

ESTTA Tracking number: **ESTTA29240**

Filing date: **03/28/2005**

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

<b>Name</b>	Seiko Kabushiki Kaisha (trading as Seiko Corporation)		
<b>Entity</b>	Corporation	<b>Citizenship</b>	Japan
<b>Address</b>	5-11 Ginza 4-chome, Chuo-ku Tokyo, 00 JAPAN		

<b>Attorney information</b>	Laura E. Goldbard Stroock & Stroock & Lavan LLP 180 Maiden Lane New York, NY 10038-4982 UNITED STATES afisher@stroock.com Phone:212-806-5400
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#### Applicant Information

<b>Application No</b>	78399840	<b>Publication date</b>	03/01/2005
<b>Opposition Filing Date</b>	03/28/2005	<b>Opposition Period Ends</b>	03/31/2005
<b>Applicant</b>	Seq Watch Corporation P.O. Box 492 Stowe, VT 05672 UNITED STATES		

#### Goods/Services Affected by Opposition

Class 014.

All goods and services in the class are opposed, namely: Wristwatches

**Attachments**

Seeq\_1.tif ( 1 page )  
Seeq\_2.tif ( 1 page )  
Seeq\_3.tif ( 1 page )  
Seeq\_4.tif ( 1 page )  
Seeq\_5.tif ( 1 page )  
Seeq\_6.tif ( 1 page )  
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Seeq\_8.tif ( 1 page )

**Signature**

/laura e. goldbard/

**Name**

Laura E. Goldbard

**Date**

03/28/2005

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

In the Matter of Application:

Mark: SEEQ & Design  
Applicant: Seeq Watch Corporation  
Serial No.: 78/399,840  
Published: March 1, 2005

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SEIKO KABUSHIKI KAISHA	:	
T/A SEIKO CORPORATION,	:	
	:	
Opposer,	:	
	:	Opposition No. _____
vs.	:	
	:	
SEEQ WATCH CORPORATION,	:	
	:	
Applicant.	:	
-----X		

**NOTICE OF OPPOSITION**

Opposer, Seiko Kabushiki Kaisha (trading as Seiko Corporation) (“Seiko”), a Japanese corporation located and doing business at 5-11, Ginza 4-chome, Chuo-ku, Tokyo, Japan, believes that it will be damaged by the registration of the referenced trademark and hereby opposes the application for registration. Its grounds for the opposition are as follows:

1. For more than 50 years, Seiko or its predecessors-in-interest have used the mark SEIKO, SEIKO (stylized) and composite marks containing the designation “SEIKO” therein (collectively, the “SEIKO Marks”) in foreign commerce with the United States and interstate commerce within the United States in connection with watches, watch fittings and watch cases.

2. Over the past 30 years, Seiko or its predecessors-in-interest have used the SEIKO Marks in foreign commerce with the United States and interstate commerce within the United States in connection with a wide variety of products, including metronomes, ophthalmic lenses, batteries, optical lenses, calculators, tuners for musical instruments, and watch boxes sold in interstate commerce and in commerce with the United States (collectively with watches, watch fittings and watch cases, the “Seiko Products”).

3. Seiko is the owner of at least 40 registrations with the United States Patent and Trademark Office for marks that include the term SEIKO, including U.S. Trademark Registration No. 686,264 for the mark SEIKO for watches and clocks and parts thereof in Class 14, and U.S. Registration No. 1,159,088 for the mark SEIKO (stylized) for watches and clocks in Class 14. Copies of these registrations are annexed as Exhibit 1.

4. Seiko Products are sold through various channels of trade throughout the United States, including watch and jewelry stores, giftware stores, general department stores, direct marketing and catalog sales.

5. The SEIKO Marks are inherently distinctive. Furthermore, by reason of extensive sales, distribution, advertising, and marketing through the United States on and in connection with the Seiko Products, the SEIKO Marks have acquired substantial goodwill, secondary meaning and fame. By virtue of the distinctiveness, goodwill and fame that Seiko has established in the SEIKO Marks, the public understands and believes that products bearing the SEIKO Marks originate exclusively with Seiko.

6. By reason of extensive sales, distribution, advertising, and marketing through the United States, the SEIKO Marks in general, and the SEIKO trademark in particular, have become famous among American consumers. By virtue of Seiko's extensive and continuous use of the SEIKO Marks in interstate commerce, the marks have become, and continue to be, famous and distinctive.

7. Applicant, Seeq Watch Corporation, is a Delaware corporation, located and doing business in Stowe, Vermont. Applicant seeks to register the marks SEEQ & Design for wristwatches in International Class 14.

