

ESTTA Tracking number: **ESTTA98756**

Filing date: **09/11/2006**

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	Omega S. A. (Omega AG) (Omega Ltd.)
Granted to Date of previous extension	09/10/2006
Address	Jakob-Stämpfli-Strasse 96 Biel/Bienne, CH-2502 SWITZERLAND

Attorney information	Jess M. Collen COLLEN IP The Holyoke-Manhattan Building, 80 South Highland Avenue Ossining, NY 10562 UNITED STATES pmulhern@collenip.com Phone:9149415668
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Applicant Information

Application No	76606891	Publication date	03/14/2006
Opposition Filing Date	09/11/2006	Opposition Period Ends	09/10/2006
Applicant	Greek Girl LLC Barnes Morris Klein Mark Yorn Barnes & Levine, 1424 Second Street, Third Floor Santa Monica, CA 90401 UNITED STATES		

Goods/Services Affected by Opposition

Class 020. All goods and sevicees in the class are opposed, namely: BEDS AND PORTABLE BEDS; PILLOWS; CUSHIONS
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Related Proceedings	91172515, 91171152, 91170310, 91170308, 91170307, 91170306, 91170221
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Attachments	omega girl petz 76606891 n of opp f257.pdf (4 pages)(118019 bytes)
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Signature	/Jess M. Collen/
Name	Jess M. Collen
Date	09/11/2006

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

Applicant : Greek Girl LLC
Serial No. : 76/606,891
Filed : August 13, 2004
For : OMEGA GIRL PETZ
Published : March 14, 2006

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313

NOTICE OF OPPOSITION

Omega S.A. (Omega A.G.) (Omega Ltd.), Jakob-Stämpfli-Strasse 96, Biel/Bienne 2502, Switzerland, a corporation duly organized and existing under the laws of Switzerland, (referred to as "Omega" or "Opposer") believes that it would be damaged by the registration of the mark shown in the above-identified application, and hereby opposes that mark, pursuant to 15 USC § 1063 and 37 CFR § 2.104.

As grounds for opposition, it is alleged that:

- (1) Opposer is the owner of the mark OMEGA, as used in connection with a variety of goods and services.

(2) Omega is the owner of U.S. Registration No. 1,969,071, registered on April 23, 1996, for the mark OMEGA, and the marks OMEGA, U.S. Trademark Registration Nos. 25036, 566370, 577415, and others.

(3) Omega has used its mark in commerce and has acquired valuable goodwill and recognition for its mark. The public has come to associate the mark OMEGA with the Opposer and Opposer's goods.

(4) The Opposer is and has been engaged in the sale of goods in the United States under the trademark OMEGA since as early as 1894.

(5) Upon information and belief, Opposer is and has been engaged in the sale and marketing, under the OMEGA mark, of highly related goods to those recited by Applicant in its application since a time prior to Applicant's first use of its mark. The Opposer's mark has been used on a variety of goods, including goods closely related to Applicant's goods.

(6) Alternatively, on information and belief, the Applicant's OMEGA mark has not been used in commerce.

(7) Applicant's mark OMEGA is identical to Opposer's OMEGA trademark, adding just a word, and is likely, when used in conjunction with the goods offered by the Applicant, to cause confusion, or to cause mistake or to deceive. 15 USC § 1052(d).

(8) The Opposer's mark has been in use since a time prior to use or constructive use by the Applicant.

(9) Consumers encountering the Applicant's mark and goods are likely to believe that such goods originate from, or are authorized or sponsored by, the Opposer, in view of the recognition of the Opposer's mark and the fact that Applicant's mark is identical in part to the Opposer's mark.

(10) On information and belief, both the Applicant's mark and Opposer's mark are likely to be encountered through the same or similar channels of distribution.

(11) On information and belief, the Applicant has adopted its OMEGA trademark with full knowledge of the Opposer's OMEGA trademark.

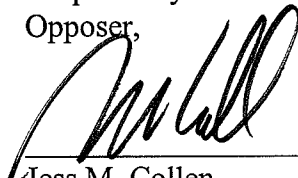
(12) On information and belief, the Applicant's mark is also likely to diminish and dilute the value and distinctive character of this mark, to the great detriment of the Opposer's OMEGA mark, thus damaging the Opposer.

(13) Applicant's OMEGA mark as used in the United States and not abandoned, is likely to cause confusion, or to cause mistake or to deceive.

OPPOSER prays that this application Serial No. 76/606,891 be refused, that no registration be issued thereon to Applicant and that this Opposition be sustained in favor of the Opposer.

Respectfully submitted for
Opposer,

By:



Jess M. Collen
COLLEN IP
Attorney for Opposer

JMC:pm

COLLEN IP
THE HOLYOKE -MANHATTAN BUILDING
80 SOUTH HIGHLAND AVENUE
OSSINING, NEW YORK 10562

DATED: September 11, 2006

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 03-2465.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FILED ELECTRONICALLY WITH THE UNITED STATES PATENT AND TRADEMARK OFFICE.

COLLEN IP

By: _____

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Date: September 11, 2006