

ESTTA Tracking number: **ESTTA113957**

Filing date: **12/11/2006**

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	Wilhelm Westermann Spezialvertrieb elektronischer Bauelemente
Granted to Date of previous extension	12/16/2006
Address	Pfingstweid Str. 13 Mannheim, 68199 GERMANY

Domestic Representative	Raymond R. Ferrera Attorney Arnold & Ferrera, L.L.P. 2401 Fountainview, Suite 630 Houston, TX 77057 UNITED STATES rferrera@arnold-iplaw.com Phone:(713) 972-1150
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Applicant Information

Application No	78833071	Publication date	10/17/2006
Opposition Filing Date	12/11/2006	Opposition Period Ends	12/16/2006
Applicant	WEMA U.S.A. Inc. 15 N.E. 3rd Street, Suite 104 Fort Lauderdale, FL 33301 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 1996/05/20 First Use In Commerce: 1996/05/20 All goods and services in the class are opposed, namely: Ammeters; Electric or electronic sensors for fuel water and holding tank levels; Instruments for detecting and measuring two-dimensional distribution of force and pressure; Level gauges; Level indicators; Liquid level sensors; Oil level sensors; Pressure gauges; Pressure sensors; Speedometer testers; Speedometers; Speedometers for vehicles; Tachometers; Temperature indicators; Temperature sensors
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Attachments	12-11-06 Statement Regarding the Basis for Opposition.pdf (2 pages)(111833 bytes)
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Signature	/Raymond R. Ferrera/
Name	Raymond R. Ferrera
Date	12/11/2006

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

Wilhelm Westermann	§	
Spezialvertrieb elektronischer	§	Serial No.: 78 / 833,071
Bauelemente,	§	
	§	
Opponent,	§	
	§	Mark: WEMA
vs.	§	
	§	
WEMA, U.S.A., Inc.,	§	
	§	Docket No.: B31640US
Applicant.	§	

STATEMENT REGARDING THE BASIS FOR OPPOSITION

1. The present opposition is based on the likelihood of confusion between the mark “WEMA” claimed in the above-identified application filed by WIMA U.S.A. (“Applicant”), Inc., and the mark “WIMA” owned by Opponent Wilhelm Westermann Spezialvertrieb elektronischer Bauelemente (“Opponent”) in prior Registration No. 1,255,192.

2. Opponent acquired registration rights in the mark WIMA as of October 25, 1983. This registration claims a date of first use in commerce of July 1953.

3. Applicant’s filing date for the WEMA application identified above is March 9, 2006, with a claimed date of first use in commerce of May 20, 1996.

4. As seen, both the filing date and the date of first use in commerce in the Applicant’s application are later than the corresponding dates in the Opponent’s registration.

5. Opponent submits that confusion between the respective parties' marks would be inevitable because the Applicant claims, *inter alia*, sensors, instruments and gauges in its description of goods in International Class 009, each of which can be achieved using an electrical capacitor as protected in International Class 009 in Opponent's registration.

6. In view of the foregoing, Opponent submits that Applicant's application should not be allowed to mature into a registration, and the TTAB should remand the case back to the Examining Attorney for further treatment in accord with such findings.

Respectfully submitted,

DECEMBER 11, 2006
Date

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