

ESTTA Tracking number: **ESTTA904480**

Filing date: **06/20/2018**

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	Simpson Strong-Tie Company, Inc.
Granted to Date of previous extension	08/15/2018
Address	5956 W. Las Positas Blvd. Pleasanton, CA 94588 UNITED STATES

Attorney information	Joseph V. Mauch Shartsis Friese LLP One Maritime Plaza 18th Floor San Francisco, CA 94111 UNITED STATES Email: jmauch@sflaw.com, calendar@sflaw.com, crubke@sflaw.com Phone: 4154216500
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Applicant Information

Application No	87428698	Publication date	04/17/2018
Opposition Filing Date	06/20/2018	Opposition Period Ends	08/15/2018
Applicant	Quick Tie Products, Inc. 13300 Vantage Way Jacksonville, FL 32218 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 006. First Use: 1999/12/01 First Use In Commerce: 1999/12/01 All goods and services in the class are opposed, namely: Components and parts for construction of wood frame, masonry, and concrete masonry unit structures made of metal, namely, metal cables, washers, tension washers, bearing plates, masonry anchors, anchor bolts, hex nuts, coupler nuts, gusset, tie plates, flat straps, twist straps, strap anchors, beam seats, truss seats, posts, stud hold-downs, column bases, column caps, hinge connectors, hurricane clips, girder tiedowns, gable braces, connection angles, wall bracing, load transfer dowels, tie members, and tension tendons; Components and parts for construction of single family and multi-family structures made of metal, namely, metal cables, washers, tension washers, bearing plates, masonry anchors, anchor bolts, hex nuts, coupler nuts, gusset, tie plates, flat straps, twist straps, strap anchors, beam seats, truss seats, posts, stud hold-downs, column bases, column caps, hinge connectors, hurricane clips, girder tiedowns, gable braces, connection angles, wall bracing, load transfer dowels, tie members, and tension tendons; metal hardware and other construction elements, assemblies, components, and parts of structural reinforcing systems, namely, metal cables, washers, tension washers and metal bearing plates; metal masonry anchors and anchor bolts; metal hex and coupler nuts; metal gusset, retrofit, mending and tie plates; metal flat straps and twist straps; metal connection members for timber trusses, girder, rafter, hip ridge, truss, beam, joist, purlin and header hangers; metal tension, joist,</p>

hurricane, strap, board, post, joist and brick ties; metal strap anchors; metal beam and truss seats; metal post and stud holddowns; metal post and column bases; metal post and column caps; metal hinge connectors; metal blocking, sheathing, plywood and hurricane clips; metal girdertiedowns; metal gable braces; metal angles for joining a plurality of structural members at an angle; metal wall bracing; fasteners, namely, metal screws, anchors and bolts; metal concrete construction hardware, namely, load transfer dowels; metal strapping or tie downs; metal concrete bracing member for grout or cured in place foam

Class 019. First Use: 2016/01/01 First Use In Commerce: 2016/01/01
All goods and services in the class are opposed, namely: Non-metal concrete bracing member for grout or cured in place foam; and non-metal forming systems for concrete and other curable construction materials comprised of non-metal modular casting forms

Applicant Information

Application No	87428712	Publication date	04/17/2018
Opposition Filing Date	06/20/2018	Opposition Period Ends	
Applicant	Quick Tie Products, Inc. 13300 Vantage Way Jacksonville, FL 32218 UNITED STATES		

