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ESTTA Tracking number: **ESTTA191509**

Filing date: **02/07/2008**

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	ET Illumination, Inc.		
Entity	Corporation	Citizenship	CANADA
Address	414-99 Fifth Avenue Ottawa, Ont K15 5P5 CANADA		

Correspondence information	Dennis M. Carleton Opposer's Attorney Fox Rothschild LLP 625 Liberty Avenue Pittsburgh, PA 15222 UNITED STATES pghdocketing@foxrothschild.com Phone:412-394-5568

Applicant Information

Application No	77203732	Publication date	01/08/2008
Opposition Filing Date	02/07/2008	Opposition Period Ends	02/07/2008
Applicant	Beghelli North America Unit A 3250 Corporate Way Miramar, FL 33025 UNITED STATES		

Goods/Services Affected by Opposition

Class 011. All goods and services in the class are opposed, namely: Outdoor lighting, namely, paver lights; Outdoor lighting, namely, architectural landscape in-ground electric luminaire in aluminum casing; High performance, high efficiency LED light bulbs for lamps

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)

Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	77194415	Application Date	05/31/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	TERRAWATT		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 011. First use: LED light bulbs

Attachments	77194415#TMSN.jpeg (1 page)(bytes) NoticeOfOpposition-TERRA.pdf (2 pages)(22312 bytes)

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Dennis M. Carleton/
Name	Dennis M. Carleton
Date	02/07/2008

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

In re:

U.S. Trademark Application Serial No.	: **77203732**
Mark	: **TERRA**
Date of Publication	: **January 8, 2008**

ET Illumination, Inc.
414-99 Fifth Avenue
Ottawa, Ontario
CANADA K15 5P5

v.

Beghelli North America
3250 Corporate Way
Miramar, Florida 33025

NOTICE OF OPPOSITION

Opposer, ET Illumination, Inc., a Canadian corporation having a place of business at 414-99 Fifth Avenue, Ottawa, Ontario, CANADA, believes that it will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same.

The grounds for opposition are as follows:

1. The Opposer has applied for registration of the mark TERRAWATT by the filing of an application under section 1(b) [15 U.S.C. § 10519(b)]. The application was filed May 31, 2007 and was assigned registration number 77194415.

2. The Opposer has a bona fide intent to use the mark TERRAWATT.

3. The Opposer's application for registration was approved for publication on September 12, 2007 and was published in the official gazette on November 2007.

4. Applicant has applied for the mark TERRA via the filing of an application under section 1(b) dated June 12, 2007

5. Both the Opposer's mark and the Applicant's mark list goods in class 11, in particular, LED Light bulbs

6. The Opposer believes that a likelihood of confusion would result if the Applicant's mark is awarded registration. The Applicant's mark, TERRA, appears as part of the Opposer's marks, "TERRAWATT", and therefore the dominant portion of both marks are identical. The goods associated with each mark are also identical, and therefore the channels of trade and potential customers for both the Opposer's goods and the Applicants goods are identical.

7. The Opposer believes that registration of the Applicant's mark should be refused under section 2(d) [15 U.S.C. § 1052(d)] based on likelihood of confusion.

For Opposer:

Dennis M. Carleton
Attorney for Opposer
Date: February 7, 2008