

ESTTA Tracking number: **ESTTA479198**

Filing date: **06/20/2012**

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 S.A.
Granted to Date of previous extension	06/20/2012
Address	17, Chemin des Tourelles Le Locle, CH-2400 SWITZERLAND

Attorney information	Jess M. Collen Collen IP, Intellectual Property Law, PC The Holyoke-Manhattan Building 80 South Highland Avenue Ossining, NY 10562 UNITED STATES dewen@collenip.com, docket@collenip.com, pmulhern@collenip.com, jslocum@collenip.com Phone:914-941-5668
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Applicant Information

Application No	85468226	Publication date	02/21/2012
Opposition Filing Date	06/20/2012	Opposition Period Ends	06/20/2012
Applicant	M. Z. Berger & Co., Inc. 4th floor 29-76 Northern Blvd Long Island City, NY 11101 UNITED STATES		

Goods/Services Affected by Opposition


Class 014. All goods and services in the class are opposed, namely: Watches
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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.	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	77514403#TMSN.jpeg (1 page)(bytes) N1032_NOTICE OF OPPOSITION_120620 (3).pdf (4 pages)(152118 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	/Jess M. Collen/
Name	Jess M. Collen
Date	06/20/2012

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

Applicant : M.Z. Berger & Co., Inc.
Serial No. : 85468226
Filed : November 9, 2011
For : SOFT TOUCH
Published : February 21, 2012

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Opposer, Tissot S.A., a corporation located at 17, Chemin des Tourelles, CH-2400 Le Locle, Switzerland (“Tissot” or “Opposer”), 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 the owner of the following valid and subsisting U.S. trademark registration, among others (“T TOUCH Trademark”):

T TOUCH & Design	Registration No. 3,653,565
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2. 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 filing of Applicant’s application for registration.
3. Tissot is and has been engaged in the sale and marketing of horological and chronometric instruments under its T TOUCH Trademark in the United States since at least 2002.

4. Tissot has used its T TOUCH Trademark in commerce extensively and has acquired considerable and valuable goodwill and widescale recognition for its mark. The public has come to associate the T TOUCH Trademark with Opposer and Opposer's horological and chronometric instruments and related goods.
5. Tissot's registration is prima facie proof of ownership and use of the mark from the original date of filing of the application, pursuant to 15 U.S.C. § 1057(b), and of the exclusive right to use the registered mark in commerce.
6. Applicant's mark is confusingly similar to Tissot's T TOUCH Trademark and is likely, when applied to the goods of the applicant, to cause confusion, or to cause mistake or to deceive. 15 U.S.C. § 1052(d). Applicant's mark makes a highly similar commercial impression to Opposer's T TOUCH Trademark 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.
7. On information and belief, Applicant intends to use its confusingly similar mark for watches in Class 14.
8. On information and belief, use by the Applicant for goods in class 14, will cause confusion, mistake and deception with respect to those goods, by virtue of the Opposer's prior use of its T TOUCH Trademark and by virtue of the Opposer's renown as a manufacturer of watches and parts thereof.
9. On information and belief, the Applicant's mark and Tissot's T TOUCH Trademark are applied to highly related, if not identical, goods and are likely to be sold to the same or similar channels of distribution. Applicant's mark so resembles Tissot's T TOUCH

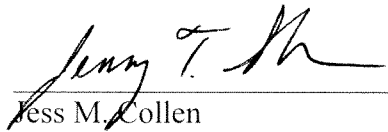
registration and well-known trademark, as used in the United States and not abandoned, as to be likely to cause confusion, or to cause mistake or to deceive.

10. Applicant's intended use of its mark will be confusingly similar to the manner in which the Opposer uses its T TOUCH Trademark.

11. Upon information and belief, Applicant's registration of its mark would substantially harm Tissot.

OPPOSER prays that this application Serial No. 85468226 be refused, that no registration be issued thereon to Applicant and that this Opposition be sustained in favor of Tissot S.A.

Respectfully submitted for
Opposer,



Jess M. Collen
Jenny T. Slocum
Collen IP Intellectual Property Law
The Holyoke-Manhattan Building
80 South Highland Avenue
Ossining, New York 10562
Attorneys for Tissot S.A.

Enclosure: Opposition fee \$300.00 per class
DATED: June 20, 2012

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

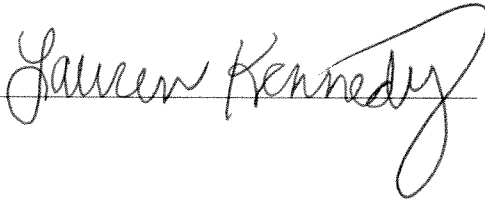
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FILED ELECTRONICALLY WITH THE UNITED STATES PATENT AND TRADEMARK OFFICE.

By: Lauren Kennedy Dated: June 20, 2012

CERTIFICATE OF SERVICE

I, Lauren Kennedy, hereby certify that on June 20, 2012, a copy of the foregoing Notice of Opposition was filed electronically with the TTAB and served via First Class Mail, postage pre-paid, upon Applicant:

M.Z. Berger & Co., Inc.
2976 Northern Blvd Fl 4
Long Island City, NY 11101-2829

A handwritten signature in cursive script that reads "Lauren Kennedy". The signature is written over a horizontal line.