Goods/Services Affected by Opposition

Class 006. First Use: 2010/07/01 First Use In Commerce: 2010/07/01
All goods and services in the class are opposed, namely: Components and parts for construction of wood frame, masonry, and concrete masonry unit structures made of metal, namely, metal cables, washers, tension washers, bearing plates, masonry anchors, anchor bolts, hex nuts, coupler nuts, gusset, tie plates, flat straps, twist straps, strap anchors, beam seats, truss seats, posts, stud hold-downs, column bases, column caps, hinge connectors, hurricane clips, girder tiedowns, gable braces, connection angles, wall bracing, load transfer dowels, tie members, and tension tendons; Components and parts for construction of single family and multi-family structures made of metal, namely, metal cables, washers, tension washers, bearing plates, masonry anchors, anchor bolts, hex nuts, coupler nuts, gusset, tie plates, flat straps, twist straps, strap anchors, beam seats, truss seats, posts, stud holddowns, column bases, column caps, hinge connectors, hurricane clips, girder tiedowns, gable braces, connection angles, wall bracing, load transfer dowels, tie members, and tension tendons; metal hardware and other construction elements, assemblies, components, and parts of structural reinforcing systems, namely, metal cables, washers, tension washers and metal bearing plates; metal masonry anchors and anchor bolts; metal hex and coupler nuts; metal gusset, retrofit, mending and tie plates; metal flat straps and twist straps; metal connection members for timber trusses, girder, rafter, hip ridge, truss, beam, joist, purlin and header hangers; metal tension, joist, hurricane, strap, board, post, joist and brick ties; metal strap anchors; metal beam and truss seats; metal post and stud holddowns; metal post and column bases; metal post and column caps; metal hinge connectors; metal blocking, sheathing, plywood and hurricane clips; metal girdertiedowns; metal gable braces; metal angles for joining a plurality of structural members at an angle; metal wall bracing; fasteners, namely, metal screws, anchors and bolts; metal concrete construction hardware, namely, load transfer dowels; metal strapping or tie downs; metal concrete bracing member for grout or cured in place foam

Class 019. First Use: 2016/01/01 First Use In Commerce: 2016/01/01
All goods and services in the class are opposed, namely: Non-metal concrete bracing member for grout or cured in place foam; and non-metal forming systems for concrete and other curable construction materials comprised of non-metal modular casting forms


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1544189	Application Date	11/21/1988
Registration Date	06/20/1989	Foreign Priority Date	NONE
Word Mark	QUIK DRIVE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 007. First use: First Use: 1988/10/27 First Use In Commerce: 1988/11/04 SCREWDRIVER ATTACHMENTS FOR POWER OPERATED TOOLS FOR THE INSTALLATION OF THREADED FASTENERS; MAGAZINES FOR FEEDING TO POWER SCREWDRIVER BELTS CARRYING COLLATEDSCREWS AND BELTS CARRYING COLLATED SCREWS FOR FEEDING TO POWER SCREWDRIVERS		

U.S. Registration No.	2133981	Application Date	09/24/1996
Registration Date	02/03/1998	Foreign Priority Date	NONE
Word Mark	QUIK DRIVE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 006. First use: First Use: 1988/10/20 First Use In Commerce: 1988/11/04 metal screws, collated metal screws, metal screws collated in a plastic holding-strip for feeding to power screwdrivers Class 007. First use: First Use: 1988/10/20 First Use In Commerce: 1988/11/04 power tools for fastener installation, namely, power screwdrivers and parts therefore; screwdriver attachments for power operated fastener installation tools; accessories for power fastener installation tools, namely, fastener magazines, screwdriver mandrels, replaceable metal screwdriver bits, and belts carrying collated fasteners		

U.S. Registration No.	3490288	Application Date	08/15/2005
Registration Date	08/19/2008	Foreign Priority Date	NONE
Word Mark	QUIK GUARD		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 006. First use: First Use: 2003/09/30 First Use In Commerce: 2005/04/30 Corrosion inhibitors in the nature of a coating sold as an integral component of metal screws

U.S. Registration No.	801188	Application Date	12/24/1964
Registration Date	01/04/1966	Foreign Priority Date	NONE

