

ESTTA Tracking number: **ESTTA8603**

Filing date: **05/11/2004**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	THE ARMOR ALL/STP PRODUCTS COMPANY
Granted to Date of previous extension	05/12/2004
Address	THE ARMOR ALL/STP PRODUCTS COMPANY 1221 Broadway Oakland, CA 94612 UNITED STATES

Correspondence information	Marjorie M. Goux, Esq. Senior Counsel THE ARMOR ALL/STP PRODUCTS COMPANY 1221 Broadway Oakland, CA 94612 UNITED STATES marjorie.goux@clorox.com Phone:510 271 6539
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Applicant Information

Application No	76484327	Publication date	01/13/2004
Opposition Filing Date	05/11/2004	Opposition Period Ends	05/12/2004
Applicant	Canberra Corporation		

Goods/Services Affected by Opposition

Class 003. First Use: First Use In Commerce:

All goods and services in the class are opposed, namely: liquid cleaning products, namely, disinfectant soaps, carpet care cleaning preparations, and hard surface cleaners

Attachments	TUFFstuffOpp.pdf (2 pages)
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Signature	/MGoux/
Name	Marjorie M. Goux, Esq.
Date	05/11/2004

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

In the matter of Trademark Application

Serial No. 76/484327

Filed: January 21, 2003

Mark: TUFF STUFF

Published: January 13, 2004

Opposition No. _____

Opposer: The Armor All/STP Products Company

v.

Applicant: Canberra Corporation

STATEMENT OF CLAIM:

Opposer opposes Serial No. 76/484327 in the name of Applicant for the mark TUFF STUFF and as grounds alleges the following:

1. Opposer makes and sells high quality auto and home cleaning products including Opposer's TUFF STUFF cleaning products throughout the USA.
2. Opposer owns the Federal Trademark Registration No. 2223606 for the mark TUFF STUFF for cleaners in International Classes 1 and 3 for "Preparations to clean and shine wheels; glass cleaner (Class 3) and Preparations for protecting fabrics, such as upholstery and carpets, in Automobiles and Homes (Class 1)."
3. Opposer owns common law rights in the mark TUFF STUFF for cleaners.
4. Opposer's and Opposer's legal predecessors in interest to the mark TUFF STUFF have made extensive use and promotion of the mark TUFF STUFF for auto and home cleaners in the United States since at least as early as June 19, 1993.
5. As a result of Opposer's use, advertisement and promotion of its TUFF STUFF mark, the mark has become well and favorably known throughout the USA as identifying Opposer and its cleaning products. Opposer owns valuable goodwill in its TUFF STUFF mark.
6. Applicant applied to register the mark TUFF STUFF for cleaners based on an intended use in commerce.

7. The registration and use of the trademark sought to be registered by Applicant is likely to cause confusion, deception or mistake among consumers and the trade. Persons familiar with Opposer's TUFF STUFF mark will mistakenly believe that the goods of Applicant bearing the TUFF STUFF mark are goods of Opposer or are somehow associated with or endorsed or licensed by Opposer. Any defect, objection or fault found with Applicant's goods marketed under the TUFF STUFF mark would necessarily reflect adversely upon and injure the reputation and goodwill of Opposer.
8. Opposer's and Applicant's marks are identical such that confusion is likely among consumers.
9. Opposer's and Applicant's customers can be found in the same consumer base and as such consumers are likely to believe that Applicant's products were made and marketed by Opposer, and/or are part of an extension of the Opponent's TUFF STUFF cleaners line of products.
10. Opposer's and Applicant's goods are identical and/or so closely related that use of the identical mark on the parties' respective goods would cause confusion among consumers.


For the reasons set forth in the foregoing paragraphs, Opposer believes the registration of the marks would irreparably damage and injure Opposer.

WHEREFORE, Opposer prays that this Opposition be sustained and that Application Serial No. 76/484327 be refused registration.

This Notice of Opposition is being submitted electronically. The fee required for this Opposition should be charged to deposit account number : 032270.

Respectfully submitted:

THE ARMOR ALL/STP PRODUCTS COMPANY


By: Marjorie M. Goux, Esq.
The Armor All/STP Products Company
1221 Broadway
Oakland, California 94612
(510) 271 6539

Dated May 11, 2004