

ESTTA Tracking number: **ESTTA1140182**

Filing date: **06/14/2021**

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	Tata Sons Private Limited
Granted to Date of previous extension	06/16/2021
Address	BOMBAY HOUSE, 24 HOMI MODY STREET MUMBAI, 400001 INDIA
Attorney information	ROBYN SUE LEDERMAN BROOKS KUSHMAN 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075 UNITED STATES Primary Email: trademarks@brookskushman.com Secondary Email(s): rlederman@brookskushman.com, mlally@brookskushman.com, jziegler@brookskushman.com 2483584400
Docket Number	ANAN0194TE

Applicant Information

Application No.	79294076	Publication date	02/16/2021
Opposition Filing Date	06/14/2021	Opposition Period Ends	06/16/2021
International Registration No.	1551288	International Registration Date	08/03/2020
Applicant	TATA ANGELE LIEU-DIT LES MARRONS - ZAC AXE 7 F-26140 ALBON FRANCE		

Goods/Services Affected by Opposition


Class 030. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Edible ices; ice cream; sherbets; frozen desserts namely desserts based on edible ice and sorbets; macaroons; pastries;iced cakes

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	789432	Application Date	08/26/1964
Registration Date	05/11/1965	Foreign Priority Date	NONE
Word Mark	TATA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1964/05/19 First Use In Commerce: 1964/05/19 TEA		

U.S. Registration No.	2929070	Application Date	10/26/1999
Registration Date	03/01/2005	Foreign Priority Date	NONE
Word Mark	TATA		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 006. First use: First Use: 1999/01/00 First Use In Commerce: 1999/06/00 Hot rolled steel bars, plates, sheets and coils; cold rolled steel sheets and coils; galvanized steel wire; stainless steel bars; high carbon steel wire; steelropes; steel rods, steel in billet form; metal fasteners, namely nails, metal pipes and steel plates</p> <p>Class 009. First use: First Use: 1999/07/01 First Use In Commerce: 1999/10/01 Computer programs for wireless communications for use in banking, securities, manufacturing, financial service industry, payment systems applications, insurance, healthcare, retail, electronic commerce, location identification and e-governance applications, a full line of computer software for business, home, education, and developer use, namely, computer programs for use in banking,</p>		

	<p>securities, manufacturing, financial service industry, payment systems applications, insurance, healthcare, and retail industries, computer programs for developing system management solutions, computer programs for systems management namely, network management, asset management, configuration management, performance management, fault management, distribution management, security management and administration; computer systems comprised of operating programs, software and applications, database management programs, application software, transaction processing programs, security software, pre-recorded computer programs for use in banking, securities, manufacturing, financial service industry, payment systems applications, insurance, healthcare, and retail industries, electronic commerce, location identification and e-governance applications, compact discs featuring computer programs for use in banking, securities, manufacturing, financial service industry, payment systems applications, insurance, healthcare, and retail industries, electronic commerce, location identification and e-governance applications; computer operating system software to facilitate computer use and operation computer operating system software; computer operating programs; computer hardware and software for the development, maintenance, and use of local and wide area computer networks; software for use in operating and maintaining computer system such as operating systems, database management system, transaction processing system, security software; algorithm software programs for the operation and control of computers; parts, fittings, and testing apparatus for all the aforesaid goods; and user manuals for use with, and sold as a unit with, all the aforesaid goods</p> <p>Class 016. First use: First Use: 1999/10/00 First Use In Commerce: 2000/01/00 Business forms; computer printout paper and note pads, compositor and typewriter ribbons; image transfer paper; computer programs in the form of print; periodical publications containing articles about data processing and subjects of general interest; instruction books for the design, construction, maintenance, operation and programming of data processing equipment; electric typewriters; magnetic media typewriters; type; ad typing elements; electric and magnetic direct impression typing and composing machines; printed matter, namely, instructional manuals for computer programs, magazines, newsletters, newspaper inserts and booklets, all in the fields of computer software, computers, computer system hardware, network hardware, telecommunications, information technology, word processing, database management, multimedia, entertainment equipment and e-commerce; printed matter, namely, instructional manuals for computer programs, magazines, newsletters, newspaper inserts and booklets, all in the fields of designing, creating, implementing and maintaining web sites for others, computer systems and networks, and computer programming for others, all in relation to commercial interactions over a global computer network</p> <p>Class 030. First use: First Use: 1999/01/01 First Use In Commerce: 2003/06/03 Tea, coffee, rice, spices, flour and preparations made from cereals namely, processed cereals and breakfast cereals; bread, pastry and confectionery items namely pastries, chocolates and fudge bars; honey, mustard and sauces</p>
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U.S. Registration No.	3851682	Application Date	02/27/2007
Registration Date	09/21/2010	Foreign Priority Date	NONE
Word Mark	A TATA ENTERPRISE		

Design Mark	<h1>A TATA ENTERPRISE</h1>		
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2010/01/12 First Use In Commerce: 2010/01/12 Tea and coffee		