Word Mark	STRONG-TIE
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class U012 (International Class 006, 019). First use: First Use: 1956/07/15 First Use In Commerce: 1956/08/01 FRAMING CONNECTORS FOR STRUCTURAL ELEMENTS-NAMELY, JOIST AND FURRING HANGERS, BRIDGING MEMBERS, REINFORCING AND FRAMING ANGLES, WALL FRAME BRACES, COLUMN BASES, COLUMN CAPS, SHEATHING STRIPS, SHEATHING CLIPS, TIE STRAPS, AND SECURING DEVICES THEREFOR SOLD WITH SAID ELEMENTS
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U.S. Registration No.	1502792	Application Date	01/19/1988
Registration Date	09/06/1988	Foreign Priority Date	NONE

Word Mark	SIMPSON STRONG-TIE
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 006. First use: First Use: 1986/06/00 First Use In Commerce: 1986/06/00 METAL CONNECTORS FOR STRUCTURAL ELEMENTS AND SECURING DEVICES THEREFOR SOLD WITH SAID ELEMENTS -NAMELY, JOIST AND FURRING HANGERS, BEAM AND PURLIN HANGERS, PANEL HANGERS, TRUSS HANGERS, BRIDGING MEMBERS, REINFORCING AND FRAMING ANGLES, STAIRCASE ANGLES, WALL FRAME BRACES, KNEE BRACES, COLUMN AND POST BASES, COLUMN AND POST CAPS, POST CAP BASES, SHEATHING STRIPS, SHEATHING CLIPS, FRAMING CLIPS, ROOF TRUSS CLIPS, TIE STRAPS, TIE PLATES, BEAM SEATS, BEAM LEVELERS,
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	HOLDOWNS, HINGE CONNECTORS, ANGLES AND GUSSETS, RIDGER-AFTER CONNECTORS, DRYWALL STOPS, NAIL STOPPERS, STUD SHOES, FENCE BRACKETS, SHELF BRACKETS, NAIL AND NAILABLE METAL BRIDGING POST FRAME CONNECTORS
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U.S. Registration No.	1805778	Application Date	06/15/1992
Registration Date	11/23/1993	Foreign Priority Date	NONE
Word Mark	PIPE GRIP TIE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 006. First use: First Use: 1991/06/00 First Use In Commerce: 1991/06/00 hardware; namely, sheet metal connectorin building construction for attaching wood framing members to a metal tubular member; especially but not limited to, the construction of wood fences supportedon metal pipe posts		


U.S. Registration No.	1833650	Application Date	07/06/1993
Registration Date	05/03/1994	Foreign Priority Date	NONE
Word Mark	SIMPSON STRONG-TIE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 006. First use: First Use: 1956/07/15 First Use In Commerce: 1956/08/01 metal connectors and securing hardware for structural elements; namely, anchor bolts, floor tie anchors, foundation anchors, framing anchors, mudsill anchors, purlin anchors, angles and gussets, concrete form angles, reinforcing and skewable angles, stair case angles, Z angles, adjustable column bases, adjustable postbases, elevated post bases, post cap bases, standoff post bases, truss bearing enhancers, floor beam levelers, wall frame braces, knee braces, fence brackets, shelf brackets, bridging members, nail and nailless metal bridging post frame connectors, column caps, post caps, framingclips, plywood sheathing clips, roof truss clips, Z clips, corrosion resistant connectors, hinge connectors, hip ridge connectors, ornamental connectors, ridgerafter connectors, slope and skew connectors, variable pitch connectors, rigid tie connectors, adjustable truss hangers, embedded truss anchors, heavy duty hangers, light truss hip/jack hangers, offset top flange hangers, open/closed top flange hangers, ridge hangers, saddle hangers, sloped and/or skewed seat hangers,sloped top flange hangers, multiple truss hangers, plated truss hangers, reinforcing angles, roof truss clips, skewed angles, skewed truss girder hangers, slope/skew connectors, truss connectors, truss seat snap-in twist straps, truss girder hangers, truss hip/jack girders, deckconnectors, nails, screws, gazebo connectors, beam and purlin hangers, double shear joist hangers, formed seat joist hangers, girder hangers, glulam saddle hangers, header hangers, heavy duty joist hangers, joist and furring hangers, lightsloped U hangers, light sloped/skewed Uhangers, masonry hangers, panel grip groove panelized construction hangers, post frame hangers, speed prong joist hangers, standard joist hangers, truss hangers, anchor bolt to stud holdown, foundation to stud holdown, foundation to rim joist holdowns, insulation supports, hip corner plates, retro plates, tie plates, beam seats, stud shoes, drywall stop, nail stoppers, coiled straps, tie straps, twist straps, brick ties, hurricane ties, pipe ties, seismic ties, tension ties,strap ties, stud plate ties and wedge form ties		


