

ESTTA Tracking number: **ESTTA316065**

Filing date: **11/10/2009**

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	Tissot SA
Granted to Date of previous extension	11/11/2009
Address	17, chemin des Tourelles Le Locle, 2400 SWITZERLAND

Attorney information	Jess M. Collen Collen IP, Intellectual Property Law, P.C. The Holyoke-Manhattan Building 80 South Highland Avenue Ossining, NY 10562 UNITED STATES jcollen@collenip.com, pmulhern@collenip.com, dewen@collenip.com, docket@collenip.com
----------------------	---

Applicant Information

Application No	77687007	Publication date	07/14/2009
Opposition Filing Date	11/10/2009	Opposition Period Ends	11/11/2009
Applicant	Silent Call Corporation 5095 Williams Lake Road Waterford, MI 48329 UNITED STATES		

Goods/Services Affected by Opposition

Class 014. All goods and services in the class are opposed, namely: watches
--


Grounds for Opposition

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

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3308017	Application Date	10/07/2002
Registration Date	10/09/2007	Foreign Priority Date	04/24/2002
Word Mark	SILEN-T		

Design Mark	SILEN-T
Description of Mark	NONE
Goods/Services	Class 014. First use: First Use: 2003/07/02 First Use In Commerce: 2003/07/17 WATCHES AND PARTS THEREOF; JEWELRY

U.S. Registration No.	3653565	Application Date	07/03/2008
Registration Date	07/14/2009	Foreign Priority Date	NONE
Word Mark	T TOUCH		
Design Mark			
Description of Mark	The mark consists of a stylized "T" inside a circle and to the right of this is the stylized wording "TOUCH".		
Goods/Services	Class 014. First use: First Use: 2002/01/00 First Use In Commerce: 2002/01/00 Horological and chronometric instruments		

Attachments	78171824#TMSN.jpeg (1 page)(bytes) 77514403#TMSN.jpeg (1 page)(bytes) J1080_NOTICE OF OPPOSITION_091110.PDF (5 pages)(199035 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	/Jess M. Collen/
Name	Jess M. Collen
Date	11/10/2009

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

Applicant : Silent Call Corporation
Serial No. : 77/687,007
Mark : SILENT TOUCH
Filed : March 10, 2009
Published : July 14, 2009

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

NOTICE OF OPPOSITION

Opposer, Tissot S.A., 17, chemin des Tourelles, CH-2400 Le Locle, Switzerland (hereafter, "Tissot"), through its attorneys believes that it would be damaged by the registration of the mark shown in the above-identified application, and hereby opposed same, pursuant to 15 U.S.C. § 1063 and 37 C.F.R. § 2.104.

As grounds for opposition, it is alleged that:

1. Tissot is and has been engaged in the sale and marketing of identical and highly related goods to those recited by Applicant in its application to register since a time prior to the date of first use alleged by Applicant in its application for registration.
2. Tissot is the owner of the following valid and subsisting United States Trademark Registration Nos. 3,308,017 (SILEN-T) and 3,653,565 (T TOUCH & Design).
3. Tissot is and has been engaged in the sale and marketing in the United States of watches and parts thereof; jewelry," in Class 14 under its SILEN-T trademark since at least 2003.

4. Tissot is and has been engaged in the sale and marketing in the United States of “horological and chronometric instruments” in Class 14 under its T TOUCH & Design mark since at least 2002.

5. Tissot has used its SILEN-T and T TOUCH & Design marks in commerce extensively and has acquired a considerable and valuable goodwill and wide-scale recognition for its marks. The public has come to associate the SILEN-T and T TOUCH & Design marks with Tissot and Tissot’s watches and related goods.

6. Tissot’s registrations are *prima facie* proof of ownership and use of the marks from the original date of filing of the applications, pursuant to 15 U.S.C. § 1057(b), and of Tissot’s exclusive rights to use the registered marks in commerce.

7. Applicant’s SILENT TOUCH mark is confusingly similar to Tissot’s registered SILEN-T and T TOUCH & Design trademarks and is likely, when applied to Applicant’s goods, to cause confusion, or to cause mistake or to deceive. 15 U.S.C. § 1052(d). Applicant’s mark creates a highly similar commercial impression to Tissot’s marks due to its similar sound and appearance. The overall commercial impression of Applicant’s mark, when applied to the same or similar goods, would cause confusion or be likely to cause confusion, mistake, or deception.

8. On information and belief, Applicant applies its confusingly similar mark to watches in Class 14.

9. On information and belief, Applicant’s use of SILENT TOUCH on goods in Class 14 will cause confusion, mistake and deception with respect to those goods, by virtue of Tissot’s prior use of its SILEN-T and T TOUCH & Design marks, and by virtue of the Opposer’s renown as a manufacturer of watches and parts thereof.

10. On information and belief, both the Applicant's mark and Tissot's marks are applied to highly related, if not identical, goods and are likely to be sold to the same or similar channels of distribution.

WHEREFORE, OPPOSER Tissot S.A. prays that United States Trademark Application Serial No. 77/687,007 be refused, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Tissot.

Respectfully submitted for
Opposer, Tissot S.A.

By: /Jess M. Collen/
Jess M. Collen
COLLEN *IP*
The Holyoke-Manhattan Building
80 South Highland Ave
Ossining, NY 10562
(914) 941-5668
(914) 941-6091
jcollen@collenip.com

Date: November 10, 2009
Encl.: Opposition fee of \$300.00/class (\$300.00)

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 03-2465.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE AND/OR FEE IS BEING ELECTRONICALLY FILED WITH THE UNITED STATES PATENT AND TRADEMARK OFFICE'S TRADEMARK TRIAL AND APPEAL BOARD.

COLLEN *IP*

By: _____



Date: November 10, 2009

CERTIFICATE OF SERVICE AND FILING

I hereby certify that on November 10, 2009 this Notice of Opposition is being filed through the electronic system for the Trademark Trial and Appeal Board of the United States Patent and Trademark Office and that a copy is being served via U.S. mail on the applicant's attorney of record, at the following address:

Bryant E. Wade & Jessica S. Sachs
Harness, Dickey & Pierce, P.L.C.
5445 Corporate Drive, Suite 200
Troy, Michigan 48098-2683

COLLEN *IP*



David Ewen

JMC/DE