

February 27, 2006

BOX NO FEE
Commissioner for Trademarks
United States Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451
ATTN: Trademark Trial and Appeal Board

Re: Opposition to Application for
Mark: Miscellaneous Design
Serial No.: 76/604,040
Our Matter No.: 79620.1702



03-01-2006

U.S. Patent & TMO/TM Mail Rcpt Dt. #30

To Whom It May Concern:

On December 21, 2005, we submitted a Notice of Opposition to registration of design mark Ser. No. 76/604,040, the fee of \$300, and the receipt postcard on behalf of Societe Nationale des Chemins de Fer Francais-S.N.C.F., Societe Nationale des Chemins de Fer Belges-S.N.C.B., and Eurostar (U.K.) Limited s et al. (collectively "Oppposer"). A copy of the Notice of Opposition, the check stub, and the postcard are enclosed with this letter. On September 29, 2005, the Trademark Trial and Appeal Board ("TTAB") granted Opposer's request for extension of time to oppose until December 28, 2005, meaning that we timely filed the Notice.

The United States Patent and Trademark Office ("PTO") website does not contain a record of the Notice of Opposition. We respectfully request that the TTAB initiate the opposition proceeding and post the Notice of Opposition.

Please feel free to contact me at (212) 837-6738 with any questions.

Respectfully submitted,

Russell W. Jacobs

Enclosures

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Jersey City, New Jersey
07302-3918
201-535-9220

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 76/604,040
Filed on July 20, 2004
For the Miscellaneous Design Mark
Published in the Official Gazette on August 30, 2005

<p>Société Nationale des Chemins de Fer Français – S.N.C.F. Société Nationale des Chemins de Fer Belges – S.N.C. B. Eurostar (U.K.) Limited, •</p>	Opposers,
-v-	
<p>BaggageDirect.com, Inc.</p>	Applicant.

Opposition No. _____

Serial No. 76/604,040
Published: August 30, 2005
Trademark: Miscellaneous Design
Mark

BOX TTAB FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Opposers, Société Nationale des Chemins de Fer Français – S.N.C.F., an industrial and commercial public establishment organized and existing under the laws of France, having an address at 88 rue Saint-Lazare 75009 Paris, France; Société Nationale des Chemins de Fer Belges – S.N.C.B., a public limited company organized and existing under the laws of Belgium, having an address at 85 rue de France 1070 Bruxelles, Belgium; and Eurostar (U.K.) Limited, a private limited company organized and existing under the laws of the United Kingdom, having an address at 3-5 Rathbone Place London W1P 1DA, Great Britain (hereinafter referred to collectively as “Opposers”), by and through their attorneys Hughes Hubbard & Reed LLP,

believe that they will be damaged by the registration of the Miscellaneous Design Mark in the name of BaggageDirect.com, Inc. ("Applicant"), published in the Official Gazette on August 30, 2005, depicted in Schedule A hereto (the "Applied-for Mark"), and hereby oppose the same.

This Opposition is timely because on September 29, 2005 the United States Patent and Trademark Office Trademark Trial and Appeal Board granted Opposers request for an extension of time to oppose until December 28, 2005.

As grounds for this Opposition, Opposers rely upon the rights developed by them and related companies and allege on knowledge as to themselves and otherwise upon information and belief, as follows:

1. On September 11, 2001, prior to Applicant's filing of its application, Opposers obtained United States Registration No. 2,486,433 for the Miscellaneous Design Mark ("Opposers' Mark") for a variety of goods and services, including, but not limited to, "baggage check services for travelers; packing and wrapping baggage for protection during travel; . . . cargo handling and unloading; parcel delivery" and other travel-related goods and services. (See Exhibit B hereto.)

2. Opposers' registration is valid and subsisting, unrevoked and uncancelled, and is prima facie evidence of the validity of Opposers' exclusive right to use Opposers' Mark in commerce in connection with the goods and services specified in Opposers' registration without condition or limitation, and constitutes constructive notice of Opposers' ownership of Opposers' Mark for the goods and services described in the registration, as provided for by §§ 7(b) and 22 of the Lanham Act, 15 U.S.C.A. §§ 1057(b) and 1072 (2005).

3. On July 20, 2004, Applicant filed an intent-to-use service mark application for the Applied-for Mark. The application covers the following services: "Baggage pick-up and delivery services" in International Class ("IC") 39.

Count: Likelihood of Confusion

4. Opposers hereby incorporates by reference the allegations in Paragraphs 1 through 3 hereof as if fully set forth herein.