U.S. Registration No.	1846363	Application Date	06/15/1992
Registration Date	07/19/1994	Foreign Priority Date	NONE
Word Mark	RIGID TIE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 006. First use: First Use: 1991/10/00 First Use In Commerce: 1991/10/00 sheet metal connector used in building construction for attaching two or three intersecting wood framing members for reducing and in some cases eliminating the need for angle bracing, gussets and plywood stiffeners		

U.S. Registration No.	1948677	Application Date	12/27/1994
Registration Date	01/16/1996	Foreign Priority Date	NONE
Word Mark	EPOXY-TIE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 001. First use: First Use: 1994/01/00 First Use In Commerce: 1994/01/00 two component epoxy resin type adhesive for general, all-purpose mending and repair of broken articles and for use in the construction industry		

U.S. Registration No.	2513105	Application Date	02/22/1999
Registration Date	11/27/2001	Foreign Priority Date	NONE
Word Mark	ACRYLIC-TIE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 001. First use: First Use: 1999/05/00 First Use In Commerce: 1999/05/00 two component acrylic resin adhesive for use in the construction industry for bonding metal anchors to concrete		

U.S. Registration No.	3203436	Application Date	01/13/2005
Registration Date	01/30/2007	Foreign Priority Date	NONE
Word Mark	SIMPSON STRONG-TIE		

Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 006. First use: First Use: 2003/10/31 First Use In Commerce: 2003/10/31 House mark for a full line of metal construction connectors and securing hardware for structural elements; metal hardware and construction elements, namely, anchor bolts; strap anchors; bolts; coupler nuts; bearing, retrofit, mending and tie plates; girder, rafter, hip ridge, truss, beam, joist, purlin and header hangers; tension, joist, hurricane, strap, board, post, joist and brick ties; beam and truss seats; post and stud holdowns; post and column bases; post and column caps; supports; shearwall building construction panels primarily made of metal; hinge connectors; blocking and sheathing clips; twist straps; girders; truss bracers; truss spacers; girder tiedowns; gable braces; angles for joining a plurality of structural members at an angle; shelf brackets; nail stoppers; stud shoes; joist bridging; wall bracing; floor beamlevelers; drywall stops; decorative post covers; threaded rod tiedown systems comprised of threaded rod, washers and nuts; take up devices, namely, sleeves that take up slack in threaded rod connections by permitting relative movement of the threaded rod in only one direction; washers; fasteners, namely screws, bolts and nails</p> <p>Class 019. First use: First Use: 2003/10/31 First Use In Commerce: 2003/10/31 Shearwall building construction panels primarily made of wood; non-metal construction elements, namely, anchor bolt stabilizers; strap anchor holders; anchor bolt holders</p>		
U.S. Registration No.	3205026	Application Date	01/13/2005
Registration Date	02/06/2007	Foreign Priority Date	NONE
Word Mark	SIMPSON STRONG-TIE		

Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 006. First use: First Use: 2003/10/31 First Use In Commerce: 2003/10/31 House mark for a full line of metal construction connectors and securing hardware for structural elements; metal hardware and construction elements, namely, anchor bolts; strap anchors; bolts; coupler nuts; bearing, retrofit, mending and tie plates; girder, rafter, hip ridge, truss, beam, joist, purlin and header hangers; tension, joist, hurricane, strap, board, post, joist and brick ties; beam and truss seats; post and stud holdowns; post and column bases; post and column caps; supports; shearwall building construction panels primarily made of metal; hinge connectors; blocking and sheathing clips; twist straps; girders; truss bracers; truss spacers; girder tiedowns; gable braces; angles for joining a plurality of structural members at an angle; shelf brackets; nail stoppers; stud shoes; joist bridging; wall bracing; floor beamlevelers; drywall stops; decorative post covers; threaded rod tiedown systems comprised of threaded rod, washers and nuts; take up devices, namely, sleeves that take up slack in threaded rod connections by permitting relative movement of the threaded rod in only one direction; washers; fasteners, namely screws, bolts and nails</p> <p>Class 019. First use: First Use: 2003/10/31 First Use In Commerce: 2003/10/31 Shearwall building construction panels primarily made of wood; non-metal construction elements, namely, anchor bolt stabilizers; strap anchor holders; anchor bolt holders</p>		
U.S. Registration No.	3609240	Application Date	02/02/2007
Registration Date	04/21/2009	Foreign Priority Date	NONE
Word Mark	SIMPSON STRONG-TIE		

Design Mark	
Description of Mark	The mark consists of "SIMPSON" in white characters inside a black rectangle and "Strong-Tie" in white characters inside a separate and orange rectangle directly below the first black rectangle.
Goods/Services	Class 001. First use: First Use: 2005/09/30 First Use In Commerce: 2005/09/30 epoxy adhesives for general bonding and repair and for use in the construction industry

U.S. Registration No.	3610488	Application Date	07/05/2006
Registration Date	04/21/2009	Foreign Priority Date	NONE

Word Mark	SIMPSON STRONG-TIE
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 007. First use: First Use: 2005/09/30 First Use In Commerce: 2005/09/30 power tools for fastener installation, namely, power screwdrivers and parts therefore; screwdriver attachments for power operated fastener installation tools; accessories for power fastener installation tools, namely, fastener magazines, screwdriver mandrels, driver sockets, drill bits, replaceable metal screwdriver bits, and belts carrying collated fasteners
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Attachments	78692428#TMSN.png(bytes) 73706672#TMSN.png(bytes) 78547332#TMSN.png(bytes) 78547347#TMSN.png(bytes) 77098398#TMSN.png(bytes) 78923039#TMSN.png(bytes) Notice of Opposition - QUICKTIE marks.pdf(58127 bytes)
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Signature	/Joseph V. Mauch/
Name	Joseph V. Mauch
Date	06/20/2018

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

Simpson Strong-Tie Company Inc.,

Opposer,

v.

Quick Tie Products, Inc,

Applicant.

Opposition No.:

Marks: QUICKTIE
QUICKTIE SYSTEMS T

Serial Nos.: 87/428,698
87/428,712

NOTICE OF OPPOSITION

Opposer Simpson Strong-Tie Company Inc., a California corporation (“Opposer” or “Simpson”), which has its principal place of business at 5956 West Las Positas Boulevard, Pleasanton, California, believes that it would be damaged by registration of the marks QUICKTIE and QUICKTIE SYSTEMS T (and design) as shown in U.S. Trademark Applications, Serial Nos. 87428698 and 87428712, respectively, filed by Quick Tie Products, Inc. (“Applicant”) and published for opposition on April 17, 2018 (collectively, “the QUICKTIE Marks”). Simpson requested and received extensions of time to oppose the registration of the QUICKTIE Marks to August 15, 2018. Simpson opposes the applications, on the following grounds:

1. Simpson markets, in the United States and globally, a wide variety of construction products and power tools. Simpson is the leading manufacturer in the United States of structural connectors and other products designed to connect wood components in wood construction to each other and to concrete and masonry. Simpson’s structural connectors enhance the strength, stability and seismic and wind resistant properties of structures. Simpson was founded in Oakland, California, in 1956 and over the past 62 years, has designed and manufactured thousands of products known and available nationally and internationally.

