TTAB

03 APR - [illegible] AM 9:00

TRADEMARK TRIAL AND APPEAL BOARD

03-21-2003
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #70

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

In the matter of trademark application Serial No. 76/321,834 filed on October 5, 2001 and published in the Official Gazette on December 24, 2002, for REMINGTON.

Remington Corporation, L.L.C.)
Opposers,)
)
vs) Opposition No.:
)
Desa International Inc.)
Applicant)

Bridgeport, CT
March 18, 2003

NOTICE OF OPPOSITION

04/04/2003 TSMITH 00000001 180962 76321834

01 FC:6402 300.00 CH

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

Remington Corporation, L.L.C., a limited liability company organized and doing business under the laws of the State of Delaware, located and doing business at Bridgeport, Connecticut, believes that it will be damaged by the registration of the mark REMINGTON in application Serial No. 76/321,834, filed on October 5, 2001, and hereby opposes the application.

As grounds for this Opposition, Opposer Remington Corporation, L.L.C. alleges that:

1. Application Serial Number 76/321,834 was filed by Desa International Inc. to register the mark REMINGTON on the Principal Register for goods in class 07.

2. In the subject application, Applicant has applied to register its alleged mark under §1(b), so applicant's mark has not become distinctive of the applicant's goods or services in commerce, and no consumer recognition of the mark as a valid mark identifying only applicant has been achieved.

3. Opposer, Remington Corporation, L.L.C., has been and continues to be engaged in the business of manufacturing, promoting, marketing and selling a wide variety of goods and services under its family of REMINGTON trademarks. Opposer has been using its various REMINGTON marks on and in connection with various goods and services since at least as early as 1900.

4. Opposer's REMINGTON mark has become well known to consumers, and is a recognized indicator of quality and of the source of origin of the goods. As a result of Opposer's long term and exclusive use of its REMINGTON mark on and in connection with its various goods and services, the mark has become synonymous with Opposer Remington Corporation, L.L.C. in the minds of the public, and identifies such goods as originating from Opposer.

JD

5. In recognition of the widespread consumer awareness of the REMINGTON brand of goods and services that originate from Opposer, the REMINGTON mark has been registered by Opposer in the United States. Opposer is the owner of many registrations for the mark REMINGTON, including the following U. S. Trademark Registrations:

U. S. Registration Nos. 372,566; 416,818; 752,672; 761,721; 830,996; 977,729; 986,980; 988,280; 989,674; 999,410; 1,009.949; 1,091,858; 1,156,146; 1,331,759; 1,341,385; 1,394,122; 1,472,924; 1,478.550; 1,480,838; 1,532,739; 1,546,845; 1,551,381; 1,734,704; 1,919,072; 1,939,020 and others; including Opposer's earlier filed applications to register REMINGTON in Class 21, Serial No. 75/585,132; in class 20, Serial No. 78/053787; in class 10, Serial No. 78/053,996; in classes 03 and 11, Serial No. 76/329379 and classes 08 and 11, Serial No. 76/329,379.

6. Applicant's REMINGTON mark, as described in the subject application, is likely to be confused with Opposer's registered REMINGTON marks, including those listed above.

7. Opposer has continuously promoted, marketed and sold goods and services under its various REMINGTON marks, and has established common law trademark rights associated with its long term and exclusive use of the REMINGTON mark.

8. Opposer's various registered and unregistered REMINGTON trademarks and Applicant's REMINGTON mark are confusingly similar in appearance, sound, spelling and overall commercial impression. Consumers are likely to believe that the Applicant's goods are somehow associated with Opposer, or that Applicant is associated with Opposer or Opposer's REMINGTON goods and services.

9. The registration of Applicant's marks is likely to result in consumer confusion as to the source of origin of any goods sold under Applicant's mark.

10. The grant of a Registration for Applicant's REMINGTON mark would be a source of damage and injury to Opposer, as such grant would provide Applicant with a prima facie exclusive right to use its mark, to the detriment of Opposer and consumers who are likely to be confused as to the source of origin of such goods, as well as to any implied affiliation or association between Opposer's various registered trademarks, its common law trademarks and Opposer's well known trade name.

11. A duplicate copy of this Opposition is filed herewith. The amount of $300 to cover the opposition fee is to be deducted from Deposit Account 18-0962.

12. WHEREFORE, Opposer prays that this Opposition is sustained and that Application Serial No. 76/321,834 for the mark REMINGTON be refused.

Respectfully submitted

Joel K. Bedol
Remington Corporation, L.L.C.
60 Main Street
Bridgeport, CT 06604

March 18, 2003