8. The mark that Applicant seeks to register is similar in appearance and pronunciation to Seiko's registered marks. Applicant has merely removed the "O" from the second syllable of SEIKO and replaced "ik" with "eq", resulting in a mark, which is confusingly similar in pronunciation, appearance and commercial impression to Seiko's registered SEIKO mark.

9. Applicant's goods are wristwatches, the identical goods to Seiko's goods. Accordingly, the goods of Opposer and Applicant are identical and because the identical goods are sold under confusingly similar trademarks, a likelihood of confusion exists.

10. Over the past 50 years, the SEIKO Marks have acquired a significant degree of fame and distinctiveness. Applicant's use and registration of the SEEQ mark is likely to dilute the distinctive quality of the SEIKO Marks.

**COUNT I**  
**LIKELIHOOD OF CONFUSION**

11. Seiko repeats and re-alleges the allegations in Paragraphs 1 through 10 as if fully set forth herein.

12. In view of the facts set forth above, Applicant's use and registration of the mark SEEQ is likely to create confusion, mistake and deceive the trade and public into believing that Applicant's goods originate with or are otherwise licensed, sponsored or authorized by Seiko.

13. The use and registration of the mark SEEQ by Applicant is likely to damage and destroy the distinctiveness, goodwill, reputation and secondary meaning created and established by Seiko in its SEIKO marks as used on the Seiko Products, by virtue of the confusion, mistake and deception likely to occur between the respective marks in derogation of Seiko's exclusive right to continue to use its registered mark for its present goods.

14. By reason of all the foregoing, Seiko will be gravely damaged by Applicant's registration of the marks SEEQ for wristwatches.

**COUNT II**  
**DILUTION**

15. Seiko repeats and re-alleges the allegations contained in Paragraphs 1-10 and 12-14 as if fully set forth herein.

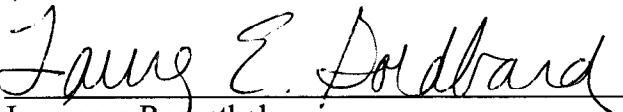
16. Seiko's SEIKO Marks are famous and the use and registration of Applicant's mark SEEQ is likely to dilute the distinctive quality of Seiko's famous mark pursuant to 15 U.S.C. §1125(c), which is applicable in an opposition proceeding.

17. By reason of all the forgoing, Seiko will be gravely damaged by Applicant's registration of the mark SEEQ for the wristwatches.

WHEREFORE, by reason of the confusing similarity of Applicant's and Seiko's marks and the likelihood that Applicants' mark will dilute Seiko's Marks, Seiko respectfully requests that the opposition be sustained and that registration of Applicant's SEEQ mark be refused.

Respectfully submitted,

STROOCK & STROOCK & LAVAN LLP  
Attorneys for Seiko Kabushiki Kaisha  
(trading as Seiko Corporation)  
180 Maiden Lane  
New York, New York 10038-4982  
(212) 806-5400

BY   
Lawrence Rosenthal  
Laura E. Goldbard

Dated: New York, New York  
March 28, 2005

# **EXHIBIT 1**



## PRINCIPAL REGISTER Trademark

Ser. No. 64,549, filed Dec. 18, 1958 .

### SEIKO

Kabushiki-Kaisha Hattori Tokai-Ten (Japanese corporation)  
Chuo-ku, Tokyo-to, Japan

For: WATCHES AND CLOCKS AND PARTS  
THEREOF, in CLASS 27.

First use April 1949; in commerce on or about Apr.  
15, 1949.

Owner of Japanese Reg. No. 175,840, dated Dec. 2,  
1925.

Int. Cl.: 14

Prior U.S. Cl.: 27

United States Patent and Trademark Office

Reg. No. 1,159,088  
Registered Jun. 30, 1981

TRADEMARK  
Principal Register

# SEIKO

Kabushiki Kaisha Hattori Tokeiten (Japan  
corporation), d.b.a. K. Hattori & Co., Ltd.  
4-11, 5-chome  
Chuo-ku, Tokyo, Japan

For: WATCHES AND CLOCKS, in CLASS 14  
(U.S. Cl. 27).

First use May 1970; in commerce May 1970.  
Owner of U.S. Reg. Nos. 686,264, 1,067,456 and  
others.

Ser. No. 232,876, filed Sep. 26, 1979.

A. D. HOOKS, Primary Examiner

JEFFREY QUINN, Examiner