U.S. Registration No.	4031815	Application Date	10/19/2006
Registration Date	09/27/2011	Foreign Priority Date	NONE
Word Mark	TATA		
Design Mark	<h1>TATA</h1>		
Description of Mark	NONE		
Goods/Services	<p>Class 006. First use: First Use: 1999/01/31 First Use In Commerce: 1999/06/30 Common metals and their alloys for further manufacture; steel wires; tinplate for further manufacture; metal building material, namely, structural steel, decking; hot rolled steel bars, plates, sheets and coils; cold rolled steel sheets and coils; galvanized steel wire; stainless steel bars; high carbon steel wire; steel rods, steel in billet form; metal fasteners, namely, metal pipes and steel plates; transportable buildings of metal; materials of metal for railway tracks; non-electric cables and wires of common metal; and pipes and tubes of metal; common metal bolts; linings of metal for building purposes</p> <p>Class 009. First use: First Use: 1999/07/01 First Use In Commerce: 1999/10/01 Computer programs for wireless communications for use in banking, securities, manufacturing, financial service industry, payment systems applications, insurance, healthcare, retail, electronic commerce, location identification and e-governance applications; a full line of computer software for business, home, education, and developer use, namely, computer programs for use and facilitating services in banking, securities, manufacturing, financial service industry, payment systems applications, insurance, healthcare, and retail industries; computer programs for developing system management solutions; computer programs for systems management, namely, network management, asset management, configuration management, performance management, fault management, distribution management, security management and administration; computer</p>		

	<p>software for computer source code review and software modeling; computer systems comprised of operating programs, software used for banking, securities, manufacturing, financial service industry, paymentsystems applications, insurance, healthcare, and retail industries, database management programs, application software, transaction processing programs, security software; computer operating system software to facilitate computer use and operation; computer operating system software; computer operating programs; computer hardware and software for the development, maintenance, and use of local and wide area computer networks; software for use in operating and maintaining computer systems, namely, operating systems, database management systems, transaction processing system, security software; algorithm software programs for the operation and control of computers; structural parts for all the aforesaid goods; and user manuals for use with, and sold as a unit with, all the aforesaid goods; computer operating programs used for banking, securities, manufacturing, financial service industry, payment systems applications, insurance, healthcare, and retail industries</p> <p>Class 016. First use: First Use: 1999/10/31 First Use In Commerce: 2000/01/31 Envelopes, index cards, Business forms; computer printout paper and note pads, compositor and typewriter ribbons; image transfer paper; periodical publications containing articles about data processing and subjects of general interest; instruction books for the design, construction, maintenance, operation and programming of data processing equipment; electric typewriters; magnetic media typewriters; printing types; ad printing typing elements; printed matter, namely, instructional manuals for computer programs, magazines, newsletters, newspaper inserts and booklets, all in the fields of computer software, computers, computer system hardware, network hardware, telecommunications, information technology, word processing, database management, multimedia, entertainment equipment and e-commerce; printed matter, namely, instructional manuals for computer programs, magazines, newsletters, newspaper inserts and booklets, all in the fields of designing, creating, implementing and maintaining web sites for others, computer systems and networks, and computer programming for others, all in relation to commercial interactions over a global computer network</p> <p>Class 030. First use: First Use: 1964/05/19 First Use In Commerce: 1964/05/19 Tea, coffee, rice, spices, flour and preparations made from cereals, namely, processed cereals and breakfast cereals; bread, pastry and confectionery items, namely, pastries, chocolates and fudge bars; honey, mustard, salt, and sauces</p> <p>Class 041. First use: First Use: 2006/10/31 First Use In Commerce: 2006/10/31 Conducting simulation workshops in the fields of performance enhancing products, content design and development, technology solutions in the fields of business studies, university and school education, language training, training services in the field of Information Technology, government and defense, airlines, healthcare, retail, telecom, manufacturing, banking, insurance and Fast Moving Consumer Goods</p> <p>Class 042. First use: First Use: 1975/11/30 First Use In Commerce: 1975/11/30 Database development services, namely, information technology infrastructure development; computer project management services featuring the development of information technology infrastructures; computer network design for others; computer technology consultation; computer programming for others; computer software design for others and mechanical, electrical and systems engineering services for others</p>
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Attachments	<p>75831987#TMSN.png(bytes) 77980037#TMSN.png(bytes) 77024615#TMSN.png(bytes) Notice of Opposition TATA ANGELE.pdf(43815 bytes)</p>
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Signature	/jennifer ziegler/
Name	Jennifer K. Ziegler
Date	06/14/2021

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

In re Trademark Application

Serial No.: 79294076
Filed: August 3, 2020
Trademark: TATA ANGELE
Published in the Official Gazette on February 16, 2021
Atty. Docket No.: ANAN0194TE

Tata Sons Private Limited,)	
)	
Opposer,)	
)	Serial No. 79294076
v.)	
)	Opposition No. _____
Tata Angele Société Par Actions Simplifiée (SAS),)	
)	
Applicant.)	

NOTICE OF OPPOSITION

VIA ELECTRONIC FILING
Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Opposer, Tata Sons Private Limited, an India company having a principal place of business at Bombay House, 24 Homi Mody Street, Mumbai, India 400001 (“Opposer”), believes that it is and will continue to be damaged by registration of the mark TATA ANGELE in the name of Tata Angele Société Par Actions Simplifiée (SAS) (“Applicant”) shown in U.S. Trademark Application Serial No. 79294076, and hereby opposes the same.


