

TAB



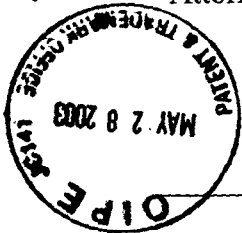
05-28-2003

U.S. Patent & TMOfo/TM Mail Rcpt Dt. #26

Attorney Docket No.: 231555US-33

BOX TTAB FEE

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



YOSHIDA METAL INDUSTRY CO., LTD.,)

Opposer,)

v.)

GLOBAL DECOR,)

Applicant.)

Opposition No.: _____
Appln. Serial No. 76/179,674

03 JUN 11 09:31
UNITED STATES PATENT AND TRADEMARK OFFICE

Honorable Commissioner of Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

NOTICE OF OPPOSITION

YOSHIDA METAL INDUSTRY CO., LTD., a corporation duly organized and existing under the laws of Japan, located and doing business at 1447-3, Shimonakano, Yoshida-machi Nishikanbara-gun, Niigata, JAPAN (hereinafter "Opposer"), believing that it will be damaged by registration, hereby opposes Application Serial No. 76/179,674, filed December 12, 2000, under the Trademark Act of 1946, in the name of GLOBAL DECOR, published for opposition in the *Official Gazette* of March 19, 2002, Vol. 1256, No. 3, at Page TM 118, for the mark GLOBAL DECOR.

The grounds of Opposition are as follows:

06/09/2003 KSONCHAN 00000193 76179674

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1. The Opposer, YOSHIDA METAL INDUSTRY CO., LTD., is a corporation duly organized and existing under the laws of Japan, having a corporate address of 1447-3, Shimonakano, Yoshida-machi Nishikanbara-gun, Niigata, JAPAN.

2. Commencing long prior to Applicant's claimed date of first use, Opposer has engaged, and is now engaged in the manufacture, distribution, sale, advertising and promotion in interstate commerce of a wide variety of knives, kitchen utensils and cooking utensils.

3. Commencing long prior to Applicant's claimed date of first use, Opposer has used, and is now using Opposer's GLOBAL trademark (hereinafter sometimes referred to as "Opposer's Mark") in connection with a wide variety of knives, kitchen utensils and cooking utensils distributed and sold by Opposer in commerce.

4. Opposer is the owner of, and will rely herein, upon the following Federal trademark registration:

<u>MARK</u>	<u>REGISTRATION NO.</u>	<u>ISSUED</u>
GLOBAL	2,419,827	January 9, 2001

Opposer's Registration No. 2,419,827 identifies the goods as "forks, utility knives, spoons, fish bone tweezers, whetstones, whetstone holders, and knife steels", in International Class 8 and "turners, carving forks, spatulas, and knife blocks for holding knives", in International Class 21. Said registration of Opposer's Mark is valid and subsisting, and constitutes prima facie evidence of Opposer's right to use Opposer's Mark in commerce on the goods specified in said registration.

A copy of the Patent and Trademark Office TESS and TARR information for GLOBAL, U.S. Registration No. 2,419,827, is attached hereto, as Opposer's Exhibit 1.

5. In addition to the goods specified in the above-identified registrations, Opposer has also used Opposer's Mark for other and various related products, including but not limited to other kitchen utensils, cooking utensils and other items.

6. Since its initial use of the aforementioned mark, Opposer has made a substantial investment in promoting its goods under its GLOBAL trademark. Opposer has extensively used, promoted and offered Opposer's goods bearing the mark to the public through various channels of trade in commerce, with the result that Opposer's customers and the public in general have come to know and recognize Opposer's mark and associate same with Opposer and/or goods sold by Opposer. Opposer has built extensive goodwill in connection with the sales of products under its mark.

