

ESTTA Tracking number: **ESTTA229616**

Filing date: **08/11/2008**

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	Spiralock Corporation
Granted to Date of previous extension	08/10/2008
Address	25235 Dequindre Road Madison Heights, MI 48071 UNITED STATES

Attorney information	Stanley M. Erjavac/Jessica S. Sachs Harness, Dickey & Pierce, P.L.C. 5445 Corporate Drive Suite 200 Troy, MI 48098 UNITED STATES jsachs@hdp.com Phone:248-641-1600
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Applicant Information

Application No	77045663	Publication date	02/12/2008
Opposition Filing Date	08/11/2008	Opposition Period Ends	08/10/2008
Applicant	HWB, INC. 1900 Australian Avenue Riviera Beach, FL 33404 UNITED STATES		

Goods/Services Affected by Opposition

Class 007. All goods and services in the class are opposed, namely: Machines and machine tools, namely, uncoilers
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1123588	Application Date	04/12/1976
Registration Date	08/07/1979	Foreign Priority Date	NONE
Word Mark	SPIRALOCK		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 006. First use: First Use: 1976/02/20 First Use In Commerce: 1976/02/20 THREADED FASTENERS

U.S. Application No.	77473071	Application Date	05/13/2008
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SPIRALOCK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 006. First use: First Use: 1978/01/01 First Use In Commerce: 1978/01/01 taps Class 007. First use: First Use: 1978/01/01 First Use In Commerce: 1978/01/01 taps Class 008. First use: First Use: 1978/01/01 First Use In Commerce: 1978/01/01 taps		

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	SPIRALOCK		
Goods/Services	threaded fasteners and taps		

Attachments	73083534#TMSN.gif (1 page)(bytes) 77473071#TMSN.jpeg (1 page)(bytes) Notice of Opposition.pdf (15 pages)(437349 bytes)
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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	/jss/
Name	Jessica S. Sachs
Date	08/11/2008

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

In the Matter of Application Serial No. 77/045,663
Published in the *Official Gazette* of February 12, 2008

SPIRALOCK CORPORATION]	
]	
Opposer,]	
]	
v.]	Opposition No. _____
]	
HWB, INC.]	
]	
Applicant.]	
]	

NOTICE OF OPPOSITION

Spiralock Corporation, a Michigan corporation with its principal place of business at 25235 Dequindre Road, Madison Heights, Michigan 48071 (“Opposer”), believes that it will be damaged by registration of the mark shown in the above-identified application in International Class 7 and hereby opposes the same.

The grounds for the Opposition are as follows:

1. Opposer has been and is now using the SPIRALOCK trademark in connection with threaded fasteners since at least as early as 1976 and in connection with taps since at least as early as 1978.

2. Opposer is the owner of trademark applications and registrations, and the common law rights associated therewith, in the United States for marks comprised of the term SPIRALOCK, including, but not limited to:

Mark	Filing or Reg. No.	Filing or Reg. Date	Goods
SPIRALOCK	1,123,588	8/7/1979	Threaded fasteners in Class 6 (Date of First Use – February 20, 1976)
SPIRALOCK	77/473,071	5/21/2008	Taps in Classes 6, 7, and 8 (Date of First Use – January 1, 1978)

Notice of Opposition

Serial No. 77/045,663

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Copies of relevant Certificates of Registration, TARR printouts, and Assignment Abstracts of Title for the foregoing marks are attached as Exhibit A.

3. Opposer's SPIRALOCK trademark symbolizes the extensive goodwill, reputation, and consumer recognition built up by Opposer as a result of the considerable time, money and effort spent in advertising and promoting the goods offered under the SPIRALOCK trademark, and establishing the SPIRALOCK trademark in the minds of consumers as an indicator of high-quality products. As a result, Opposer's SPIRALOCK trademark has become, through widespread and favorable public acceptance and recognition, an asset of substantial value as a symbol of Opposer, its quality products and its goodwill.

4. HWB, Inc. seeks to register the trademark SPIRAL LOCK for "machines and machine tools, namely, uncoilers" in International Class 7. Said trademark was published in the February 12, 2008 edition of the *Official Gazette*.

5. Applicant's application for the SPIRAL LOCK trademark was filed on November 16, 2006 based upon proposed use. Opposer has been using its SPIRALOCK trademark, however, since a date significantly earlier than the filing date of the SPIRAL LOCK trademark application.

6. Applicant's SPIRAL LOCK trademark is visually and aurally indistinguishable from Opposer's SPIRALOCK trademark and the goods listed in Applicant's application are sufficiently related to the goods offered by Opposer as to be likely to cause confusion, or to cause mistake, or to deceive.

7. Opposer reasonably believes that purchasers, upon encountering Applicant's SPIRAL LOCK mark on or in connection with Applicant's goods, are likely to believe that such goods emanate from, are authorized or sponsored by, are made in accordance with instructions or specifications of, or are in some other way affiliated with or connected to Opposer.

