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

Proceeding	91211381
Party	Plaintiff Specialty Materials & Digital Decoration, LLC
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Submission	Motion to Amend Pleading/Amended Pleading
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Attachments	First_Amended_Notice_of_Opposition.pdf(471385 bytes)

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

Specialty Materials & Digital)	
Decoration, LLC)	
)	
Opposer,)	
)	
v.)	
)	
SISER S.R.L.)	
)	
Applicant.)	

Opposition No: 91211381
Application Serial No.: 85/470,699
Mark: EASYWEED

AMENDED NOTICE OF OPPOSITION

Pursuant to Rule 15(a) of the Federal Rules of Civil Procedure and TBMP § 503.03, Opposer, SPECIALTY MATERIALS & DIGITAL DECORATION, LLC, by and through its undersigned attorneys, hereby amends its Notice of Opposition filed July 2, 2013, to dismiss its dilution claim in the above-referenced opposition in response to the Motion to Dismiss for Failure to State a Claim filed by Applicant, SISER S.R.L., on August 12, 2013.

In the matter of the application for registration of the mark EASYWEED for heat plastic film transfers for manufacturing plastic transfers; heat plastic film transfers for use in manufacturing plastic transfers used for applying letters, numbers, graphics or designs onto garments or other substrates in International Class 017, Serial No: 85/470,699 filed November 11, 2011, by Applicant, published for opposition on Page **TM 713** of the Official Gazette for June 4, 2013, Opposer believes that it would be damaged by such registration, and hereby opposes the registration of Applicant’s mark. The grounds for the opposition are as follows:

1. Opposer, Specialty Materials & Digital Decoration LLC, is an Oklahoma limited liability company with a business address of 2929 W 21st St Tulsa, OK 74107, U.S.A.
2. Opposer is and has been in the business of producing and selling heat plastic film transfers under the mark EZ WEED.
3. Opposer has used the mark EZ WEED in interstate commerce in connection with its goods and services before use by the Applicant
4. Opposer has extensively and continuously used its trademark for EZ WEED since that time.
5. Applicant's trademark application seeks registration of the mark EASYWEED for heat plastic film transfers for manufacturing plastic transfers; heat plastic film transfers for use in manufacturing plastic transfers used for applying letters, numbers, graphics or designs onto garments or other substrates in International Class 17.
6. Opposer's goods are similar to Applicant's goods and Opposer believes it has priority of use of its trademark.
7. As a result of the confusing similarity between Opposer's mark and Applicant's mark, registration of the mark EASYWEED is likely to cause confusion or is likely to deceive purchasers as to the source or sponsorship of such goods.

WHEREFORE, Opposer requests that the application for the mark EASYWEED, Serial No. 85/470,699, be rejected and that registration for the mark EASYWEED be refused.

Respectfully submitted,

HEAD, JOHNSON & KACHIGIAN, P.C.

Date: August 26, 2013

By:



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Attorneys for Opposer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this paper has been served upon Applicant and Applicant's counsel, at their address of record by Email and First Class Mail on this date.

Date: August 26, 2013

By:



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