5. The Applied-for Mark, as set forth in the application opposed herein, is substantially similar in commercial impression to Opposers' Mark. Both marks contain three parallel wavy lines, which are nearly identical in appearance to each other. The image of the suitcase in the Applied-for Mark is generic or descriptive as the covered services related to the pick-up and delivery of suitcases. Accordingly, the suitcase element is weak and entitled to a narrow scope of service mark protection, if it is entitled to any protection at all. The portion of the marks in common, namely, the three parallel wavy lines, is the portion with trademark significance.

6. The Applied-for Mark and Opposers' Mark cover the same services, namely services relating to the movement of baggage in IC 39.

7. Accordingly, the Applied-for Mark is likely to cause confusion, mistake, or to deceive the public into believing that Applicant's goods and services are somehow affiliated or associated with, connected to or sponsored by Opposers, in violation of Section 2(d) of the Lanham Act.

8. If Applicant is permitted to register or use the mark herein opposed, confusion would be likely as to the sponsorship of the services, resulting in damage and injury to Opposers by reason of the similarity between the Applied-for Mark and Opposers' Mark. Persons familiar with Opposers' Mark will be likely to purchase Applicant's services, believing them to be affiliated or associated with, connected to or sponsored by Opposers. Likewise, persons exposed to the Applied-for Mark who subsequently become acquainted with Opposers' Marks are likely to conclude that the goods and services offered by Opposers under their mark are in some

manner affiliated or associated with, connected to or sponsored by Applicant. Any such confusion as to sponsorship inevitably would result in damage and injury to Opposers.

9. Opposers will be damaged by registration of the mark shown in the application opposed herein because such registration will support and assist Applicant in the confusing and misleading use of the Applied-for Mark, and will give color of rights to Applicant in violation of Opposers' prior and superior statutory and common-law rights in the Opposers' Mark.

WHEREFORE, Opposers request that this Opposition be sustained and that the application for registration of the Applied-for Mark be denied in all respects.

Dated: New York, New York
December 19, 2005

Respectfully submitted,

HUGHES HUBBARD & REED LLP

By: Perla M. Kuhn
Perla M. Kuhn
Russell W. Jacobs
One Battery Park Plaza
New York, New York 10004
(212) 837-6000
Attorneys for Opposers

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451

on December 19, 2005

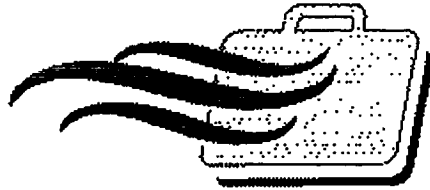
HUGHES HUBBARD & REED LLP

Dated: 12/19/05 By: Cecelia Rabena

Name: CECELIA RABENA

SCHEDULE A
APPLICANT'S MARK

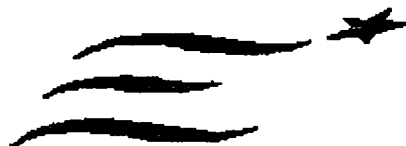
Mark:



Goods/Servs.: (IC 39) Baggage pick-up and delivery services
Ser. No.: 76/604,040
Filing Date: July 20, 2004
Owner: BaggageDirect.com, Inc.

SCHEDULE B
OPPOSERS' MARK

Mark:



Goods/Servs.:

(IC 003) Natural, herb-based skin soaps, and medicated and disinfectant soaps, perfumes and colognes; essential oils for personal use; cosmetics, namely, eye makeup, foundation, blush, lipstick and mascara; hair lotions; toothpaste; shaving products, namely, shaving creams, shaving gels, and shaving foam; toilet and shaving travel kits consisting primarily of shaving cream and aftershave lotion; and fitted or filled toilet kits consisting primarily of shampoo, soap, lotion and hair combs

(IC 009) spectacle frames; eyeglass frames; sunglass frames; spectacles; eyeglasses; sunglasses; eyeglass lenses; sunglass lenses, [contract] *contact* lenses; cases for eyeglasses, sunglasses and contact lenses; chains and cords for eyeglasses; radio incorporating alarm clocks; coiled and folded one meter and two meter measuring tapes; electronic devices and instruments for the recording, transmission, reproduction and duplication of text, sound and/or picture data, namely, audio and video cassette recorders; video game cartridges and discs; electrical, electronic, computer and/or digital devices and instruments and related mechanisms, namely, computers; still, movie, optical and teaching photographic equipment, namely, photographic cameras and motion picture cameras; television receivers; data processors; computers; devices and instruments for teleprocessing and computerized data communications, namely, telephones, modems, and facsimile machines; compact disc players; digital audio disc players; video cassette recorders; portable electronic devices, namely, headphones, visual headgear as a peripheral to computer equipment; blank smart cards; magnetic coded cards; electronic publications, namely, dictionaries, calendars, directories featuring topical, geographical, historical and sundry information on the main European cities, including more generally information and data on or for travelers and more generally in connection with travels in Europe and elsewhere recorded on CD-ROMs, video cassettes, magnetic tapes; electronic language translators; prerecorded sound and audio-visual magnetic recording media, namely, magnetic tapes, CD-ROMs, readable or recordable, audio cassettes featuring topical, geographical, historical and sundry information on the main European cities, including more generally information and data on or for travelers and more generally in connection with travels in Europe and elsewhere. blank media for transmission,

