

ESTTA Tracking number: **ESTTA413416**

Filing date: **06/08/2011**

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	Central Sprinkler Company
Granted to Date of previous extension	06/11/2011
Address	1400 Pennbrook Parkway Lansdale, PA 19446 UNITED STATES

Attorney information	Colette A. Durst Tyco International One Town Center Boca Raton, FL 33486 UNITED STATES ipcorrespondence@tycofp.com Phone:5619883739
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### Applicant Information

Application No	76705157	Publication date	04/12/2011
Opposition Filing Date	06/08/2011	Opposition Period Ends	06/11/2011
Applicant	Weir Power & Industrial 339 Old Bath Highway Washington, NC 27889 UNITED STATES		

### Goods/Services Affected by Opposition


Class 040. First Use: 2010/10/01 First Use In Commerce: 2010/10/01  
All goods and services in the class are opposed, namely: MANUFACTURE OF VALVES AND COMPONENT PARTS THEREFOR TO THE ORDER AND SPECIFICATION OF OTHERS

### 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.	3336648	Application Date	11/23/2005
Registration Date	11/13/2007	Foreign Priority Date	NONE
Word Mark	RAPIDRESPONSE		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 006. First use: First Use: 2006/01/11 First Use In Commerce: 2006/01/11 Fire safety equipment, namely, metal pipe and metal pipe fittings; metal hangers used to support or suspend pipe; manually operated metal fire protection valves</p> <p>Class 009. First use: First Use: 2006/01/11 First Use In Commerce: 2006/01/11 Fire safety equipment, namely, fire sprinklers; fire extinguishers; smoke and heat detectors; fire protection and detection control panels; fire alarms; fire flow sensing devices; local alarm sprinkler systems for fire protection; automatic fire protection valves</p> <p>Class 017. First use: First Use: 2006/01/11 First Use In Commerce: 2006/01/11 Fire safety equipment, namely, non-metal and chlorinated polyvinyl chloride (CPVC) pipe and non-metal and chlorinated polyvinyl chloride (CPVC) pipe fittings</p>

Attachments	<p>78760312#TMSN.jpeg ( 1 page )( bytes ) RR RAPID RESPONSE _Notice of Opposition_.pdf ( 4 pages )(14089 bytes ) rr rapid response reg.pdf ( 1 page )(42779 bytes )</p>
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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	/Colette A. Durst/
Name	Colette A. Durst
Date	06/08/2011

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

CENTRAL SPRINKLER COMPANY	)	
	)	
Opposer,	)	Opposition No.: _____
	)	
v.	)	Serial No.: 76/705157
	)	
WEIR POWER & INDUSTRIAL	)	
	)	
Applicant.	)	
	)	
	)	

**NOTICE OF OPPOSITION**

Opposer, Central Sprinkler Company, a Pennsylvania Corporation with a business address of 1400 Pennbrook Parkway, Lansdale, Pennsylvania 19446, hereby opposes registration of the mark RR RAPID RESPONSE mark, which is the subject of Application Serial No. 76/705157.

As grounds in support of its opposition, Opposer states the following:

1. Opposer is the owner of the inherently distinctive trademark RR RAPID RESPONSE used alone and together with other words and/or designs (the “RR RAPID RESPONSE Mark”), for
  - (a) “fire safety equipment, namely, metal pipe and metal pipe fittings; metal hangers used to support or suspend pipe; manually operated metal fire protection valves” in international class 06;
  - (b) “fire safety equipment, namely, fire sprinklers; fire extinguishers; smoke and heat detectors; fire protection and detection control panels; fire alarms; fire flow sensing devices; local alarm sprinkler systems for fire protection; automatic fire protection valves” in international class 09; and
  - (c) “Fire safety equipment, namely, non-metal and chlorinated polyvinyl chloride (CPVC) pipe and non-metal and chlorinated polyvinyl chloride (CPVC) pipe fittings” in international class 17.

2. Since at least as early as 2006, and prior to any date of first use upon which Applicant can rely, Opposer has validly, continuously and exclusively used the RR RAPID RESPONSE Mark in connection with fire sprinkler equipment and valves.
3. Opposer is the owner of registration no. 3,336,648 of the RR RAPID RESPONSE Mark, which is valid and in full force and effect.
4. Opposer uses and promotes the RR RAPID RESPONSE Mark in such a way that the public associates the individual marks, as well as the common RR RAPID RESPONSE characteristic of those marks, exclusively with the Opposer.
5. On November 1, 2010, Applicant Weir Power & Industrial filed an in-use application Serial No.76/705157 to register the mark RR RAPID RESPONSE for services described as “manufacture of valves and component parts therefor to the order and specification of others” in international class 40. Applicant’s mark was published in the Official Gazette on April 12, 2011. Opposer was granted an extension of time to oppose Applicant’s application to register the RR RAPID RESPONSE mark up to and including June 11, 2011.
6. Long prior to Applicant’s first use (actual or constructive) of Applicant’s RR RAPID RESPONSE mark, and as a result of widespread advertising and promotion by Opposer and of favorable third-party publicity, the RR RAPID RESPONSE Mark acquired a high degree of recognition, fame, and distinctiveness as a symbol of the quality of goods offered by Opposer. Specifically, the RR RAPID RESPONSE Mark is covered by federal registration, has been subject of extensive advertising and publicity, and has been sold throughout the United States. The public and the trade are familiar with and identify the RR RAPID RESPONSE Mark with Opposer and, by reason of this identification, goods associate with the marks are understood by

