

ESTTA Tracking number: **ESTTA103042**

Filing date: **10/06/2006**

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	4273371 Canada Inc.
Granted to Date of previous extension	10/08/2006
Address	76 Summit Circle WESTMOUNT, QUEBEC, H3Y 1B5 CANADA

Attorney information	Paul Fields Darby & Darby PC 805 Third Avenue New York, NY 10022 UNITED STATES pfields@darbylaw.com, ksegall@darbylaw.com, jmatkowsky@darbylaw.com, tmdocket@darbylaw.com
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Applicant Information

Application No	78679485	Publication date	04/11/2006
Opposition Filing Date	10/06/2006	Opposition Period Ends	10/08/2006
Applicant	Topline Corporation, The 13150 Southeast 32nd Street Bellevue, WA 980054436 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. Opposed goods and services in the class: men's, women's and children's apparel, namely, shirts, pants, jeans, sweaters, skirts, dresses, suits, lingerie, shorts, coats, jackets, and swimwear; fashion accessories, namely, hosiery, belts, hats, gloves and scarves

Applicant Information

Application No	78679482	Publication date	04/11/2006
Opposition Filing Date	10/06/2006	Opposition Period Ends	
Applicant	Topline Corporation, The 13150 Southeast 32nd Street Bellevue, WA 980054436 UNITED STATES		

Goods/Services Affected by Opposition

Class 018.

All goods and services in the class are opposed, namely: small leather goods, namely, handbags, purses, wallets, change purses, shoulder bags, beach bags, clutch bags, attache cases, tote bags, traveling bags, credit card cases, document cases, passport cases, cosmetic cases sold empty, key cases and briefcases; school bags; all purpose sports bags; luggage, namely, suitcases and traveling trunks; and umbrellas

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Signature	/jdm/
Name	Jonathan Matkowsky
Date	10/06/2006

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

4273371 CANADA INC.,

Opposer,

v.

TOPLINE CORPORATION, THE

Applicant.

BOX TTAB - FEE


Opposition No. _____

(Serial No. 78/679,485)

NOTICE OF OPPOSITION

4273371 Canada Inc. ("Opposer"), a corporation organized under the laws of Canada, located and doing business at 76 Summit Circle, Westmount, Quebec, H3Y 1B5, Canada, believes it will be damaged by the registration of REPORT SIGNATURE as shown in Serial No. 78/679,485 (the "Application"), for the goods covered by the Application other than footwear, namely "men's, women's and children's apparel, namely, shirts, pants, jeans, sweaters, skirts, dresses, suits, lingerie, shorts, coats, jackets, and swimwear; fashion accessories, namely, hosiery, belts, hats, gloves and scarves," in Class 25 (collectively, the "Opposed Goods") applied for by The Topline Corporation ("Applicant"), a Washington corporation with an address of 13150 Southeast 32nd Street, Bellevue, Washington 98005-4436 and hereby opposes registration of the same. Extensions of time to oppose the Application have been granted until October 8, 2006 on behalf of Opposer.

The grounds for opposition are as follows:

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1. Opposer, for many years and since long prior to both the filing date of the subject Application and any date of first use upon which Applicant can rely, has directly or through its predecessor in interest, adopted and continuously used the mark REPORT COLLECTION as a trademark for clothing and accessories, including shirts, polos, T-shirts, sweatshirts, sweaters, cardigans, wind resistant jackets, coats, underwear and belts.

2. Upon information and belief, Applicant has been in the business of manufacturing and distributing footwear, and as evidenced by the subject application, seeks to expand to clothing and accessories that are identical or more closely related to Opposer's goods than to its footwear.

3. Both Opposer's mark REPORT COLLECTION, and the subject mark REPORT SIGNATURE, contain the identical, dominant term REPORT, which is the dominant feature in the commercial impression created by each mark as judged by the recollection of the average purchaser. Furthermore, the additional terms SIGNATURE and COLLECTION in each mark, when used in combination with REPORT, denote a distinguishing style, which makes the marks even more similar because they have a similar connotation or meaning.

4. Although upon information and belief, there has been coexistence between Applicant's use of the mark REPORT COLLECTION for women's footwear and Opposer's use of the mark REPORT SIGNATURE for clothing and accessories, this does not mean that there would be no likelihood of confusion if Applicant were to expand use of its mark REPORT COLLECTION to the Opposed Goods, many of which are identical to Opposer's goods.