A request for an extension of time to oppose was filed on March 16, 2021 and was granted, extending the time to file to June 16, 2021.

As grounds for opposition, Opposer alleges that:

1. Opposer, Tata Sons Private Limited (“Tata”), is the principal holding company of the Tata Group which was founded in 1868 and has since grown into a global enterprise. Tata is a leader in several fields, including, among others, information technology, consumer products, food and beverage, automotive, telecommunications, and media. Tata has over 750,000 employees and over \$106 billion in annual revenue. The TATA name is strongly associated with Tata throughout the world, including in the United States.

2. In the United States, Opposer is the owner of, among many others, the following registrations for and containing TATA (individually and collectively referred to as the “TATA Marks”):

U.S. Trademark Registration No. 789432 for **TATA** (registered May 11, 1965), covering “tea” in Class 30;

U.S. Trademark Registration No. 2929070 for **TATA and Design**  (registered March 1, 2005), covering “tea, coffee, rice, spices, flour and preparations made from cereals namely, processed cereals and breakfast cereals; bread, pastry and confectionery items namely pastries, chocolates and fudge bars; honey, mustard and sauces” in Class 30, as well as goods in Classes 6, 9, and 16;

U.S. Trademark Registration No. 3851682 for **A TATA ENTERPRISE** (registered September 21, 2010), covering “tea and coffee” in Class 30; and

U.S. Trademark Registration No. 4031815 for **TATA** (registered September 27, 2011), covering “tea, coffee, rice, spices, flour and preparations made from cereals, namely, processed cereals and breakfast cereals; bread, pastry and confectionery items, namely, pastries, chocolates and fudge bars; honey, mustard, salt, and sauces” in Class 30, as well as goods in Classes 6, 9, 16, 41, and 42.

These registrations are valid and subsisting, uncanceled, and unrevoked, and have been made incontestable.

3. Printouts of these registrations from the Trademark Status & Document Retrieval system showing the current status and title of each of these registrations are attached hereto as Exhibit A, in accordance with 37 C.F.R. §2.122(d)(1).

4. Opposer has expended considerable time, effort, and expense in advertising and promoting the TATA Marks (“Opposer’s Marks”) and the goods associated with them throughout the United States, with the result that the purchasing public has come to know and recognize goods of Opposer by Opposer’s Marks. Opposer has exceedingly valuable goodwill established in Opposer’s Marks.

5. Applicant is seeking to register TATA ANGELE as a trademark for “edible ices; ice cream; sherbets; frozen desserts namely desserts based on edible ice and sorbets; macaroons; pastries; iced cakes” in Class 30. This is evidenced by publication of the mark in the *Official Gazette* on February 16, 2021. Applicant filed its application on August 3, 2020 and claims priority to February 5, 2020.

6. There is no issue as to priority. Opposer used, filed, and/or registered Opposer’s Marks in connection with its goods prior to Applicant’s August 3, 2020 filing date and the February 5, 2020 claimed priority date.

7. Upon information and belief, Applicant did not use the TATA ANGELE mark prior to Opposer’s first use of Opposer’s TATA Marks.

8. The TATA component of Applicant’s TATA ANGELE mark is identical to the TATA component of Opposer’s TATA Marks.

9. Applicant's TATA ANGELE mark is confusingly similar to Opposer's senior TATA Marks.

10. The goods sold or intended to be sold by Applicant under its TATA ANGELE mark are identical or virtually identical to the goods sold by Opposer under Opposer's TATA Marks.

11. Opposer is not connected with the goods sold or intended to be sold by Applicant under its TATA ANGELE mark.

12. Because the purchasing public has come to recognize and associate the goods of Opposer by Opposer's TATA Marks, Applicant's proposed TATA ANGELE mark is likely to be confused with Opposer's TATA Marks.

13. Applicant's TATA ANGELE mark in Application No. 79294076 so resembles Opposer's TATA Marks and the goods identified are so closely related to the goods of Opposer as to be likely, when used in connection with Applicant's goods, to cause confusion, or to cause mistake, or to deceive in violation of Section 2(d) of the Lanham Act, 15 USC §1052(d).


14. If Applicant were granted the registration herein opposed, it would obtain at least a *prima facie* exclusive right to use of the TATA ANGELE mark in connection with the designated goods. Such registration would be a source of injury and damage to Opposer's prior and established rights in its TATA Marks.

WHEREFORE, Opposer respectfully requests that registration of the TATA ANGELE mark, Application Serial No. 79294076, be refused and that this opposition be sustained.

The fee required under 37 C.F.R. § 2.6(a)(17) is being paid electronically concurrently with the filing of this Notice of Opposition. If the filing fee is found to be insufficient for any reason, please charge such deficiency to the deposit account.

Respectfully submitted,

By:



Robyn S. Lederman
Jennifer K. Ziegler

Attorneys/Agents for Opposer

Date: June 14, 2021

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