Notice of Opposition

Serial No. 77/045,663

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8. Applicant's SPIRAL LOCK trademark falsely suggests a connection or association between Opposer and Applicant. When Applicant's SPIRAL LOCK mark is applied to goods traveling in the same channels of trade as those sold by Opposer under the SPIRALOCK trademark, Applicant's SPIRAL LOCK mark so resembles Opposer's SPIRALOCK trademark as to be likely to cause confusion and lead to deception or mistake as to the origin of Applicant's goods offered under the SPIRAL LOCK mark. Consequently, Opposer believes that Applicant's use and registration of the SPIRAL LOCK mark will cause consumers to draw a false conclusion about the origin, nature, or quality of Applicant's goods under circumstances where such a conclusion will be material to the consumer's deliberations regarding the purchase of such goods.

9. If Applicant is permitted to register the SPIRAL LOCK mark for the goods specified in the application herein opposed, damage and injury to Opposer would result by reason of the similarity between Applicant's SPIRAL LOCK mark and Opposer's SPIRALOCK trademark. Persons familiar with Opposer's SPIRALOCK trademark may be likely to buy Applicant's goods rather than the goods sold by Opposer. Any such confusion inevitably would result in a loss of sales to Opposer. Furthermore, any defect, objection or fault found with Applicant's goods marketed and sold under the SPIRAL LOCK mark would necessarily reflect upon and seriously injure the reputation which Opposer has established under its SPIRALOCK trademark.

10. If Applicant is permitted to use and register the SPIRAL LOCK mark in association with its goods, confusion in trade resulting in damage and injury to Opposer would result by reason of the similarity between Applicant's mark and Opposer's SPIRALOCK trademark.

WHEREFORE, Opposer, Spiralock Corporation, prays that this opposition be sustained and that Applicant be denied registration of the mark SPIRALOCK as identified in application Serial No. 77/045,663 in International Class 7.

The required fee is submitted herewith. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 08-0750.

Respectfully submitted,

Date: 8/11/08



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Jessica S. Sachs
Harness, Dickey & Pierce, P.L.C.
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Troy, Michigan 48098
Phone: (248) 641-1600
Fax: (248) 641-0270
Email: jsachs@hdp.com

***Attorneys for Opposer
Spiralock Corporation***

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of August, 2008, I mailed, via first class mail, postage prepaid, a true and correct copy of the foregoing NOTICE OF OPPOSITION to:

Applicant:

HWB, Inc.
1900 Australian Avenue
Riviera Beach, Florida 33404

-and-

Correspondent of Record:

Howard E. Silverman
Greenberg Traurig LLP
77 West Wacker Drive, Suite 2500
Chicago, Illinois 60601-1604



Heather M. Rowe

Notice of Opposition
Serial No. 77/045,663
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**EXHIBIT A
TO
NOTICE OF OPPOSITION**

Int. Cl.: 6

Prior U.S. Cl.: 13

United States Patent and Trademark Office

Reg. No. 1,123,588
Registered Aug. 7, 1979

TRADEMARK

Principal Register

SPIRALOCK

Horace D. Holmes, doing business as Spiralock of Michigan
4338 Delemere
Royal Oak, Mich. 48073

For: THREADED FASTENERS, in CLASS 6 (U.S. CL. 13).

First use on or about Feb. 20, 1976; in commerce on or about Feb. 20, 1976.

Ser. No. 83,534, filed Apr. 12, 1976.

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-08-11 12:59:54 ET

Serial Number: 73083534 Assignment Information Trademark Document Retrieval

Registration Number: 1123588

Mark (words only): SPIRALOCK

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 1999-09-09

Filing Date: 1976-04-12

Transformed into a National Application: No

Registration Date: 1979-08-07

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2008-01-25

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. DETROIT TOOL INDUSTRIES CORPORATION

Address:

DETROIT TOOL INDUSTRIES CORPORATION
25219 DEQUINDRE ROAD
MADISON HEIGHTS, MI 48071
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 006

Class Status: Active

THREADED FASTENERS

Basis: 1(a)**First Use Date:** 1976-02-20**First Use in Commerce Date:** 1976-02-20

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-07-09 - Assignment Of Ownership Not Updated Automatically

2008-03-12 - Assignment Of Ownership Not Updated Automatically

2008-01-25 - Case File In TICRS

1999-09-09 - First renewal 10 year

1999-05-18 - Post Registration action mailed - Section 9

1999-03-10 - Section 9 filed/check record for Section 8

1985-10-03 - Section 8 (6-year) accepted & Section 15 acknowledged

1985-07-24 - Section 8 (6-year) and Section 15 Filed

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

H KEITH MILLER

HARNESS DICKEY & PIERCE PLC

PO BOX 828

BLOOMFIELD HILLS MI 48303



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Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 4**Serial #:** 73083534**Filing Dt:** 04/12/1976**Reg #:** 1123588**Reg. Dt:** 08/07/1979**Registrant:** HOLMES, HORACE D.**Mark:** SPIRALOCK**Assignment: 1****Reel/Frame:** 1377/0724**Received:** 08/21/1995**Recorded:** 07/14/1995**Pages:** 4**Conveyance:** ASSIGNS THE ENTIRE INTEREST**Assignor:** HORACE D. HOLMES TRUST BY AND THROUGH ITS TRUSTEE, LEE HOLMES**Exec Dt:** 07/05/1995**Entity Type:** TRUST**Citizenship:** NONE**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Assignee:** DETROIT TOOL INDUSTRIES CORPORATION

25219 DEQUINDRE ROAD

MADISON HEIGHTS, MICHIGAN 48071

Correspondent: H. KEITH MILLER, ESQ.