5. Registration of the mark REPORT SIGNATURE by Applicant for the Opposed Goods is barred by Section 2(d) of the Federal Trademark Act of 1946, as Amended (The Lanham Act), 15 U.S.C. § 1052(d), because it consists of or comprises a mark which so resembles a mark or

trade name previously used in the United States by another and not abandoned, as to be likely, when used on or in connection with the Opposed Goods of the Applicant, to cause confusion, or to cause mistake, or to deceive.

WHEREFORE, Opposer prays that registration to Applicant be refused for the Opposed Goods and that this Opposition be sustained.

The required fee of \$300 is enclosed. Please charge any additional costs to our Deposit
Account No. 04-0100.

Respectfully submitted,

DARBY & DARBY P.C.

Dated: New York, New York
October 6, 2006

By: /jdm/
Paul Fields
Jonathan Matkowsky
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7629

Attorneys for Opposer
4273371 Canada Inc.

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

4273371 CANADA INC.,

Opposer,

v.

TOPLINE CORPORATION, THE

Applicant.

BOX TTAB - FEE

Opposition No. _____

(Serial No. 78/679,482)

NOTICE OF OPPOSITION

4273371 Canada Inc. ("Opposer"), a corporation organized under the laws of Canada, located and doing business at 76 Summit Circle, Westmount, Quebec, H3Y 1B5, Canada, believes it will be damaged by the registration of REPORT SIGNATURE as shown in Serial No. 78/679,482 (the "Application"), for "small leather goods, namely, handbags, purses, wallets, change purses, shoulder bags, beach bags, clutch bags, attache cases, tote bags, traveling bags, credit card cases, document cases, passport cases, cosmetic cases sold empty, key cases and briefcases; school bags; all purpose sports bags; luggage, namely, suitcases and traveling trunks; and umbrellas" in Class 18 (collectively, the "Opposed Goods") applied for by The Topline Corporation ("Applicant"), a Washington corporation with an address of 13150 Southeast 32nd Street, Bellevue, Washington 98005-4436 and hereby opposes registration of the same. Extensions of time to oppose the Application have been granted until October 8, 2006 on behalf of Opposer.

The grounds for opposition are as follows:

1. Opposer, for many years and since long prior to both the filing date of the subject Application and any date of first use upon which Applicant can rely, has directly or through its predecessor in interest, adopted and continuously used the mark REPORT COLLECTION as a trademark for clothing and accessories, including shirts, polos, T-shirts, sweatshirts, sweaters, cardigans, wind resistant jackets, coats, underwear and belts.

2. Upon information and belief, Applicant has been in the business of manufacturing and distributing footwear, and as evidenced by the subject application, seeks to expand to various goods more closely related to Applicant's clothing and accessories than to its footwear.

3. Both Opposer's mark REPORT COLLECTION, and the subject mark REPORT SIGNATURE, contain the identical, dominant term REPORT, which is the dominant feature in the commercial impression created by each mark as judged by the recollection of the average purchaser. Furthermore, the additional terms SIGNATURE and COLLECTION in each mark, when used in combination with REPORT, denote a distinguishing style, which makes the marks even more similar because they have a similar connotation or meaning.

4. Although upon information and belief, there has been coexistence between Applicant's use of the mark REPORT COLLECTION for women's footwear and Opposer's use of the mark REPORT SIGNATURE for its clothing and accessories, this does not mean that there would be no likelihood of confusion if Applicant were to expand use of its mark REPORT COLLECTION to the Opposed Goods, which are more closely related to Opposer's goods than to women's footwear.

5. Registration of the mark REPORT SIGNATURE by Applicant for the Opposed

Goods is barred by Section 2(d) of the Federal Trademark Act of 1946, as Amended (The Lanham Act), 15 U.S.C. § 1052(d), because it consists of or comprises a mark which so resembles a mark or trade name previously used in the United States by another and not abandoned, as to be likely, when used on or in connection with the Opposed Goods of the Applicant, to cause confusion, or to cause mistake, or to deceive.

WHEREFORE, Opposer prays that registration to Applicant be refused for the Opposed Goods and that this Opposition be sustained.

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