

ESTTA Tracking number: **ESTTA799950**

Filing date: **02/07/2017**

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	Omega SA (Omega AG) (Omega Ltd.)
Granted to Date of previous extension	02/08/2017
Address	Jakob-Stampfli-Strasse 96 Biel/Bienne, CH-2502 SWITZERLAND

Attorney information	Jeffrey A. Lindenbaum Collen IP, Intellectual Property Law, P.C. The Holyoke-Manhattan Building 80 South Highland Avenue Ossining, NY 10562 UNITED STATES jlindenbaum@collenip.com, docket@collenip.com
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Applicant Information

Application No	87033333	Publication date	10/11/2016
Opposition Filing Date	02/07/2017	Opposition Period Ends	02/08/2017
Applicant	Sims, Michael 174 Derby Drive West Columbia, SC 29170 UNITED STATES		

Goods/Services Affected by Opposition

Class 014. First Use: 0 First Use In Commerce: 0 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.	556602	Application Date	04/27/1950
Registration Date	03/25/1952	Foreign Priority Date	NONE
Word Mark	SEAMASTER		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 014. First use: First Use: 1949/03/25 First Use In Commerce: 1949/03/25 WATCHES, WATCH PARTS AND WATCH MOVEMENTS
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Attachments	U1066_notice of opposition_170207.pdf(14486 bytes) Ex A Seamaster Registration.pdf(24252 bytes)
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Signature	/Jeffrey A. Lindenbaum/
Name	Jeffrey A. Lindenbaum
Date	02/07/2017

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

Applicant : Michael Sims
Serial No. : 87/033,333
Filed : May 11, 2016
For : FLEETMASTER
Published : October 11, 2016

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

NOTICE OF OPPOSITION

The Opposer, Omega, SA (Omega AG) (Omega Ltd.), 96 Rue Jakob Stampfli, Bienne, Switzerland CH-2502, through its attorneys (referred to as "Omega" or "Opposer") believes that it would be damaged by the registration of the mark shown in the above-identified application, and hereby opposes same, pursuant to 15 USC § 1063 and 37 CFR § 2.104.

As grounds for opposition, it is alleged that:

- 1) Omega is and has been engaged in the sale and marketing of identical goods to those recited by Applicant in its application to register since a time prior to the filing date of Applicant's application for registration or any date of priority claimed by Applicant.

- 2) Omega is and has been engaged in the sale and marketing of goods and services under the registered trademark SEAMASTER since a time prior to the filing of Applicant's application. Omega has sold goods under its SEAMASTER trademarks since that time.

3) Omega is the owner of the following valid and subsisting U.S. trademark registration (the “SEAMASTER Mark”):

Registration No. 0556602 SEAMASTER

See Exhibit A.

4) Omega has used its SEAMASTER Mark in commerce extensively and has acquired a considerable and valuable goodwill and wide scale recognition for its mark. The public has come to associate the SEAMASTER Mark with Opposer and Opposer’s goods.

5) Omega’s registrations are prima facie proof of ownership and use of the mark from at least the original date of filing of the application, pursuant to 15 USC 1057(b), and of the exclusive right to use the registered mark in commerce. Furthermore, Registration Nos. 0556602 is incontestable, pursuant to section 15 of the Trademark Act.

6) Applicant’s mark is confusingly similar to Omega’s registered trademark and when applied to the goods of the Applicant is likely to cause confusion, or to cause mistake or to deceive. 15 USC 1052(e). Applicant’s mark makes a highly similar commercial impression.

7) The overall commercial impression of Applicant’s mark, when applied to the goods in the application, would cause confusion or be likely to cause confusion, mistake, or deception.

8) Omega’s date of first use of its SEAMASTER Mark, for highly related goods, is prior to the date of the Applicant’s application and prior to any priority Applicant may claim.

9) On information and belief, use by the Applicant for the goods in the application will cause confusion, mistake and deception with respect to those goods, by virtue of the Opposer's prior use of its SEAMASTER Mark, and by virtue of the Opposer's renown as the source of watches.

10) On information and belief, both the Applicant's mark and Opposer's SEAMASTER Mark are applied to highly related goods and are likely to be sold or offered to the same or similar channels of distribution. Applicant's mark so resembles Opposer's registered mark 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.

11) On information and belief, Applicant's actions would substantially harm the Opposer, by permitting registration in favor of Applicant for a mark which the Opposer used on its goods from an earlier date.

OPPOSER prays that this application Serial No. 87/033,333, be refused, that no registration be issued thereon to Applicant and that this Opposition be sustained in favor of Omega.

Respectfully submitted for
Opposer, OMEGA SA

By: /Jeffrey A. Lindenbaum/
Jeffrey A. Lindenbaum
Jess M. Collen
COLLEN IP
The Holyoke-Manhattan Building
80 South Highland Ave
Ossining, NY 10562
(914) 941-5668
jlindenbaum@collenip.com

February 7, 2017

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

CERTIFICATE OF FILING

I, Jeffrey A. Lindenbaum hereby certify that on February 7, 2017, I caused a true copy of the foregoing Notice of Opposition to be filed electronically with the United States Patent and Trademark Office.