7. Upon information and belief, notwithstanding Opposer's rights in and to its mark, on December 12, 2000, Applicant filed an application for registration of the alleged GLOBAL DECOR trademark for "chopsticks and chopstick dinner sets, forks, knives and spoons, hand held chopper, and non-electric can opener", in International Class 8 and "housewares in the nature of kitchen utensils, namely cookie cutters, baking pans, cheese cutters, serving spoons, serving ladles, pie servers, spatuals, draining spoons, skimming spoons, serving spoons, serving forks, wire egg cup holders, condiment bowls, pepper sauce holders, condiment steel shaker cans, stainless steel hand juicer; barware utensils, consisting of strainers, ice tongs, and condiment picks; seafood utensil sets consisting of shell cracker and seafood picks; bath and shower accessories, namely shower organizer, plunger, pop-up sink plugs, tooth brush holders, soap dish and towel hangers; toilet tissue rollers", in International Class 21. Said application was assigned Serial No. 76/179,674, and was published for Opposition in the *Official Gazette* of March 19, 2002, Vol. 1256, No. 3 at Page TM 118.

8. Applicant's GLOBAL DECOR mark is a simulation and colorable imitation of, and so resembles Opposer's aforesaid GLOBAL trademark as to be likely, when applied to the

aforesaid mentioned goods of Applicant, to cause confusion or mistake or to deceive purchasers resulting in damage and detriment to Opposer and its reputation.

9. Upon information and belief, Opposer and Applicant are both engaged in the sale and promotion of their respective goods through the same channels of trade, and to the same general class of purchasers.

10. Opposer, upon information and belief, avers that its customers, and the public in general, are likely to be confused, mistaken or deceived as to the origin and sponsorship of Applicant's goods marketed under Applicant's alleged GLOBAL DECOR trademark set forth above and misled into believing that such goods are produced by, emanate from, or are in some way directly or indirectly associated with Opposer, to the damage and detriment of Opposer and its reputation.

11. Opposer, upon information and belief, avers that it will be damaged by the continued use and registration by Applicant of the alleged GLOBAL DECOR trademark, as set forth in Applicant's Trademark Application Serial No. 76/179,674, in that the mark is substantially similar to Opposer's trademark and common law rights and is used in connection with goods similar to the goods offered to the public by Opposer.

WHEREFORE, this Opposer, YOSHIDA METAL INDUSTRY CO., LTD., believes and avers that it is being and will continue to be damaged by registration of the GLOBAL DECOR trademark as aforesaid, and prays that said Application Serial No. 76/179,674 be rejected, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

Opposer has appointed JEFFREY H. KAUFMAN, a member of the law firm of OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C., a member of the Bar of the Commonwealth of Virginia, to prosecute this opposition proceeding and to transact all business in and

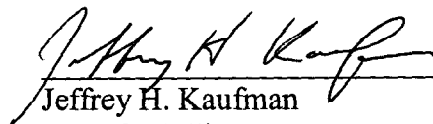
before the United States Patent and Trademark Office in connection herewith. Please address all correspondence to:

Jeffrey H. Kaufman
OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.
1940 Duke Street
Alexandria, Virginia 22314

The filing fee for this opposition in the amount of \$600 is enclosed herewith. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 50-2014.

Respectfully submitted,

YOSHIDA METAL INDUSTRY
CO, LTD.

By: 
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Amy C. Sullivan
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Date: May 28, 2003

JHK/ACS/tmt [I:\ATTY\JHK\4646-231555US-NOP.DOC]

EXHIBIT 1



UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Electronic Search System (TESS)

TESS was last updated on Wed May 28 04:20:13 EDT 2003

PTO HOME TRADEMARK TESS HOME NEW USER STRUCTURED FREE FORM BROWSER DICT BOTTOM HELP

Logout

Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

Check Status

(TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark GLOBAL DECOR

Goods and Services IC 011. US 013 021 023 031 034. G & S: pulsating shower massage head, slip on portable hand held shower sprayer. FIRST USE: 20000100. FIRST USE IN COMMERCE: 20000100

IC 008. US 023 028 044. G & S: Chopsticks and chopstick dinner sets, forks, knives and spoons, hand held chopper, and non electric can opener. FIRST USE: 20000100. FIRST USE IN COMMERCE: 20000100

IC 003. US 001 004 006 050 051 052. G & S: Decorative hand soaps. FIRST USE: 20000100. FIRST USE IN COMMERCE: 20000100

IC 020. US 002 013 022 025 032 050. G & S: children's furniture; non-metal utility hooks. FIRST USE: 20000100. FIRST USE IN COMMERCE: 20000100

