

ESTTA Tracking number: **ESTTA233934**

Filing date: **09/02/2008**

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	4273371 Canada Inc.
Granted to Date of previous extension	08/31/2008
Address	5525 Pare Street Montreal, Quebec, H4P 1P7 CANADA

Attorney information	Paul Fields Darby & Darby P.C. 7 World Trade Center 250 Greenwich Street New York, NY 10007-0042 UNITED STATES pfields@darbylaw.com, arubinstein@darbylaw.com, tmdocket@darbylaw.com Phone:212-527-700
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Applicant Information

Application No	77274089	Publication date	03/04/2008
Opposition Filing Date	09/02/2008	Opposition Period Ends	08/31/2008
Applicant	The Topline Corporation 13150 Southeast 32nd Street Bellevue, WA 980054436 UNITED STATES		

Goods/Services Affected by Opposition

Class 018. All goods and services in the class are opposed, namely: small leather goods, namely, handbags, purses, wallets, change purses, shoulder bags, beach bags, clutch bags, attache cases, tote bags, traveling bags, credit card cases, document cases, cosmetic cases sold empty, key cases and briefcases; school bags; all purpose sports bags; luggage, namely, suitcases and traveling trunks; and umbrellas
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Applicant Information

Application No	77274095	Publication date	03/04/2008
Opposition Filing Date	09/02/2008	Opposition Period Ends	
Applicant	The Topline Corporation 13150 Southeast 32nd Street Bellevue, WA 980054436 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: women's fashion footwear

Applicant Information

Application No	77274103	Publication date	03/04/2008
Opposition Filing Date	09/02/2008	Opposition Period Ends	
Applicant	The Topline Corporation 13150 Southeast 32nd Street Bellevue, WA 980054436 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: footwear; clothing and apparel accessories, namely, shirts, pants, jeans, sweaters, skirts, dresses, suits, sleepwear, lingerie, shorts, coats, jackets, swimwear, hosiery, belts, hats, gloves and scarves
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Grounds for Opposition

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

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	REPORT COLLECTION		
Goods/Services	clothing and accessories, including but not limited to shirts, polos, t-shirts, sweatshirts, sweaters, cardigans, wind resistant jackets, coats, underwear, and belts		

Related Proceedings	91173267
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Attachments	noticeofoppositionreportsignature.pdf (4 pages)(17045 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	/Abigail Rubinstein/
Name	Abigail Rubinstein
Date	09/02/2008

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

IN THE MATTER OF APPLICATION:

Mark: RS REPORT SIGNATURE
Ser. No.: 77/274,089
Published in the Official Gazette on: March 4, 2008

Mark: RS REPORT SIGNATURE
Ser. No.: 77/274,095
Published in the Official Gazette on: March 4, 2008

Mark: RS REPORT SIGNATURE
Ser. No.: 77/274,103
Published in the Official Gazette on: March 4, 2008

4273371 CANADA INC.,

Opposer,

v.

TOPLINE CORPORATION, THE

Applicant.

BOX TTAB - FEE

Opposition No. _____

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NOTICE OF OPPOSITION

4273371 Canada Inc. (“Opposer”), a corporation organized under the laws of Canada, located and doing business at 5525 Pare Street, Montreal, Quebec, H4P 1B7, Canada, believes it will be damaged by the registration of the marks shown in Application Ser. Nos. 77/274,089; 77/274,095; and 77/274,103 (the “Subject Applications”) and hereby opposes registration of the same. Extensions of time to oppose the Subject Applications have been granted until August 31, 2008 on behalf of Opposer.

The grounds for opposition are as follows:

1. Opposer, for many years and since long prior to both the filing date of the Subject Applications and any date of first use upon which Applicant can rely, has directly or through its predecessor in interest, adopted and continuously used the mark REPORT COLLECTION as a trademark for clothing and accessories, including but not limited to, shirts, polos, T-shirts, sweatshirts, sweaters, cardigans, wind resistant jackets, coats, underwear and belts.

2. Upon information and belief, Applicant has been in the business of manufacturing and distributing footwear, and as evidenced by the subject application, seeks to expand to various goods closely related to Applicant's clothing and accessories.

3. On September 7, 2007, long after Opposer's first use of its REPORT COLLECTION mark, Applicant filed intent to use Application Ser. No. 77/274,103 for RS REPORT SIGNATURE for use in connection with footwear; clothing and apparel accessories, namely, shirts, pants, jeans, sweaters, skirts, dresses, suits, sleepwear, lingerie, shorts, coats, jackets, swimwear, hosiery, belts, hats, gloves and scarves.

4. On September 7, 2007, long after Opposer's first use of its REPORT COLLECTION mark, Applicant filed intent to use Application Ser. No. 77/274,095 for RS REPORT SIGNATURE for use in connection with women's fashion footwear.

5. On September 7, 2007, long after Opposer's first use of its REPORT COLLECTION mark, Applicant filed intent to use Application Ser. No. 77/274,089 for RS REPORT SIGNATURE for use in connection with small leather goods, namely, handbags, purses, wallets, change purses, shoulder bags, beach bags, clutch bags, attache cases, tote bags, traveling bags, credit card cases, document cases, cosmetic cases sold empty, key cases and briefcases; school bags; all purpose sports bags; luggage, namely, suitcases and traveling trunks; and umbrellas.

6. The filing dates of the Subject Applications are subsequent to Opposer's first use of its REPORT COLLECTION mark.

7. In view of the close similarities of the parties' respective marks and goods, Applicant's RS REPORT SIGNATURE marks so resemble Opposer's REPORT COLLECTION mark as to be likely to cause confusion, or to cause mistake, or to deceive in violation of Section 2(d) of the Trademark Act.

8. For these reasons, Opposer would be damaged by the registration of the Subject Applications.

WHEREFORE, Opposer respectfully requests that the Subject Applications be rejected, that no registrations be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

Pursuant to 37 C.F.R. § 2.101 Opposer has served a copy of the Notice of Opposition on the Attorney of record for Applicant identified on the USPTO's TARR database by first class mail on September 2, 2008. A copy of the certificate of service is attached.

The required fee of \$900.00 is enclosed. Please charge additional costs to our Deposit Account No. 004-0100.

Respectfully submitted,

DARBY & DARBY P.C.

Respectfully submitted,

DARBY & DARBY P.C.

Dated: New York, New York
September 2, 2008

By: /Abigail Rubinstein /
Paul Fields
Abigail Rubinstein
P.O. Box 770
Church Street Station
New York, New York 10008-0770
(212) 527-7700

Attorneys for Opposer
4273371 Canada Inc.

CERTIFICATE OF SERVICE

It is hereby certified that a true and complete copy of the foregoing NOTICE OF OPPOSITION was served by first class mail to the correspondent of record for Applicant addressed as follows:

WILLIAM O. FERRON, JR.
SEED IP LAW GROUP PLLC
701 FIFTH AVENUE SUITE 5400
SEATTLE, WA 98104

Dated: September 2, 2008	/Abigail Rubinstein/
	Abigail Rubinstein