

ESTTA Tracking number: **ESTTA568832**

Filing date: **11/04/2013**

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	VERMOP Salmon GmbH
Granted to Date of previous extension	11/03/2013
Address	Zeppelinstrasse 24 Gilching, 82205 GERMANY

Attorney information	Douglas R. Wolf Wolf, Greenfield & Sacks, P.C. 600 Atlantic Avenue Boston, MA 02210-2206 UNITED STATES azdtrademarks@wolfgreenfield.com, drwtrademarks@wolfgreenfield.com Phone:617-646-8000
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**Applicant Information**

Application No	85471358	Publication date	05/07/2013
Opposition Filing Date	11/04/2013	Opposition Period Ends	11/03/2013
Applicant	HTC Sweden AB p.o Box 69 SÄderköping, SEX 61422 SEX		

**Goods/Services Affected by Opposition**


Class 003. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Cleaning preparations; polishing preparations; scouring preparations; abrasivespreparations
Class 007. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Machine parts, namely, slide rests in the nature of supports for concrete grinding, abrasing, cleaning and polishing tools; electric machines and apparatus for wax-polishing; electric machines and apparatus for cleaning floors, walls, carpets and glass surfaces; electric machines and apparatus for polishing; floor, wall, carpet and glass surface washing machines; grinding, fine grinding, polish and polishing machines for industrial use
Class 008. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Grinding instruments and tools, namely, hand-operated sharpening instruments and tools with diamond bits; hand tools, namely, diamond bladed saws and drills with diamond bits; manually-operated emery and grinding wheels
Class 021. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Articles for cleaning purposes, namely, floor, roof and wall brushes, abrasive and polishing pads, pads of metal for cleaning, dusting cloths and

mitts, disposable textile cleaning wipes not impregnated with chemicals or compounds, sponge holders, all for commercial and industrial uses; Sponges for household purposes; sponges, namely, scouring, cleaning and scrubbing sponges; saucepan scourers of metal; scouring pads; pads for cleaning; polishing materials for making shiny except preparations, paper and stone, namely, polishing cloths and leather for polishing

## Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
<i>Torres v. Cantine Torresella S.r.l. Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)

## Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	85687301	Application Date	07/26/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	TWIXTER		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 012. First use: First Use: 1999/08/12 First Use In Commerce: 1999/08/12 Land vehicles, namely, vehicles for transport, work, cleaning and disinfecting purposes, for cleaning buildings, hospitals, hotels and similar businesses; and structural parts therefor</p> <p>Class 021. First use: First Use: 1999/08/12 First Use In Commerce: 1999/08/12 articles for cleaning purposes, namely, mops, mop holders, mop covers, mop presses, mop wringers, household dosing containers sold empty for moistening manual floor-cleaning apparatus; containers for household use, buckets and tubs of plastics and/or metal for cleaning buildings; floor cleaning apparatus consisting of mops, mop holders, mop covers, mop presses, mop wringers, household dosing containers sold empty for moistening manual floor-cleaning apparatus, containers, buckets and tubs of plastics and/or metal</p>		

Attachments	85687301#TMSN.jpeg( bytes ) Vermop Notice of Opposition.PDF(286123 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	/Anderson J. Duff/
Name	Anderson J. Duff
Date	11/04/2013

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

Opposer: VERMOP Salmon GmbH  
Applicant: HTC Sweden AB  
Serial No.: 85/471,358  
Filing Date: November 14, 2011  
Mark: TWIXTER  
Published: May 7, 2013

VERMOP Salmon GmbH	Opposer,
v.	
HTC Sweden AB	Applicant.

Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**

This Notice of Opposition relates to the application of HTC Sweden AB (“Applicant”), in International Classes 3, 7, 8, and 21 shown in Application Serial No. 85/471,358, filed on November 14, 2011, and published in the Official Gazette on May 7, 2013.

The grounds for opposition are as follows:

1. VERMOP Salmon GmbH (“Vermop”), is a company organized and existing under the laws of Germany with offices as Zeppelinstrasse 24, Gilching 82205, Germany.
2. The Applicant, on information and belief, is a corporation organized and existing under the laws of Sweden with an address at P.O. Box 69, Söderköping 61422, Sweden.
3. Vermop is an industry leader in the cleaning space, and it has used TWIXTER in connection with cleaning supplies in interstate commerce in the United States for more than a decade.

