

ESTTA Tracking number: **ESTTA115636**

Filing date: **12/19/2006**

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	The Topline Corporation
Granted to Date of previous extension	12/20/2006
Address	13150 SE 32nd Street Bellevue, WA 98005-4436 UNITED STATES

Attorney information	William O. Ferron, Jr. Seed Intellectual Property Law Group PLLC 701 Fifth Avenue, Suite 5400 Seattle, WA 98104 UNITED STATES billf.docketing@seedip.com, litcal@SeedIP.com Phone:206-622-4900
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Applicant Information

Application No	78812174	Publication date	08/22/2006
Opposition Filing Date	12/19/2006	Opposition Period Ends	12/20/2006
Applicant	4273371 CANADA INC. 5525 Pare Street Montreal, Quebec, H4P1P7 CANADA		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Belts; Blazers; Cardigans; Coats; Jackets; Pants; Parkas; Polo shirts; Pullovers; Shirts; Shoes; Socks; Suits; Sweat shirts; Sweaters; T-shirts; Ties; Underwear

Attachments	SP-NoticeOfOpposition - Topline.PDF (3 pages)(107709 bytes)
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Signature	/William O. Ferron, Jr./
Name	William O. Ferron, Jr.
Date	12/19/2006

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

THE TOPLINE CORPORATION,)	
)	Opposition No.
Opposer,)	
)	Serial No. 78/812174
v.)	
)	
4273371 CANADA INC.,)	
)	
Applicant.)	
_____)	Docket No. 910009.834

NOTICE OF OPPOSITION

Opposer The Topline Corporation (“Opposer”) believes that it would be damaged by registration of the mark INTERNATIONAL REPORT, as shown in United States Application Serial No. 78/812,174 (“the ’174 Application”), filed by 4273371 Canada Inc., (“Applicant”) and published for Opposition on August 22, 2006 for “Belts; Blazers; Cardigans; Coats; Jackets; Pants; Parkas; Polo shirts; Pullovers; Shirts; Shoes; Socks; Suits; Sweat Shirts; Sweaters; T-shirts; Ties; Underwear” in International Class 25.

Opposer has applied for and received an extension of time to December 20, 2006 in which to oppose this application.

The grounds asserted for this Opposition are as follows:

1. Opposer is a Washington corporation with its principal place of business in Bellevue, Washington. Opposer is engaged in the manufacture and distribution of footwear.
2. Commencing as early as March 1993, well prior to the February 10, 2006 filing date of the Applicant’s application, Opposer adopted and has continuously used the mark

REPORT and variants of that mark (“REPORT Marks”) in commerce in the United States as a trademark in connection with the sale of footwear products.

3. Opposer is the owner of U.S. Trademark Registration No. 2169637, with a filing priority date of June 24, 1997 and first-use date of March 1993, for REPORT: in International Class 25 for women’s shoes. The registration has become incontestable.

4. Opposer is the owner of U.S. Trademark Registration No. 2681120 for REPORT: and Design in International Class 25 for footwear.

5. Since commencing use of its REPORT Marks as described above, Opposer has generated substantial revenue from the sale of its REPORT goods in the United States. Additionally, Opposer has expended substantial sums of money, time and effort in advertising, promoting and popularizing the REPORT Marks in the United States.

6. As a result of Opposer’s use of the REPORT Marks, and its advertising and promotion of its REPORT shoes and other footwear products, its REPORT Marks have become well known in the United States and are recognized as identifying the high-quality services and goods of Opposer. Thus, the REPORT Marks and the associated goodwill are valuable assets of Opposer.

7. Opposer’s REPORT brand shoes are advertised and promoted in women’s fashion and lifestyle magazines and Opposer’s REPORT brand is known to consumers of women’s fashion items, including shoes, clothing and accessories.

8. The goods described in Applicant’s application —i.e., Belts, Blazers, Cardigans, Coats, Jackets, Pants, Parkas, Polo shirts, Pullovers, Shirts, Shoes, Socks, Suits, Sweat Shirts, Sweaters, T-shirts and Underwear—include goods identical to goods sold by Opposer under its REPORT Marks. Applicant’s goods are so closely related to the goods identified in Opposer’s registrations and sold by Opposer in the United States that confusion is likely to result if the parties’ respective goods and services are marketed and sold under their respective marks.

9. The INTERNATIONAL REPORT mark shown in Applicant’s application for the goods described therein is confusingly and deceptively similar to Opposer’s REPORT Marks for

Applicant's above-described goods, such that the trade and purchasing public will be confused by and deceived into believing that Applicant's goods originate with Opposer, or are otherwise authorized by, sponsored by, licensed by, affiliated with, or associated with Opposer.

10. WHEREFORE, Opposer prays that this Opposition be sustained and the mark refused registration.

Correspondence Address

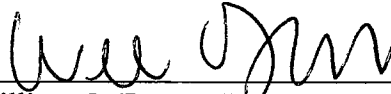
Please direct all communications to:

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DATED this 19th day of December, 2006.

Respectfully submitted,

SEED IP Law Group PLLC



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