the public and trade to be produced, marketed, and supplied under Opposer's authority or otherwise derived from Opposer. As a result of its fame and notoriety, the RR RAPID RESPONSE Mark is entitled to a broad scope of protection.

7. Applicant's RR RAPID RESPONSE Mark is virtually identical in appearance, sound and commercial impression to Opposer's RR RAPID RESPONSE Mark, and is intended to be used for services identical and closely related to the goods for which Opposer uses its RR RAPID RESPONSE Mark.
8. Based on the similarities of the marks and the goods, the relevant public is likely to be confused into believing that Applicant's goods, as offered under the RR RAPID RESPONSE mark, emanate from Opposer, or are authorized, licensed, endorsed, or sponsored by Opposer. Registration of Applicant's RR RAPID RESPONSE mark on the Principal Register thus would be inconsistent with Opposer's prior rights in its famous and distinctive RR RAPID RESPONSE Mark.
9. Opposer will be damaged by the registration of Applicant's RR RAPID RESPONSE mark because it so resembles Opposer's previously used and well-known marks as to be likely, when used on or in connection with the goods identified in the subject application, to cause confusion, or to cause mistake, or to deceive in violation of Section 2(d) of the Lanham Act, 15 U.S.C. §1052.
10. Opposer will be further damaged by the registration of Applicant's RR RAPID RESPONSE mark because the mark is likely to dilute the distinctiveness of the well-known RR RAPID RESPONSE Mark by eroding consumers' exclusive identification of these marks with Opposer, and/or by tarnishing and degrading the positive associations and prestigious connotations for these famous

marks, and/or by otherwise lessening the capacity of the marks to identify and distinguish  
Opposer's goods in violation of Section 43(c) of the Lanham Act, 15 U.S.C. §1125(c).

WHEREFORE, Opposer requests that registration of the mark underlying Application 76/705157 be  
refused, and this Notice of Opposition be sustained in Opposer's favor.

This 8th day of June 2011.

Respectfully submitted,

CENTRAL SPRINKLER COMPANY

/Colette A. Durst/

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Attorney for Opposer

**Int. Cls.: 6, 9, and 17**

**Prior U.S. Cls.: 1, 2, 5, 12, 13, 14, 21, 23, 25, 26, 35, 36,  
38, and 50**

**Reg. No. 3,336,648**

**United States Patent and Trademark Office**

**Registered Nov. 13, 2007**

**TRADEMARK  
PRINCIPAL REGISTER**



CENTRAL SPRINKLER COMPANY (PENNSYLVANIA CORPORATION)  
451 NORTH CANNON AVENUE  
LANSDALE, PA 19446

FOR: FIRE SAFETY EQUIPMENT, NAMELY, METAL PIPE AND METAL PIPE FITTINGS; METAL HANGERS USED TO SUPPORT OR SUSPEND PIPE; MANUALLY OPERATED METAL FIRE PROTECTION VALVES, IN CLASS 6 (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).

FIRST USE 1-11-2006; IN COMMERCE 1-11-2006.

FOR: FIRE SAFETY EQUIPMENT, NAMELY, FIRE SPRINKLERS; FIRE EXTINGUISHERS; SMOKE AND HEAT DETECTORS; FIRE PROTECTION AND DETECTION CONTROL PANELS; FIRE ALARMS; FIRE FLOW SENSING DEVICES; LOCAL

ALARM SPRINKLER SYSTEMS FOR FIRE PROTECTION; AUTOMATIC FIRE PROTECTION VALVES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-11-2006; IN COMMERCE 1-11-2006.

FOR: FIRE SAFETY EQUIPMENT, NAMELY, NON-METAL AND CHLORINATED POLYVINYL CHLORIDE (CPVC) PIPE AND NON-METAL AND CHLORINATED POLYVINYL CHLORIDE (CPVC) PIPE FITTINGS, IN CLASS 17 (U.S. CLS. 1, 5, 12, 13, 35 AND 50).

FIRST USE 1-11-2006; IN COMMERCE 1-11-2006.

SN 78-760,312, FILED 11-23-2005.

JAY BESCH, EXAMINING ATTORNEY