4. Vermop filed federal trademark application Serial No. 85/687,301 for TWIXTER for a variety of cleaning supplies.
5. Vermop has used TWIXTER for cleaning supplies in interstate commerce in the United States since at least as early as August 12, 1999.
6. Since at least prior to November 14, 2011, Vermop and Applicant have been involved in discussions regarding their respective rights to TWIXTER in jurisdictions throughout the world.
7. Applicant was aware of Vermop's common law rights for TWIXTER in the United States.
8. Notwithstanding Vermop's prior use of, and rights in, TWIXTER, the Applicant filed application Serial No. 85/471,358 on November 14, 2011 to register TWIXTER for a variety of goods in the cleaning equipment space.
9. The Applicant filed application Serial No. 85/471,358 on an intent-to-use basis, and, on information and belief, the Applicant has not used TWIXTER for any of the goods identified in its application.
10. The Applicant's filing date for the subject application is subsequent to Vermop's adoption and actual use of each of TWIXTER for goods in the cleaning space.
11. All of the goods identified in the Applicant's application are related to the goods offered by Vermop under TWIXTER and travel through the same channels of trade.
12. The Applicant's intended consumers directly overlap with Vermop's consumers.
13. The Applicant's TWIXTER is identical to and confusingly similar to Vermop's TWIXTER.

14. Potential purchasers of Applicant's identified goods would likely believe that such goods originated with, or were authorized or approved by, Vermop when, in fact, they would not be.

15. If Applicant is granted a registration on the application herein opposed with respect to the goods identified in Serial No. 85/471,358, it would thereby obtain a prima facie exclusive right to use TWIXTER, which would be a source of significant damage to Vermop.

16. Applicant's application Serial No. 85/471,358 was filed in bad faith in view of its knowledge of Vermop's prior rights.

WHEREFORE, Vermop believes it will be damaged by said application for registration and prays that this Opposition be sustained under 15 U.S.C §1052(d).

Respectfully submitted,

By 

Douglas R. Wolf

Anderson J. Duff

WOLF, GREENFIELD & SACKS, P.C.

600 Atlantic Ave.

Federal Reserve Plaza

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617-646-8000

Attorneys for Opposer

VERMOP Salmon GmbH

Date: November 4, 2013

**CERTIFICATE OF SERVICE**

I hereby certify that on November 4, 2013, I served a copy of the NOTICE OF OPPOSITION to counsel for Applicant via first-class mail, postage-prepaid, addressed to:

Jeffrey H. Kaufman  
Oblon, Spivak, McClelland, Maier & Neustadt, LLP  
1940 Duke Street  
Alexandria, Virginia 22314



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Attorneys for Opposer  
VERMOP Salmon GmbH

Attorney's Docket No.: V0194.50003US00

Generated on: This page was generated by TSDR on 2013-11-04 15:53:59 EST

Mark: TWIXTER

TWIXTER

US Serial Number: 85687301

Application Filing Date: Jul. 26, 2012

Register: Principal

Mark Type: Trademark

Status: An Office action suspending further action on the application has been sent (issued) to the applicant. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Jul. 09, 2013

## Mark Information

Mark Literal Elements: TWIXTER

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [ ] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: Land vehicles, namely, vehicles for transport, work, cleaning and disinfecting purposes, for cleaning buildings, hospitals, hotels and similar businesses; and structural parts therefor

International Class(es): 012 - Primary Class

U.S Class(es): 019, 021, 023, 031, 035, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 12, 1999

Use in Commerce: Aug. 12, 1999

For: articles for cleaning purposes, namely, mops, mop holders, mop covers, mop presses, mop wringers, household dosing containers sold empty for moistening manual floor-cleaning apparatus; containers for household use, buckets and tubs of plastics and/or metal for cleaning buildings; floor cleaning apparatus consisting of mops, mop holders, mop covers, mop presses, mop wringers, household dosing containers sold empty for moistening manual floor-cleaning apparatus, containers, buckets and tubs of plastics and/or metal

International Class(es): 021 - Primary Class

U.S Class(es): 002, 013, 023, 029, 030, 033, 040, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 12, 1999

Use in Commerce: Aug. 12, 1999

## Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: VERMOP Salmon GmbH

Owner Address: Zeppelinstrasse 24  
Gilching 82205  
GERMANY

Legal Entity Type: gesellschaft mit beschränkter haftung (gmbh)

State or Country Where Organized: GERMANY

## Attorney/Correspondence Information



**Attorney of Record**

Attorney Name: Douglas R. Wolf

Docket Number: V0194.20017U

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Attorney Email Authorized: No

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**Prosecution History**

Date	Description	Proceeding Number
Jul. 09, 2013	LETTER OF SUSPENSION MAILED	
Jul. 09, 2013	SUSPENSION LETTER WRITTEN	83190
May 31, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	74221
May 31, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	74221
May 28, 2013	ASSIGNED TO LIE	74221
May 21, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 10, 2012	NON-FINAL ACTION MAILED	
Dec. 07, 2012	NON-FINAL ACTION WRITTEN	83190
Nov. 25, 2012	ASSIGNED TO EXAMINER	83190
Aug. 02, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 30, 2012	NEW APPLICATION ENTERED IN TRAM	

**TM Staff and Location Information****TM Staff Information**

TM Attorney: MORENO, PAUL A

Law Office Assigned: LAW OFFICE 103

**File Location**

Current Location: TMEG LAW OFFICE 103 - EXAMINING ATTORNEY ASSIGNED

Date in Location: Jul. 09, 2013