HARNESS, DICKEY & PIERCE, P.L.C.

P.O. BOX 828

BLOOMFIELD HILLS, MI 48303

Assignment: 2**Reel/Frame:** 3736/0037**Received:** 03/11/2008**Recorded:** 03/11/2008**Pages:** 6**Conveyance:** MERGER**Assignor:** DETROIT TOOL INDUSTRIES CORPORATION**Exec Dt:** 08/06/2004**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Entity Type:** CORPORATION**Citizenship:** MICHIGAN**Assignee:** DT INDUSTRIES, INC.

25235 DEQUINDRE ROAD

MADISON HEIGHTS, MICHIGAN 48071

Correspondent: JESSICA S. SACHS

HARNESS, DICKEY & PIERCE, P.L.C.

5445 CORPORATE DRIVE, SUITE 200

TROY, MI 48098

Assignment: 3**Reel/Frame:** 3736/0128**Received:** 03/11/2008**Recorded:** 03/11/2008**Pages:** 7**Conveyance:** CHANGE OF NAME**Assignor:** DT INDUSTRIES, INC.**Exec Dt:** 08/06/2004**Entity Type:** CORPORATION**Citizenship:** MICHIGAN**Entity Type:** CORPORATION**Citizenship:** MICHIGAN**Assignee:** SPIRALOCK CORPORATION

25235 DEQUINDRE ROAD

MADISON HEIGHTS, MICHIGAN 48071

Correspondent: JESSICA S. SACHS

HARNESS, DICKEY & PIERCE, P.L.C.

5445 CORPORATE DRIVE, SUITE 200

TROY, MI 48098

Assignment: 4**Reel/Frame:** 3809/0462**Received:** 07/03/2008**Recorded:** 07/03/2008**Pages:** 4

Conveyance: ASSIGNMENT OF CHINESE TRADEMARK REGISTRATION NOS. 3396165 AND 3395804

Assignor: SHANGHAI DETROIT PRECISION FASTENER CO. LTD.

Exec Dt: 04/24/2007

Entity Type: CORPORATION

Citizenship: CHINA

Assignee: SPIRALOCK CORPORATION

25235 DEQUINDRE ROAD

MADISON HEIGHTS, MICHIGAN 48071

Entity Type: CORPORATION

Citizenship: DELAWARE

Correspondent: LISABETH H. COAKLEY

5445 CORPORATE DRIVE, SUITE #200

TROY, MI 48098

Search Results as of: 08/11/2008 01:00 PM

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Web interface last modified: April 20, 2007 v.2.0.1

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Serial Number: 77473071 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

SPIRALOCK

(words only): SPIRALOCK

Standard Character claim: Yes

Current Status: Newly filed application, not yet assigned to an examining attorney.

Date of Status: 2008-05-21

Filing Date: 2008-05-13

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 042 -New Application Processing

Date In Location: 2008-05-21

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Spiralock Corporation

Address:

Spiralock Corporation
25235 Dequindre Road

Madison Heights, MI 48071
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Michigan

GOODS AND/OR SERVICES

International Class: 006
Class Status: Active
taps
Basis: 1(a)
First Use Date: 1978-01-01
First Use in Commerce Date: 1978-01-01

International Class: 007
Class Status: Active
taps
Basis: 1(a)
First Use Date: 1978-01-01
First Use in Commerce Date: 1978-01-01

International Class: 008
Class Status: Active
taps
Basis: 1(a)
First Use Date: 1978-01-01
First Use in Commerce Date: 1978-01-01

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-07-09 - Assignment Of Ownership Not Updated Automatically

2008-05-17 - Notice Of Pseudo Mark Mailed

2008-05-16 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

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Trademark Assignment Abstract of Title**Total Assignments: 1****Serial #:** [77473071](#)**Filing Dt:** 05/13/2008**Reg #:** NONE**Reg. Dt:****Applicant:** Spiralock Corporation**Mark:** SPIRALOCK**Assignment: 1****Reel/Frame:** [3809/0462](#)**Received:** 07/03/2008**Recorded:** 07/03/2008**Pages:** 4**Conveyance:** ASSIGNMENT OF CHINESE TRADEMARK REGISTRATION NOS. 3396165 AND 3395804**Assignor:** [SHANGHAI DETROIT PRECISION FASTENER CO. LTD.](#)**Exec Dt:** 04/24/2007**Entity Type:** CORPORATION**Citizenship:** CHINA**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Assignee:** [SPIRALOCK CORPORATION](#)

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