Simpson's QUIK Registrations

2. Simpson owns U.S. Trademark Registration No. 1,544,189 for QUIK DRIVE for “screwdriver attachments for power operated tools for the installation of threaded fasteners; magazines for feeding to power screwdriver belts carrying collated screws and belts carrying collated screws for feeding to power screwdrivers,” in Class 7.

3. Simpson also owns U.S. Trademark Registration No. 2,133,981 for QUIK DRIVE for “metal screws, collated metal screws, metal screws collated in a plastic holding strip for feeding to power screwdrivers,” in Class 6, and “power tools for fastener installation, namely, power screwdrivers and parts therefore; screwdriver attachments for power operated fastener installation tools; accessories for power fastener installation tools, namely, fastener magazines, screwdriver mandrels, replaceable metal screwdriver bits, and belts carrying collated fasteners,” in Class 7.

4. Simpson and its predecessors have continuously used the QUIK DRIVE registered trademarks in commerce since as early as 1988.

5. Simpson owns U.S. Trademark Registration No. 3,490,288 for QUIK GUARD for “Corrosion inhibitants in the nature of a coating sold as an integral component of metal screws,” in Class 6. Simpson has used the QUIK GUARD mark in commerce since at least as early as April 30, 2005.

6. Simpson has complied with the requirements of 15 U.S.C. § 1065, and, as a result, the QUIK DRIVE and QUIK GUARD registered trademarks identified above have become incontestable. The QUIK DRIVE and QUIK GUARD registered trademarks identified above are collectively referred to as the “QUIK Marks.”

7. The QUIK Marks are strong and distinctive. Such marks have also acquired strength based on the duration of use, volume of products sold under the marks, and the amount of advertising, promotion, and public recognition.

8. Based on the long-term and widespread promotion and use of the QUIK Marks, the QUIK Marks have become well known to consumers and have acquired valuable goodwill.

Simpson's -TIE Family of Marks

9. Additionally, Simpson is the owner of the STRONG-TIE trademark and a family of other federally-registered trademarks that include -TIE as part of the mark, including, without limitation, the SIMPSON STRONG-TIE house mark that is used on its entire product line.

10. Since at least as early as 1956, Simpson has used the trademarks STRONG-TIE and SIMPSON STRONG-TIE to identify its products and to distinguish the STRONG-TIE products in the market. The SIMPSON STRONG-TIE and STRONG-TIE registered marks are collectively referred to as the "STRONG-TIE Marks."

11. Along with the STRONG-TIE Marks, Simpson has also used other federally-registered trademarks that incorporate "-TIE" to identify and distinguish certain Simpson construction products, including "hardware; namely, sheet metal connector in building construction for attaching wood framing members to a metal tubular member; especially but not limited to, the construction of wood fences supported on metal pipe posts" for PIPE GRIP TIE; "sheet metal connector used in building construction for attaching two or three intersecting wood framing members for reducing and in some cases eliminating the need for angle bracing, gussets and plywood stiffeners" for RIGID TIE; "two component epoxy resin type adhesive for general, all-purpose mending and repair of broken articles and for use in the construction industry" for EPOXY-TIE; and "two component acrylic resin adhesive for use in the construction industry for bonding metal anchors to concrete" for ACRYLIC-TIE (collectively, the "-TIE Marks"). The

family of STRONG-TIE Marks and -TIE marks includes, among others, the following federal trademark registrations:

<u>Trademark</u>	<u>Registration No.</u>
STRONG-TIE	801,188
SIMPSON STRONG-TIE	1,502,792
PIPE GRIP TIE	1,805,778
SIMPSON STRONG-TIE	1,833,650
RIGID TIE	1,846,363
EPOXY-TIE	1,948,677
ACRYLIC-TIE	2,513,105
SIMPSON STRONG-TIE	3,203,436
SIMPSON STRONG-TIE	3,205,026
SIMPSON STRONG-TIE	3,609,240
SIMPSON STRONG-TIE	3,610,488

12. The STRONG-TIE (U.S. Reg. No. 801,188) and SIMPSON STRONG-TIE (U.S. Reg. No. 1,833,650) marks identified above were first used on Simpson Strong-Tie products in commerce in August of 1956, and have been continuously used since that time. Each of the other STRONG-TIE Marks and -TIE Marks has also been continuously used in commerce for many years.