reproduction, and duplication of sound and/or images, namely, blank audio and video cassette tapes, blank magnetic computer tapes, blank digital audio tapes, blank CD-ROMs; prerecorded video cassettes, video discs, laser cassettes, laser discs, magnetic tape cassettes, compact discs and optical discs featuring railway transportation, simulation, and more generally visit and tourism guides for travels around the world and especially in Europe, and entertainment guides featuring topics on cinema, theater, expos, exhibitions, trade shows, dance, musical entertainment and concerts; computer game discs; magnetic and electronic styluses; computer programs for database management; computer software games; computer databases recorded on CD-ROMs in the field of railway transportation, and more generally visit and tourism guides for travels around the world and especially in Europe, and entertainment guides featuring topics on cinema, theater, expos, exhibitions, trade shows, dance, musical entertainment and concerts; and calculators

(IC 012) anti thief alarms [and] for vehicles; axles for land vehicles, baby carriages; covers for baby carriages; dirigible balloons; sleeping berths for vehicles; vehicles and railway vehicles, namely, railway carriages, dining cars, dining wagons and sleeping cars; bicycles; bicycle bells; bicycle breaks; bicycle chains; bicycle frames; bicycle handlebars; bicycle pumps; bicycle rims; bicycle saddles; bicycle spokes; bicycle stands; bicycle tires; bogies for railway cars; break segments for land vehicles; railway vehicles, namely, railway carriages, dining cars, dining wagons and sleeping cars; luggage carriers for [vehicles, parts, casings] *vehicles; parts and casings* for pneumatic tires, railway car couplings; seat covers for vehicles; direction signals for vehicles, doors for railway vehicles and electric vehicles, namely, railway carriages, dining cars, dining wagons and sleeping cars; head rests for vehicle seats; hydroplanes; locomotives; luggage nets for vehicles; luggage trucks; railway wheel tires; refrigerated vehicles, namely, trailers and wagons; reversing alarms for vehicles, rolling stock for funicular railways, namely, funicular railcars; rolling stock for railways, [namely railcars;] seaplanes; safety seats for children for vehicles; vehicle seats; security harness for vehicle seats; namely railcars; wheel chairs, and vehicle parts, namely, windscreen wipers, windscreens, windshields

(IC 014) watches, clocks, alarm clocks, cases for clocks; jewelry, bracelets; tie tacks; pins being jewelry; necklaces; [brooches] *brooches*; cuff links; precious and semiprecious gemstones; precious metals and their alloys sold in bulk; and items made from or plated with precious metals and their alloys, namely, decorative boxes, ashtrays, and tea pots

(IC 016) printed travel tickets, printed materials, namely, brochures about timetables and train schedules, ticket pricing, railway transportation updates, and topical, geographical, historical and sundry information on the main European cities, including more generally information and data

on or for travelers and more generally in connection with travels in Europe and elsewhere; catalogues featuring timetables and train schedules, ticket pricing, railway transportation updates, and topical, geographical, historical and sundry information on the main European cities, including more generally information and data on or for travelers and more generally in connection with travels in Europe and elsewhere; stickers, informational flyers about timetables and train schedules, ticket pricing and railway transportation updates; posters; printed periodicals, namely, magazines, printed reviews, newspapers, books, brochures, catalogues, pamphlets, all featuring topical, geographical, historical and sundry information on the main European cities, including more generally information and data on or for travelers and more generally in connection with travels in Europe and elsewhere; postcards; geographic maps and printed plans, particularly, city maps; announcement cards; photograph albums; atlases; agendas; calendars; book binding materials; namely, book binding covers, paper, tape and wire; unmounted photographs, writing instruments and refills therefor; pen cases; pen sets; eraser holders; stationery sets; printed labels not of textile; pencil cups; typewriters; construction paper; writing paper; computer paper; cardboard and cardboard containers; *printed* paper and cardboard signs; paper pennants; stationery boxes; general purpose plastic bags; envelopes; paper mail pouches; posters; paper table linens; paper handkerchiefs; toilet paper; paper napkins; paper towels. artist's materials, namely, pencils, pastels, brushes, arts and crafts paint kits comprised of water colors and oils, and canvases; adhesives for stationery or household purposes; plastic wrapping materials in the shape of bags, small bags, pouches, envelopes, film and sheets; and playing cards

