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

Proceeding	91209978
Party	Defendant American Exchange LLC
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Date	09/10/2019
Attachments	TTAB Resumption Request.pdf(252674 bytes)

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

Tissot SA Opposer, v. American Exchange LLC Applicant.	Opposition No.: 91209978 Serial No.: 85637640

APPLICANT'S REQUEST FOR RESUMPTION OF PROCEEDING AND REGISTRATION PURSUANT TO FINAL DISPOSITION OF CIVIL ACTION

WHEREAS, on May 29, 2012, Applicant, American Exchange LLC (the "Applicant"), filed a trademark application for the mark "I-TOUCH" in international class 014 for Jewellery and watches (the "AE Mark"); and

WHEREAS, on March 27, 2013, Opposer Tissot S.A. (the "Opposer") filed an opposition proceeding (the "Opposition") before the Trademark Trial and Appeal Board ("TTAB") to oppose the AE Mark on the grounds that it is confusingly similar to its registered trademark "T-TOUCH," registration number 3653565 (the "Tissot Mark"); and

WHEREAS, on June 22, 2017, Applicant filed a complaint in the Southern District of New York captioned *American Exchange Time, LLC. v. Tissot, S.A.*, Docket No.: 17-cv-04737 (the "Federal Action"), seeking a declaratory judgment that (i) the AE Mark is not confusingly similar to the Tissot Mark; and (ii) that Applicant, in using the AE Mark, has not engaged in any acts of registered or unregistered trademark infringement, false designation of origin, common law unfair competition or common law trademark infringement, under Federal or State Law; and

WHEREAS, on September 4, 2018, the TTAB suspended the Opposition pending the disposition of the Federal Action; and

WHEREAS, on November 23, 2018, Opposer answered the Federal Action and began defending the Federal Action; and

WHEREAS, on August 23, 2019, after motion practice, the district court awarded a default judgment to Applicant against Opposer (the "Judgment") declaring that: (i) the AE Mark is not confusingly similar to the Tissot Mark; and (ii) declaring that Applicant, in using the AE Mark, has not engaged in any acts of registered or unregistered trademark infringement, false designation of origin, common law unfair competition or common law trademark infringement, under Federal or State Law. A copy of the Judgment is annexed hereto as **Exhibit A**.

NOW THEREFORE, Applicant respectfully requests the TTAB (i) resume this Opposition; (ii) deny the Opposition in light of the Judgment; and (iii) allow the AE Mark to proceed to registration pursuant to the Judgment.

Dated: September 10, 2019
New York, New York

/Aaron J. Solomon /
Aaron J. Solomon
Oved & Oved LLP
401 Greenwich Street
New York, NY 10013
Attorneys for Applicant

CERTIFICATE OF SERVICE

I, Steven I. Appelbaum, hereby certify that I caused a true and correct copy of the above Request for Resumption of Proceeding and Registration Pursuant to Final Disposition of Civil Action to be served on counsel for Opposer on September 10, 2019, to be served via e-mail on Opposer's counsel at the address shown below:

Timothy D Pecsenye
BLANK ROME LLP
One Logan Square, 130 N 18th Street
Philadelphia, PA 19103

E-mail: pecsenye@blankrome.com, bcraig@blankrome.com

/Steven I. Appelbaum/

Exhibit A

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/23/19

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN EXCHANGE TIME, LLC,

Plaintiff,

-AGAINST-

TISSOT,S.A.,

Defendant.

17-cv-04737 (~~VM~~) (OTW).

DEFAULT JUDGMENT

This action having been commenced against Defendants Tissot, S.A. ("Defendant") on June 22, 2017, upon the filing of the Complaint, and a copy of the Summons and Complaint having been duly served on Defendants, and Defendant having consented to a default both in correspondence to the Court (ECF Dkt. No. 52) and on the record during an appearance conducted on July 9, 2019, it is hereby ORDERED, ADJUDGED AND DECREED that Plaintiff American Exchange Time, LLC ("Plaintiff') shall have judgment (I) declaring that its trademark "I-touch", presently pending approval for Federal Trademark protection (U.S. Trademark Serial No. 85637640) (the "AE Mark") in connection with "Jewelry and watches," is not confusingly similar to Defendant's registered trademark "T-TOUCH" in connection with "Horological and chronometric instruments" (U.S. Trademark Registration No. 3653565) (the "Tissot Mark"); (ii) declaring that Plaintiff, in using the AE Mark, has not engaged in any acts of registered or unregistered trademark infringement, false designation of origin, common law unfair competition or common law trademark infringement, under Federal or State Law; and it is further

ORDERED that as a non-dispositive pretrial motion, Plaintiff's motion for attorney's fees and costs is referred to Magistrate Judge Ona T. Wang for a report and recommendation pursuant to the court's Amended Order of Reference to a Magistrate Judge (Docket No. 54).

Dated: New York, New York
22 August 2019

VICTOR MARRERO
U.S.D.J.