

ESTTA Tracking number: **ESTTA370762**

Filing date: **09/29/2010**

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	Brita GmbH
Granted to Date of previous extension	10/02/2010
Address	Heinrich-Hertz-Strasse 4 Taunusstein, 65232 GERMANY
Correspondence information	Carl S. Clark Attorney for Opposer Price, Heneveld, Cooper, DeWitt & Litton, LLP 695 Kenmoor SE, PO Box 2567 Grand Rapids, MI 49501 UNITED STATES ptomail@priceheneveld.com Phone:616-949-9610

**Applicant Information**

Application No	79074771	Publication date	08/03/2010
Opposition Filing Date	09/29/2010	Opposition Period Ends	10/02/2010
International Registration No.	1018372	International Registration Date	07/17/2009
Applicant	DE' LONGHI APPLIANCES S.r.l.; CON UNICO SOCIO Via L. Seitz 47 I-31100 Treviso (TV)  ITALY		

**Goods/Services Affected by Opposition**

Class 011. All goods and services in the class are opposed, namely: automatic electric coffee machines
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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. Registration No.	3318661	Application Date	06/13/2006
Registration Date	10/23/2007	Foreign Priority Date	01/26/2006
Word Mark	INTENZA		

Design Mark	<b>Intenza</b>
Description of Mark	NONE
Goods/Services	Class 011. First use: Cartridges for water filtration containing ion exchangers and adsorbents; cartridges for water filtration containing ion exchangers; cartridges for water filtration containing adsorbents

Attachments	79028497#TMSN.jpeg ( 1 page )( bytes ) BRI014-L300_2010-9-29_Notice-of-Opposition-as-Filed.PDF ( 5 pages )(217697 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 Overnight Courier on this date.

Signature	/Carl S. Clark/
Name	Carl S. Clark
Date	09/29/2010

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

Applicant : De'Longhi Appliance S.r.l. con Unico Socio  
Serial No. : 79/074,771  
Filed : July 17, 2009  
Mark : INTENSA  
Int. Class : 11  
Goods : AUTOMATIC ELECTRIC COFFEE MACHINES  
Published : August 3, 2010

Brita, GmbH,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. _____
	)	
De'Longhi Appliance S.r.l. con Unico Socio,	)	
	)	
Applicant.	)	
_____	)	

Commissioner for Trademarks  
PO Box 1451  
Alexandria, Virginia 22313-1451

Dear Sir:

NOTICE OF OPPOSITION

Brita, GmbH, a corporation of Germany, having its place of business at Heinrich-Hertz-Strasse 4, 65232 Taunusstein, GERMANY, (hereinafter referred to as "Brita" or "Opposer") believes it would be damaged by registration of the above-identified mark on the Principal Register (hereinafter referred to as "Applicant's Mark") by De'Longhi Appliance S.r.l. con Unico Socio (hereinafter referred to as "De'Longhi" or "Applicant"), and hereby opposes the same.

As grounds for opposing registration of Applicant's Mark, Opposer, upon information and belief, alleges as follows:

OPPOSER'S MARK -- § 2(d)

1. Opposer is now, and has been for over forty years, engaged in the manufacture and sale of a wide variety of water treatment products and parts therefor, which are used in household, professional and integrated appliance applications.

2. Since long prior to Applicant's U.S. filing and earliest priority dates for Applicant's Mark, Opposer, which shall include any and all predecessors in title, adopted and has since continuously used its "INTENZA" trademark (hereinafter referred to as "Opposer's Mark") in U.S. interstate commerce in connection with the sale of water treatment devices that contain absorbents and/or ion exchangers, including those specifically designed for use in conjunction with automatic electric coffee machines and espresso machines.

3. Opposer is the owner of U.S. Trademark Registration 3,318,661 covering Opposer's Mark, which registration is valid, and in full force and effect. A copy of the certificate of Registration for the above-identified U.S. trademark registration is attached as Exhibit 1.

4. The goods recited in Applicant's above-identified trademark application, and the goods upon which Opposer uses Opposer's Mark, and those set forth in Opposer's '661 registration, are closely related in character, use, distribution and sale. More specifically, the subject goods are complementary and closely related, particularly since they have the same purchasers and end users, wherein the purchasers and users of automatic electric coffee machines purchase spare parts, including water filters for the automatic electric coffee machines, thereby resulting in a high degree of similarities between the goods.