13. Simpson has complied with the requirements of 15 U.S.C. § 1065, and, as a result, each of the following trademarks identified above has become incontestable: STRONG-TIE (801,188), SIMPSON STRONG-TIE (1,502,792), PIPE GRIP TIE (1,805,778), SIMPSON STRONG-TIE (1,833,650), EPOXY-TIE (1,948,677), ACRYLIC-TIE (2,513,105), SIMPSON STRONG-TIE (3,203,436), SIMPSON STRONG-TIE (3,205,026), SIMPSON STRONG-TIE (3,609,240), SIMPSON STRONG-TIE (3,610,488).

14. The family of STRONG-TIE Marks and -TIE Marks are strong and inherently distinctive. Such marks have also acquired strength based on the duration of use, volume of products sold under the marks, and the amount of advertising, promotion, and public recognition.

15. SIMPSON STRONG-TIE is used as a house mark for Simpson's full line of products, including QUIK DRIVE and QUIK GUARD branded products.

16. Based on the long-term and widespread promotion and use of the STRONG-TIE Marks and -TIE Marks, the STRONG-TIE Marks and -TIE Marks have become well known to consumers and have acquired valuable goodwill

17. The STRONG-TIE Marks, -TIE Marks, and QUIK Marks set forth above are collectively referred to as the "Simpson Asserted Marks."

The Opposed QUICKTIE Marks

18. On April 27, 2017, Applicant filed U.S. Applications, Serial Numbers 87428698 and 87428712, for the QUICKTIE Marks for "Components and parts for construction of wood frame, masonry, and concrete masonry unit structures made of metal, namely, metal cables, washers, tension washers, bearing plates, masonry anchors, anchor bolts, hex nuts, coupler nuts, gusset, tie plates, flat straps, twist straps, strap anchors, beam seats, truss seats, posts, stud holddowns, column bases, column caps, hinge connectors, hurricane clips, girder tiedowns, gable braces, connection angles, wall bracing, load transfer dowels, tie members, and tension tendons; Components and parts for construction of single family and multi-family structures made of metal, namely, metal cables, washers, tension washers, bearing plates, masonry anchors, anchor bolts, hex nuts, coupler nuts, gusset, tie plates, flat straps, twist straps, strap anchors, beam seats, truss seats, posts, stud holddowns, column bases, column caps, hinge connectors, hurricane clips, girder tiedowns, gable braces, connection angles, wall bracing, load transfer dowels, tie members, and tension tendons; metal hardware and other construction elements, assemblies, components, and parts of structural reinforcing systems, namely, metal cables, washers, tension

washers and metal bearing plates; metal masonry anchors and anchor bolts; metal hex and coupler nuts; metal gusset, retrofit, mending and tie plates; metal flat straps and twist straps; metal connection members for timber trusses, girder, rafter, hip ridge, truss, beam, joist, purlin and header hangers; metal tension, joist, hurricane, strap, board, post, joist and brick ties; metal strap anchors; metal beam and truss seats; metal post and stud holddowns; metal post and column bases; metal post and column caps; metal hinge connectors; metal blocking, sheathing, plywood and hurricane clips; metal girder tiedowns; metal gable braces; metal angles for joining a plurality of structural members at an angle; metal wall bracing; fasteners, namely, metal screws, anchors and bolts; metal concrete construction hardware, namely, load transfer dowels; metal strapping or tie downs; metal concrete bracing member for grout or cured in place foam,” in Class 6, and “Non-metal concrete bracing member for grout or cured in place foam; and non-metal forming systems for concrete and other curable construction materials comprised of non-metal modular casting forms,” in Class 19. These goods are collectively referred to as “Applicant’s Goods.”

