Applicant or Applicant's goods and Opposer.

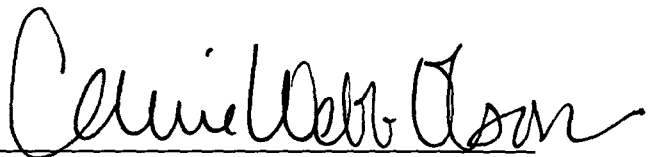
8. Accordingly, Applicant's use of TRADESMAN in connection with "metallic roofing fasteners and metallic retention plates sold therewith" would be likely to cause confusion in the minds of consumers, or to cause mistake, or to deceive, or otherwise

injure, diminish or detract from the prior rights firmly established by Opposer in the mark  
TRADESMAN.

Wherefore, refusal of the registration applied for by Application Serial No.  
76/378,355 is respectfully submitted to be in order and is requested.

Respectfully submitted,

Date: October 11, 2002

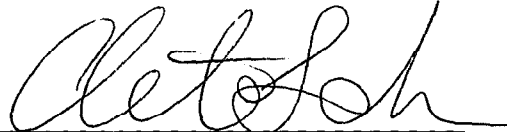
By 

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**CERTIFICATE OF MAILING**

I hereby certify that this Notice of Opposition is being deposited with the United States Postal Service as Express Mail (No. EL872983141US), postage prepaid, to: BOX TTAB / FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513 on the date shown below:

Dated: Oct 15, 2002



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**EXHIBITS**



10-15-2002

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CUMMINGS & LOCKWOOD LLC

TRADEMARK TRIAL AND  
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October 11, 2002

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**Re: Power Tool Specialists, Inc. v. Siplast, Inc.**  
**Opposition of U.S. Trademark Application Serial No. 76/378,355**  
**TRADESMAN**  
**Our Ref: 731117.0029**

Dear Madam:

Enclosed for filing is a Notice of Opposition and Certificate of Mailing for the above-referenced matter.

Please charge the \$300 fee to Deposit Account No. 11-0231.

Kindly indicate your receipt of these documents by applying your date stamp to the enclosed postage-prepaid postcard and drop it in the mail to us.

Respectfully,

CWO:cl  
Enclosures

cc: Power Tool Specialists, Inc.  
Mark D. Giarratana, Esq.

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