

3. On information and belief, Ecological Fibers, Inc. ("Applicant") is a Massachusetts corporation with its principal place of business at 40 Pioneer Drive, Lunenburg, Massachusetts 01462-1663, and has applied to register the ULTIMA mark (Serial No. 76/465,422) with the U.S. Patent and Trademark Office.

4. Since at least as early as May 17, 1988, Opposer has continuously used the ULTIMA mark in connection with a variety of goods and services associated with Opposers.

5. Opposers own several federal registrations for marks comprised of the formative ULTIMA mark, including:

Mark	Goods/Services	First Use Date
ULTIMA Reg. No. 1,708,054	Paper towels	05/17/1988
ULTIMA Reg. No. 1,664,672	Soap	03/09/1990
ULTIMA Reg. No. 1,678,450	Bath tissue	08/25/1989

(These marks collectively are referred to herein as the "ULTIMA Marks").

6. Opposer's ULTIMA Marks have been validly and continuously used by Opposer since the date of first use set forth in the above-referenced registrations and the ULTIMA Marks have not been abandoned.

7. As a result of Opposers' longstanding and extensive use, the ULTIMA Marks are symbolic of the extensive goodwill and recognition established by Opposer by virtue of expenditure of substantial amounts of time and effort in promoting its goods to customers under the ULTIMA Marks. The ULTIMA Marks thus identify Opposer with all associated goods.

10. Opposer's ULTIMA Marks are well-known and are deserving of a wide scope of trademark protection. Opposer has used its ULTIMA Marks in association with many goods long prior to Applicant's filing date of the federal registration application for the ULTIMA mark.

11. On information and belief, on November 7, 2002, Applicant filed a use-based application to federally register the ULTIMA mark for "paper cover material with a clear protective top coat for scuff and soil resistance for game boards, boxes, photo albums, slipcases, picture frames, looseleaf or files" in International Class 16.

12. The application for the ULTIMA mark was published for opposition in the *Official Gazette* of June 10, 2003. Opposer has requested extensions of time in which to file a notice of opposition, which extend through and include October 8, 2003.

13. Opposer will be damaged by registration of the ULTIMA mark because this mark, and its associated goods, so resembles Opposer's ULTIMA Marks, and their associated goods, as to be likely to cause confusion, mistake, and deception. Persons familiar with Opposer's ULTIMA Marks are likely to believe erroneously that Applicant's goods are offered by Opposer or are authorized, licensed, endorsed, or sponsored by Opposer, and registration of the ULTIMA mark would be inconsistent with Opposer's rights in the ULTIMA Marks.

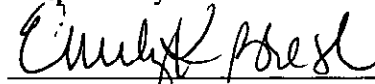
14. Applicant's applied-for ULTIMA mark falsely suggests a connection with Opposers, which violates section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a).

15. Registration of Applicant's ULTIMA mark would dilute the distinctiveness of Opposer's ULTIMA Marks by eroding consumers exclusive identification with Opposer, tarnishing and degrading the positive associations and prestigious connotations of Opposer's ULTIMA Marks, and otherwise lessening the capacity of the marks to identify and distinguish the goods.

16. Two duplicate copies of this Notice of Opposition are enclosed. **The Commissioner is authorized to debit the deposit account of Georgia-Pacific Corporation (deposit account no. 501-409) for the required filing fee of \$300.00.**

WHEREFORE, Opposer requests that the Trademark Trial and Appeal Board grant Opposer's Notice of Opposition and refuse registration of Application Serial Number 76/465,422 for the ULTIMA mark.

Respectfully submitted:



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CERTIFICATE OF MAILING (37 C.F.R. 1.8)

Date of Deposit with U.S. Postal Service: 10/8/03

I hereby certify that this document is being deposited with the United States Postal Service as first class mail under 37 C.F.R. 1.8 on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

Sonya R. Bratcher
Name of Person Mailing Document

Sonya R. Bratcher
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Georgia-Pacific Corporation

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Emily K. Breslin
Principal Counsel - Consumer Products

8 October, 2003

Assistant Commissioner for Trademarks
Box TTAB/FEE
2900 Crystal Drive
Arlington, Virginia 22202-3513



10-14-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #78

RE: Notice of Opposition
Trademark: ULTIMA
Applicant: Ecological Fibers, Inc.
Serial Number 76/465,422

Dear Sir/Madam:

Enclosed please find a Notice of Opposition in connection with the above-referenced mark and a Certificate of Mailing. Please charge the \$300.00 filing fee to our PTO Deposit Account 50-1409, crediting or debiting any overpayment or underpayment.

If any additional information or action is required in connection with the enclosed items, please do not hesitate to contact me at any time.

Sincerely,

Emily Breslin
Emily K. Breslin

Enclosures