19. Applicant alleges that it first used the QUICKTIE mark in connection with the goods identified in Class 6 since as least as early as December 1, 1999 and with the goods identified in Class 19 at least as early as January 1, 2016.

20. Applicant alleges that it first used the QUICKTIE SYSTEMS T mark in connection with the goods identified in Class 6 since as least as early as July 1, 2010 and with the goods identified in Class 19 at least as early as January 1, 2016.

Claim I – Applicant’s QUICKTIE Marks Are Likely To Cause Confusion

21. Opposer incorporates by reference the foregoing paragraphs of this Notice of Opposition as if fully set forth herein.

22. Simpson’s use and registration of the Simpson Asserted Marks pre-dates the filing and claimed first use dates of the QUICKTIE Marks.

23. Applicant's QUICKTIE Marks are confusingly similar to Opposer's registered Simpson Asserted Marks, especially because the QUIKTIE Marks are so similar to the QUIK Marks, the STRONG-TIE Marks, and the -TIE Marks, and Applicant's Goods are so similar to Opposer's goods.

24. On information and belief, Applicant and Opposer are direct competitors, and Applicant offers goods and services to the same set of consumers using similar channels of trade as Opposer.

25. Applicant's QUICKTIE Marks for Applicant's Goods are confusingly and deceptively similar to Opposer's Simpson Asserted Marks for Opposer's goods, such that the trade and purchasing public are likely to be confused by and deceived into believing that the goods and services sold and marketed in connection with Applicant's QUICKTIE Marks originate with or are otherwise authorized by, sponsored by, licensed by, or associated with Opposer.

26. In view of the similarity of the parties' respective marks and the parties' parallel goods and services, Applicant's use of the QUICKTIE Marks is likely to cause confusion, or to cause mistake or to deceive.

27. By reason of all of the foregoing, Opposer would be greatly damaged by the registration of the QUICKTIE Marks for the goods described in Applicant's applications.

28. Registration of the applications should be refused under Section 2(d) of the Lanham Act (15 U.S.C. § 1052(d)) for the reason that the QUICKTIE Marks so resemble Opposer's Simpson Asserted Marks as to be likely, when used on or in connection with the goods or services of the Applicant, to cause confusion, or to cause mistake, or to deceive.

Claim II – Applicant’s QUICKTIE Marks Are Likely To Cause Dilution

29. Opposer incorporates by reference the foregoing paragraphs of this Notice of Opposition as if fully set forth herein.

30. Based on Opposer’s continuous and extensive use, the QUIK DRIVE and STRONG-TIE marks are famous as defined in 15 U.S.C. § 1125(c)(2)(A).

31. Applicant alleges that it first used the QUICKTIE mark in connection with the goods identified in Class 6 since as least as early as December 1, 1999 and with the goods identified in Class 19 at least as early as January 1, 2016.

32. Applicant alleges that it first used the QUICKTIE SYSTEMS T mark in connection with the goods identified in Class 6 since as least as early as July 1, 2010 and with the goods identified in Class 19 at least as early as January 1, 2016.

33. Simpson’s QUIK DRIVE and STRONG-TIE marks became famous, as defined in 15 U.S.C. § 1125(c)(2)(A), before applicant applied for or allegedly began use of the QUICKTIE Marks.

34. Registration of U.S. Applications, Serial Numbers 87428698 and 87428712, for the QUICKTIE Marks will cause dilution of the distinctive quality of Simpson’s QUIK DRIVE and STRONG-TIE marks within the meaning of Section 43(c) of the Trademark Act, 15 U.S.C. § 1125(c), and will lessen the ability of those marks to distinguish Simpson’s goods and services.

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WHEREFORE, Opposer prays that this Opposition be sustained, the applications denied, and the marks refused registration.

Dated: June 20, 2018.

Respectfully submitted,

/Joseph V. Mauch/

Joseph V. Mauch

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