5. Opposer has used Opposer's Mark by applying it directly to the goods, on packaging for the goods, on advertising materials, and in other ways customary in the trade.

6. Opposer's use of Opposer's Mark throughout the United States has acquired for Opposer's Mark, and products sold thereunder, a valuable reputation and goodwill.

7. Applicant's Mark, as applied to those goods recited in Applicant's above-identified trademark application, so resembles Opposer's Mark, previously used and registered in the United States, and not abandoned, as to be likely to cause confusion, or to cause mistake or to deceive.

8. Opposer has expended substantial amounts of money, time and effort in promoting and popularizing Opposer's Mark, so that the trade in general, and the purchasing public in particular, have come to know and recognize Opposer's Mark and products, and to know that the latter originate with Opposer.

9. Opposer is very well and favorably known in the United States, as well as throughout the world, and has built up extensive goodwill and a high reputation in connection with the products associated with Opposer's Mark, which goodwill and reputation have been, or will be, damaged by Applicant's registration of Applicant's Mark. The trade, and purchasing public, will likely be confused and deceived, and will likely believe that Applicant's products and Applicant's Mark are in some way associated with or connected with or sponsored, authorized or warranted by Opposer, all to the detriment and damage of Opposer. Any faults or imperfections in the products or services of Applicant will reflect adversely on Opposer, as well as Opposer's established goodwill and reputation, unless this opposition is sustained.

10. Opposer will be damaged by registration of Applicant's Mark on the Principal Register of the United States Patent and Trademark Office, since by virtue of said registration, Applicant would be in a position to raise doubts as to the right of Opposer to use its mark in connection with its goods, and

Applicant would have the ostensible right to use Applicant's Mark and to exclude others from using the same.

11. Opposer clearly has superior and paramount trademark rights as compared to those of Applicant, and Opposer has used Opposer's Mark in commerce continuously prior to any date claimed by or available to Applicant. Consequently, confusion, mistake or deception in the trade, and in the minds of the consuming public, both as to the marks, and as to the origin of the respective products, will be bound to occur with resulting damage to Opposer.

WHEREFORE, Opposer prays that registration of Applicant's Mark, as set forth in the above-identified trademark application, be denied and refused, and that this opposition be sustained.

Respectfully submitted,

BRITA, GMBH

By: Price, Heneveld, Cooper,  
DeWitt & Litton, LLP

September 29, 2010

/Carl S. Clark/

Carl S. Clark  
Registration No. 28 288  
695 Kenmoor S.E.  
P.O. Box 2567  
Grand Rapids, Michigan 49501  
616/949-9610

CERTIFICATE OF SERVICE

I hereby certify that this correspondence, and all identified enclosures and attachments, have been served upon Applicant's Attorney of Record, as listed in the U.S. PTO TARR records, Maureen C. Kassner, Panitch Schwarze Belisario & Nadel LLP, One Commerce Square, 2005 Market Street, Suite 2200, Philadelphia, Pennsylvania 19103, via overnight courier (Federal Express) on September 29, 2010.

/Carl S. Clark/

Carl S. Clark

CSC/jkrp  
Enclosure

Int. Cl.: 11

Prior U.S. Cls.: 13, 21, 23, 31 and 34

United States Patent and Trademark Office

Reg. No. 3,318,661

Registered Oct. 23, 2007

TRADEMARK  
PRINCIPAL REGISTER

# Intenza

BRITA GMBH (FED REP GERMANY LTD LIAB  
CO)

HEINRICH-HERTZ-STRASSE 4

65232 TAUNUSSTEIN

FED REP GERMANY

FOR: CARTRIDGES FOR WATER FILTRATION  
CONTAINING ION EXCHANGERS AND ADSOR-  
BENTS; CARTRIDGES FOR WATER FILTRATION  
CONTAINING ION EXCHANGERS; CARTRIDGES  
FOR WATER FILTRATION CONTAINING ADSOR-  
BENTS, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31 AND 34).

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

PRIORITY DATE OF 1-26-2006 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION  
0897476 DATED 6-13-2006, EXPIRES 6-13-2016.

SER. NO. 79-028,497, FILED 6-13-2006.

DAWN FELDMAN, EXAMINING ATTORNEY