

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 78/799221: ONE

Published in the *Official Gazette* of August 1, 2006, in International Class 11

KOHLER CO.,)	
)	
Opposer,)	
)	
v.)	Opp. No. _____
)	
AMERICAN STANDARD)	
INTERNATIONAL, INC.)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Kohler Co. ("Opposer"), a Wisconsin corporation located and doing business at 444 Highland Drive, Kohler, Wisconsin, believes it will be damaged by registration of the mark shown in Application Serial No. 78/799,221, and opposes the same.

The grounds for the opposition are as follows:

1. Since 2001, and long prior to the filing date of applicant's application, Opposer has manufactured, distributed, advertised, and sold under the distinctive ONE mark plumbing products, including faucets, bath spouts, and water control valves.
2. Opposer has sold substantial sums of dollars worth of goods under the ONE mark throughout the United States and has spent substantial sums of dollars annually in advertising and promoting the mark throughout the United States.
3. By virtue of Opposer's long use, extensive sales, advertising, and promotional efforts, Opposer now owns a valuable goodwill symbolized by its distinctive ONE

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U.S. Patent & TMOfo/TM Mail Rcpt Dt. #30

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Stefania Ruiz

mark. Opposer acquired that goodwill long prior to the filing date of the application opposed herein.

4. On February 1, 2006, applicant filed an intent-to-use application to register the mark ONE for "faucets, bath and shower valves," in International Class 11.

5. Upon information and belief, neither applicant nor any predecessor or related company of applicant has any basis for claiming rights in ONE prior to Opposer's first use of its ONE mark.

6. Applicant's use of and application to register the mark ONE is without Opposer's consent.

7. Applicant's use of ONE is likely to result in confusion, mistake or deception with Opposer's ONE mark, or in the belief that applicant or its ONE products are in some way legitimately connected with, or licensed or approved by, Opposer.

WHEREFORE, registration by applicant of ONE for the goods stated in Application Serial No. 78/799,221 would be damaging to Opposer.

Please debit the requisite filing fee of \$300 from Deposit Account No. 16-0650. Please address all correspondence to Bradley L. Cohn, Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP, 311 South Wacker Drive, Suite 5000, Chicago, Illinois 60606.

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