(IC 018) manufactured leather goods, namely, shopping bags, tote bags, satchels luggage, calling card cases, shoulder bags, hunters' game bags, fanny packs, hat boxes for travel, purses, book bags, card holders, wallets, key cases, toiletry cases and containers sold empty, vanity cases sold empty, attache cases, school bags, school satchels, trunks, document cases, change purses not in precious metals, business card cases, mesh shopping bags, leather bags, envelopes and pouches for merchandise packaging, rucksacks, duffel bags, hand bags, beach bags, travel bags, garment bags, flight valet bags, travel toiletry bags sold empty and suitcases; leather and imitation leather sold in bulk; goods made from leather and imitation leather, namely, mesh purses other than in precious metals, leather or leather board boxes, leather or leather board containers, leather straps for luggage, fur pelts, horse blankets, collars for animals, clothing items for animals, animal leashes, muzzles, animal pelts, trunks and valises, umbrellas, parasols and walking sticks, whips and saddlery

(IC 025) clothing, namely, T-shirts, sweatshirts, pullovers, rolled neck tops, sweaters, tight fitting tops, sailor tops, cardigans, tank-tops and vests, waist coats, shirts, blouses, polo neck shirts, track suits, ties, dressing

gowns, pajamas, belts, *scarves,* mufflers, gloves, head scarves, stoles, shawls, coats, parkas, gabardines, cover-coats, anoraks, wind breaking jackets, jackets, raincoats, padded jackets, caps, hats, suits, trousers, jeans, skin pants, pants, leggings, socks, dresses, skirts, stockings, tights and swimsuits

(IC 028) games and toys, namely, chess boards, toy, scale models, namely, miniaturized trains; exercise and sport apparatuses, namely, exercise bars, exercise benches, stationary bicycles, exercise treadmills, sports balls, racquet ball rackets and tennis rackets, and portable structures for dance and other exercises; and Christmas decorations, promotional game materials and miniaturized stand alone video game machines

(IC 039) reservation and booking of transportation via land, air, sea and waterway; travel information services; arranging for travel documents for persons traveling abroad; arranging travel tours; travel agency services, namely, making reservations and bookings for transportation; rental of land vehicles, including wagons, automobiles and bicycles; rental of garage space; baggage check services for travelers; packing and wrapping baggage for protection during travel; refrigeration storage; warehouse storage; cargo handling and unloading; parcel delivery; and delivery of newspapers, reviews, periodicals, and magazines and other publications; taxi transport

(IC 042) legal services; correspondence exchange services; rental of clothing; linens, and bedding; database development services; computer programming for others; written text editing; language translation; news syndication reporting; printing; providing multiple user access to a global computer network for the transfer and dissemination of a wide range of information; [videotapping] *videotaping* ; rental of computers; restaurant and bar/cafe services; hotel services; providing temporary housing accommodations; and beauty salon services; travel agency services, namely, making reservations and bookings for temporary lodging; and security guard services

(IC 035) arranging and conducting trade show exhibitions, fairs and shows in the field of railway transportation, tourism around the world and especially in Europe; franchising, namely, technical assistance in the establishment and operation of railway transportation; copyright management; data processing

(IC 041) video editing and arranging for ticket reservations for shows and other entertainment events

Reg. No.:
Reg. Date:
Owners:

2,486,433
September 11, 2001
Eurostar (UK) Limited; Société Nationale des Chemins de Fer Français – S.N.C.F., Société Nationale des Chemins de Fer Belges – S.N.C.B.

HUGHES HUBBARD & REED LLP
 VENDOR: 020230 United States Patent

REF #	INV. #	INV. DATE	INV. AMOUNT	INV. DESCRIPTION	AMT. PAID
285267	122005	12-20-05	300.00	79620.1702	300.00

Check No.: 220493

THE PATENT AND TRADEMARK OFFICE ACKNOWLEDGES RECEIPT
 OF THE FOLLOWING: REF. NO: 79620.1702

DATE: 12/21/05
 APPLICANT/REGISTRANT: BaggageDirect.com, Inc.
 SER. NO./REG. NO. 961604, 040
 MARK: Miscellaneous Data
 DUE DATE _____ Check # 220493 Amt. \$ 300.00

- Statement of Use
- Amendment or reply to official communication
- Assignment or change of name
- Request for Extension of Time
- Section 8 Declaration, Specimen
- Section 15 Declaration,
- Renewal application with Section 8 Declaration
- Notice of Opposition or ~~Petition for Cancellation~~