

ESTTA Tracking number: **ESTTA27610**

Filing date: **03/07/2005**

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	Lucent Technologies, Inc.
Granted to Date of previous extension	03/09/2005
Address	600 Mountain Avenue Murray Hill, NJ 07974 UNITED STATES

Correspondence information	Matthew Hodulik Corporate Counsel Lucent Technologies, Inc. 600 Mountain Avenue Murray Hill, NJ 07974 UNITED STATES hodulik@lucent.com, dspatel@lucent.com Phone:908-582-7584
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Applicant Information

Application No	78349108	Publication date	11/09/2004
Opposition Filing Date	03/07/2005	Opposition Period Ends	03/09/2005
Applicant	Big Deal Int'l Inc. 184-10 EAST JAMAICA AVE		

HOLLIS, NY 11423 UNITED STATES

Goods/Services Affected by Opposition

Class 009.

All goods and services in the class are opposed, namely: ELECTRIC IRON
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Signature	/Matthew Hodulik/
Name	Matthew Hodulik
Date	03/07/2005

Lucent Technologies, Inc. ("Lucent") is a corporation organized and existing under the laws of the State of Delaware with an office at 600 Mountain Avenue, Murray Hill, New Jersey 07974, and believes that it will be damaged by registration of the mark shown in Serial No. 78/349,108 and hereby opposes same.

As grounds for Opposition, it is alleged that:

1. Since prior to January 7, 2004, Lucent, through its predecessors and/or related companies (hereinafter "Opposer") has been, and is still, engaged in the sale of a variety of goods and services under the WESTERN ELECTRIC mark.
2. Opposer is the owner of United States Trademark Registration No. 1,55,680, registered on August 29, 1989, 947,519, registered on November 21, 1979, 834,269, registered on August 29, 1967, and 161,852, registered on November 21, 1922 for the mark WESTERN ELECTRIC, used in connection with various International Class 9 goods. All of the registrations are valid and subsisting and now incontestable in accordance with Section 33(b) of the Trademark Act, 15 U.S.C. § 115(b).
3. Since at least as early as 1910, Opposer has used the mark WESTERN ELECTRIC in commerce throughout the United States in connection with a variety of consumer products in International Class 9.
4. Big Deal Int'l Inc. (hereinafter "Applicant") seeks to register the mark WESTERN ELECTRIC as a trademark for "electric iron" in International Class 9.
5. Upon information and belief, Applicant did not make any use in interstate commerce or commerce with the United States of WESTERN ELECTRIC in connection with Applicant's goods prior to January 7, 2004.

6. The Applicant's WESTERN ELECTRIC mark is identical in sound, appearance and meaning to Opposer's WESTERN ELECTRIC marks.
7. Opposer believes and alleges that consumers are likely to believe that Applicant's WESTERN ELECTRIC mark identifies goods which originates with Opposer.
8. Applicant's use and registration of the mark WESTERN ELECTRIC will enable Applicant to trade upon and utilize the goodwill established by Opposer in its WESTERN ELECTRIC marks.
9. Opposer believes and alleges that Applicant's mark, when applied to Applicant's goods, is likely to cause confusion or mistake, or to deceive, and will deceive and mislead, the purchasing public into believing that Applicant is licensed or controlled by Opposer, or that Applicant is a subsidiary of, or in some way related to, Opposer.
10. Opposer's WESTERN ELECTRIC marks are famous.
11. Applicant's use and registration of WESTERN ELECTRIC will dilute Opposer's WESTERN ELECTRIC marks.

WHEREFORE, Opposer prays that this Opposition be sustained and the application for registration of WESTERN ELECTRIC by Applicant be denied.