By /Jeffrey A. Lindenbaum/

Date: February 7, 2017

EXHIBIT A

EXHIBIT A

Generated on: This page was generated by TSDR on 2017-02-07 17:55:31 EST

Mark: SEAMASTER

US Serial Number: 71596436

Application Filing Date: Apr. 27, 1950

US Registration Number: 556602

Registration Date: Mar. 25, 1952

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Apr. 21, 2012

Mark Information

Mark Literal Elements: SEAMASTER

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

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 incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: WATCHES, WATCH PARTS AND WATCH MOVEMENTS

International Class(es): 014

U.S Class(es): 027 - Primary Class

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 25, 1949

Use in Commerce: Mar. 25, 1949

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: OMEGA SA (OMEGA AG) (OMEGA LTD.)

Owner Address: JAKOB-STÄMPFLI-STRASSE 96

CH-2502 BIEL/BIENNE
SWITZERLAND

Legal Entity Type: CORPORATION

State or Country SWITZERLAND
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: JANE F. COLLEN

Docket Number: 27530

Correspondent

Correspondent Name/Address: JANE F. COLLEN
COLLEN IP INTELLECTUAL PROPERTY LAW PC
THE HOLYOKE-MANHATTAN BLDG
80 S HIGHLAND AVE
WESTCHESTER COUNTY, NEW YORK 10562
UNITED STATES

Phone: (914) 941-5668

Domestic Representative

Domestic Representative Name: COLLEN IP INTELLECTUAL PROPERTY LAW.
P.C.

Prosecution History

Date	Description	Proceeding Number
Apr. 21, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - MAILED	
Apr. 21, 2012	REGISTERED AND RENEWED (FOURTH RENEWAL - 10 YRS)	67657
Apr. 21, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	67657
Mar. 29, 2012	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	67657
Mar. 29, 2012	PAPER RECEIVED	
Oct. 07, 2008	CASE FILE IN TICRS	
May 31, 2002	REGISTERED AND RENEWED (THIRD RENEWAL - 10 YRS)	
May 31, 2002	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Mar. 22, 2002	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Mar. 22, 2002	PAPER RECEIVED	
Mar. 11, 1992	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	
Jan. 21, 1992	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	
Mar. 25, 1972	REGISTERED AND RENEWED (FIRST RENEWAL - 20 YRS)	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Mar. 25, 2012

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Apr. 21, 2012

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: OMEGA LOUIS BRANDT & FRERE, S. A.

Assignment 1 of 1

Conveyance: CHANGE OF NAME 19820624

Reel/Frame: [0444/0955](#)

Pages: 3

Date Recorded: May 05, 1983

Supporting Documents: No Supporting Documents Available

Assignor

Name: [OMEGA LOUIS BRANDT & FRERE S.A.](#)

Execution Date: Mar. 16, 1983

Legal Entity Type: UNKNOWN

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: [OMEGA SA \(OMEGA AG\) \(OMEGA LTD.\)](#)

State or Country Where Organized: No Place Where Organized Found

Legal Entity Type: UNKNOWN

Address: No Assignee Address Found

Correspondent

Correspondent Name: HENRY L. SHENIER

Correspondent Address: SHENIER & O'CONNOR
380 LEXINGTON AVE.
NEW YORK, NY 10168
SHENIER AND O'CONNOR

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91231555](#)

Filing Date: Dec 05, 2016

Status: Pending

Status Date: Dec 05, 2016

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: Timeworks Worldwide

Correspondent Address: JESSICA TAM
RAJ ABHYANKER PC
1580 W ELCAMINO REAL SUITE 14
MOUNTAIN VIEW CA , 94040
UNITED STATES

Correspondent e-mail: trademarks@legalforce.com , Jessica@legalforcelaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
DEPTH MASTER	Opposition Pending	86872227	

Plaintiff(s)

Name: Omega SA (Omega AG) (Omega Ltd.)

Correspondent Address: JESS M COLLEN
COLLEN IP INTELLECTUAL PROPERTY LAW PC
THE HOLYOKE-MANHATTAN BUILDING, 80 SOUTH HIGHLAND AVENUE
OSSINING NY , 10562
UNITED STATES

Correspondent e-mail: ogelber@collenip.com , docket@collenip.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SEAMASTER	Renewed	71596436	556602

SPEEDMASTER

Renewed

[72047594](#)

[672487](#)

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 05, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 05, 2016	Jan 14, 2017
3	PENDING, INSTITUTED	Dec 05, 2016	
4	ANSWER	Jan 17, 2017	

Type of Proceeding: Opposition

Proceeding Number: [91187507](#)

Filing Date: Nov 12, 2008

Status: Terminated

Status Date: Mar 17, 2009

Interlocutory Attorney: CHERYL A BUTLER

Defendant

Name: GILLET Jean-Claude

Correspondent Address: Jean-Claude Gillet
Rosu Marinu 13 A
F-20137 Porto-Vecchio FRANCE

Associated marks

Mark	Application Status	Serial Number	Registration Number
SEAMAXX	Abandoned - After Inter-Partes Decision	79044056	

Plaintiff(s)

Name: Omega SA (Omega AG)(Omega Ltd.)

Correspondent Address: Jess M. Collen
Collen IP, Intellectual Property Law, P.C.
The Holyoke-Manhattan Building., 80 South Highland Avenue
Ossining NY , 10562
UNITED STATES

Correspondent e-mail: icollen@collenip.com , jslocum@collenip.com , docket@collenip.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SEAMASTER	Renewed	71596436	556602

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 12, 2008	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 14, 2008	Dec 24, 2008
3	PENDING, INSTITUTED	Nov 14, 2008	
4	NOTICE OF DEFAULT	Jan 22, 2009	
5	BOARD'S DECISION: SUSTAINED	Mar 17, 2009	
6	TERMINATED	Mar 17, 2009	