IC 021. US 002 013 023 029 030 033 040 050. G & S: housewares in the nature of kitchen utensils, namely cookie cutters, baking pans, cheese cutters, serving spoons, serving ladles, pie servers, spatulas, draining spoons, skimming spoons, serving spoons, serving forks, wire egg cup holders, condiment bowls, pepper sauce holders, condiment steel shaker cans, stainless steel hand juicer; barware utensils, consisting of strainers, ice tongs, and condiment picks; seafood utensil sets consisting of shell cracker and seafood picks; bath and shower accessories, namely shower organizer, plunger, pop-up sink plugs, tooth brush holders, soap dish and towel hangers; toilet tissue rollers. FIRST USE: 20000100. FIRST USE IN COMMERCE: 20000100

**Mark
Drawing
Code**

(1) TYPED DRAWING

Serial Number 76179674
Filing Date December 12, 2000
Published for Opposition March 19, 2002
Owner (APPLICANT) Global Decor, Inc. CORPORATION ILLINOIS 1836 Elmhurst Road Elk Grove Village ILLINOIS 60007
Attorney of Record Robert F I Conte
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

[PTO HOME](#) [TRADEMARK](#) [TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSER Dict](#) [TOP](#) [HELP](#)

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2003-05-28 10:18:59 ET

Serial Number: 76179674

Registration Number: (NOT AVAILABLE)

Mark (words only): GLOBAL DECOR

Current Status: A request for an extension of time to file an opposition has been filed at the Trademark Trial and Appeal Board.

Date of Status: 2002-07-08

Filing Date: 2000-12-12

Registration Date: (DATE NOT AVAILABLE)

Law Office Assigned: TMO Law Office 113

Attorney Assigned:
KEATING MICHAEL P Employee Location

Current Location: 845 -TTAB

Date In Location: 2003-04-08

CURRENT APPLICANT(S)/OWNER(S)

1. Global Decor, Inc.

Address:
Global Decor, Inc.
1836 Elmhurst Road
Elk Grove Village, IL 60007
United States

State or Country of Incorporation: Illinois
Legal Entity Type: Corporation

GOODS AND/OR SERVICES

Decorative hand soaps
International Class: 003
First Use Date: 2000-01-00
First Use in Commerce Date: 2000-01-00

Basis: 1(a)

Chopsticks and chopstick dinner sets, forks, knives and spoons, hand held chopper, and non electric can opener

International Class: 008

First Use Date: 2000-01-00

First Use in Commerce Date: 2000-01-00

Basis: 1(a)

pulsating shower massage head, slip on portable hand held shower sprayer

International Class: 011

First Use Date: 2000-01-00

First Use in Commerce Date: 2000-01-00

Basis: 1(a)

children's furniture; non-metal utility hooks

International Class: 020

First Use Date: 2000-01-00

First Use in Commerce Date: 2000-01-00

Basis: 1(a)

housewares in the nature of kitchen utensils, namely cookie cutters, baking pans, cheese cutters, serving spoons, serving ladles, pie servers, spatulas, draining spoons, skimming spoons, serving spoons, serving forks, wire egg cup holders, condiment bowls, pepper sauce holders, condiment steel shaker cans, stainless steel hand juicer; barware utensils, consisting of strainers, ice tongs, and condiment picks; seafood utensil sets consisting of shell cracker and seafood picks; bath and shower accessories, namely shower organizer, plunger, pop-up sink plugs, tooth brush holders, soap dish and towel hangers; toilet tissue rollers

International Class: 021

First Use Date: 2000-01-00

First Use in Commerce Date: 2000-01-00

Basis: 1(a)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2002-06-26 - Extension of time to oppose - Filed

2002-05-06 - Extension of time to oppose - Filed

2002-03-19 - Published for opposition

2002-02-27 - Notice of publication

2002-01-15 - Approved for Pub - Principal Register (Initial exam)

2002-01-15 - Examiner's amendment mailed

2002-01-03 - Case file assigned to examining attorney

2001-11-13 - Communication received from applicant

2001-10-31 - Non-final action mailed

2001-09-04 - Communication received from applicant

2001-06-18 - Non-final action mailed

2001-06-01 - Case file assigned to examining attorney

CONTACT INFORMATION

Correspondent (Owner)

Robert F I Conte (Attorney of record)

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LEE MANN SMITH MCWILLIAMS SWEENEY ET AL
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