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

GIBSON PIANO VENTURES INC.)
309 Plus Park Drive)
Nashville, Tennessee 37217)
Opposer)
v.)
MUSICAL PROPERTIES, INC.)
949 French Drive)
Mundelein, Illinois 60060)
Applicant)



10-15-2002

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

Opposition No.

10/22/2002 ZCARRITH 00000019 78099091

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TRADEMARK TRIAL AND
APPEAL BOARD
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NOTICE OF OPPOSITION

Petitioner Gibson Piano Ventures, Inc. ("Gibson Piano"), a Delaware Corporation with a business address of 309 Plus Park Drive, Nashville, Tennessee 37217, opposes U.S Trademark Application Serial No. 78/099,091 published October 15, 2002 for the trademark A. B. CHASE in connection with pianos. ("Applicant").

As grounds in support of its petition, Opposer assert as follows:

1. Gibson Piano acquired all rights in and to the A. B. CHASE, as well as the good will resident therein, in connection with keyed instruments from Baldwin Piano & Organ Company.

2. Gibson Piano filed a trademark application seeking to register A. B. CHASE in connection with pianos in International Class 15. Gibson Piano's application will probably be rejected because of Applicant's application.

Handwritten mark at bottom right

3. The A. B. CHASE mark was first used by Opposer's predecessors in interest at least as early as September 1, 1875. The A. B. CHASE mark continues to be an indicator of origin of pianos to consumers of pianos, including, without limitation, piano retailers. Therefore, good will continues to reside in the mark.

4. Applicant filed U.S. Trademark Application Serial No. 78/099,091 on December 18, 2001 based upon a date of first use in commerce of August 14, 2001. Therefore, Opposer's priority in the A. B. CHASE mark (September 1, 1875) predates Applicant's priority in the A. B. CHASE mark (August 14, 2001).


5. Applicant's mark so resembles Opposer's previously-used mark as to be likely, when applied to the goods set forth in U.S. Registration Application Serial No. 78/099,091 to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act.

6. Opposer is harmed and/or will be harmed by registration of Applicant's mark.

WHEREFORE, Opposer prays that the opposition be sustained and that U.S. Application Serial No. 78/099,091 be denied.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment coincident to this Answer to Notice of Opposition to Deposit Account 23-0035.

Respectfully submitted,



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CERTIFICATE OF EXPRESS MAIL

I hereby certify that this Notice of Opposition along with two copies and a check in the amount of \$300.00 is being deposited with the United States Postal Service, via Express Mail, Label No. EV 105954775 on October 15, 2002, addressed to:

BOX TTAB
Assistant Commissioner of Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513



Edward D. Lanquist, Jr.