

ESTTA Tracking number: **ESTTA114062**

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

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 | Taiwan Hopax Chemicals Mfg. Co., Ltd. |
| Granted to Date of previous extension | 12/13/2006 |
| Address | 94-2 Feng Ren Road Feng Shan Kaohsiung, TAIWAN |

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|-------------------------|---|
| Domestic Representative | Brent E. Routman Attorney for Opposer Merchant & Gould, P.C. P.O. Box 2910 Minneapolis, MN 55402-0910 UNITED STATES broutman@merchantgould.com Phone:(612) 336-4619 |
|-------------------------|---|

Applicant Information

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|------------------------|--|------------------------|------------|
| Application No | 78792651 | Publication date | 08/15/2006 |
| Opposition Filing Date | 12/12/2006 | Opposition Period Ends | 12/13/2006 |
| Applicant | MeadWestvaco Corporation One High Ridge Park Stamford, CT 06905 UNITED STATES | | |

Goods/Services Affected by Opposition

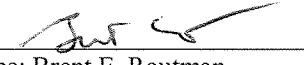
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|---|
| Class 016. All goods and services in the class are opposed, namely: note cards and index cards |
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| Attachments | notice for 651.pdf (4 pages)(218572 bytes) |
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| Signature | /ber/ |
| Name | Brent E. Routman |
| Date | 12/12/2006 |

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

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|---------------------------------|---|-----------------------|
| _____ |) | |
| TAIWAN HOPAX CHEMICALS MFG. CO. |) | |
| LTD. |) | |
| |) | Opposition No. _____ |
| Opposer, |) | Serial No. 78/792,651 |
| |) | Mark: STICK N STAND |
| v. |) | |
| |) | |
| MEADWESTVACO CORPORATION, |) | |
| |) | |
| Applicant. |) | |
| _____ |) | |

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| <p>I hereby certify that on December 12, 2006, this paper was filed on-line with the Trademark Trial and Appeal Board.</p> <p style="text-align: right;">By:  Name: Brent E. Routman</p> |
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NOTICE OF OPPOSITION

Taiwan Hopax Chemicals Mfg. Co. Ltd., a corporation organized and existing under the laws of Taiwan, and having its principal place of business at 94-2 Feng Ren Road Feng Shan, Kaosiung, Taiwan, believes that it will be damaged by registration of the mark “STICK N STAND” in application Serial No. 78/792,651 filed January 17, 2006, by MeadWestVaco Corporation, and published for opposition in the Official Gazette of August 15, 2006; and hereby opposes registration of said claimed mark. The grounds for opposition are as follows:

1. Opposer has for many years been engaged in the manufacture and sale of paper and stationery products in Class 16. Opposer has longstanding use and trademark rights in the mark STICK'N. Opposer has used the word mark STICK'N for paper and stationery products in interstate and intrastate commerce throughout the United States since at least as early as 1996 and in commerce since August 1996, long prior to Applicant's filing date of January 17, 2006,

and is the owner of Federal Registrations incorporating the mark including, "STICK 'N," Reg. No. 2,639,320 and "STICK 'N" and design, Reg. No. 2,594,180, for "memo pads, writing paper pads, notepapers; note pads; bookmarkers; index cards; self-adhesive notes; tapes for stationery and household purposes; labels, not of textile; tabs; self-adhesive labels; bulletin boards of cardboard; repositionable self-stick memo boards" in Class 16, both of which have not been canceled, are valid, and are now in full force and effect.

2. By the application herein opposed, Applicant is seeking to obtain, under the provisions of the Trademark Act of 1946, as amended, registration upon the Principal Register of the mark "STICK N STAND," for "note cards and index cards" in Class 16.

3. The application herein opposed is based upon an intent to use the mark in commerce.

4. Since long prior to any use or application to register Applicant's alleged mark "STICK N STAND" in the United States, Opposer has used the trademark "STICK 'N" as an indication of origin of paper and stationery products sold by Opposer, and the purchasing public has come to recognize paper and stationery products sold in association with the "STICK 'N" trademark as emanating from Opposer.

5. As indicated in said Registrations, Opposer has used the trademark "STICK 'N" in connection with the sale of paper and stationery products since as early as 1996.

7. All of Opposer's U.S. Trademark Registrations identified herein recite dates of first use and were issued long prior to the U.S. filing date of the mark herein opposed; and therefore, there is no issue as to priority.

8. During the time Opposer has used its mark on the goods identified herein, Opposer has advertised said goods under said mark so as to popularize said goods with its

customers and with the purchasing public, and Opposer's goods so sold and advertised under said mark now possess a wide and favorable reputation. Accordingly, the trade and purchasing public have come to know and recognize said mark as identifying the goods of Opposer exclusively, whereby Opposer has developed extremely valuable goodwill represented by its above-identified trademark.

9. Because of Opposer's promotional activities, and by virtue of the excellence of Opposer's goods, Opposer's above-identified "STICK 'N" trademarks enjoy a favorable reputation and goodwill among the trade and purchasing public. Applicant's claimed mark "STICK N STAND," herein opposed, is to be used on note cards and index cards, and is so similar to Opposer's trademarks "STICK 'N" and "STICK 'N" and design, that confusion and deception as to the origin of Applicant's goods bearing Applicant's claimed mark is likely.

10. Because Applicant's mark is to be used on note cards and index cards, and Opposer's marks are used on note pads and index cards, the goods are the same, or directly related, and the goods are sold in the same channels of trade, and because Applicant's mark is so similar to Opposer's marks, the trade and purchasing public, and in particular Opposer's customers, are likely to believe and would be justified in believing that Applicant's goods originate from Opposer or from an entity in some way associated with Opposer, all to the damage of Opposer.

11. If Applicant is granted a registration, it would obtain at least prima facie the exclusive right to use the mark on said goods, and such registration would be a source of damage and injury of Opposer and a source of confusion to Opposer's many customers who rely upon the reputation of Opposer and the high quality of Opposer's goods as reflected by Opposer's valuable trademarks.

WHEREFORE, Opposer prays that the registration sought by Applicant in Application Serial No. 78/792,651 be refused and that this Notice of Opposition be sustained.

Accompanying this Notice of Opposition is the required fee of \$300.00 paid using the Opposer's Deposit Account.

The undersigned hereby appoints Brent E. Routman, Scott W. Johnston, Reg. No. 39,721; Gregory Golla, Andrew Ehard, and Chris Schulte, of the firm of MERCHANT & GOULD P.C., 3200 IDS Center, 80 South Eighth Street, Minneapolis, Minnesota, 55402, its attorneys to prosecute this petition with full power of substitution and revocation, and to transact all business in the Patent and Trademark Office connected therewith.

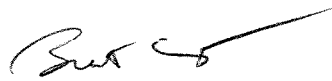
Please direct all correspondence to the attention of: Brent E. Routman, P.O. Box 2910, Minneapolis, Minnesota 55402, Telephone: (612) 332-5300.

Respectfully submitted,

TAIWAN HOPAX CHEMICALS MFG. CO. LTD.

By its Attorneys,

Date: December 12, 2006



Brent E. Routman
MERCHANT & GOULD P.C.
P.O. Box 2910
Minneapolis, MN 55402-0910
BER/tlk