

ESTTA Tracking number: **ESTTA243686**

Filing date: **10/20/2008**

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	Namsung America, Inc.
Granted to Date of previous extension	10/19/2008
Address	250 International Parkway Suite 230 Heathrow, FL 32746 UNITED STATES
Attorney information	Allison R. Imber Allen, Dyer, Doppelt, Milbrath & Gilchrist, P. A. 255 South Orange Avenue Suite 1401 Orlando, FL 32801 UNITED STATES dsigalow@addmg.com, aimber@addmg.com, ebradley@addmg.com Phone: 407-841-2330

**Applicant Information**

Application No	78430909	Publication date	04/22/2008
Opposition Filing Date	10/20/2008	Opposition Period Ends	10/19/2008
International Registration No.	NONE	International Registration Date	NONE
Applicant	Dualit Limited County Oak Way Crawley West Sussex, RH11 7ST UNITED KINGDOM		


**Goods/Services Affected by Opposition**

Class 009. All goods and services in the class are opposed, namely: Apparatus for recording, transmission or reproduction of sound or images; radios, DAB radios, home entertainment systems comprised of televisions, stereo receivers and stereo amplifiers, DVD players, videotape players, and remote controls therefor; pre-recorded DVDs and CD-ROMS featuring music, action, comedy, dramatic movies, and cookery programs; digital cameras, mobile telephones, computer hardware and peripherals; automatic vending machines; parts and fittings of the aforesaid goods
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**Grounds for Opposition**

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	2527705	Application Date	03/14/1996
Registration Date	01/08/2002	Foreign Priority Date	NONE
Word Mark	DUAL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2000/07/01 First Use In Commerce: 2000/07/01 phonograph record players, phonograph record changers, and parts thereof, audio tape recorders and tape players and parts thereof; CD players, CD changers and parts thereof; stereo and mono tuners; stereo amplifiers; loudspeakers; television and video equipment, namely, television sets, video cameras, video monitors, video tape recorders and video tape players and parts thereof and computers		

U.S. Application No.		Application Date	
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services			

U.S. Application No.		Application Date	
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services			

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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	/Allison R. Imber/
Name	Allison R. Imber
Date	10/20/2008

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

In re the matter of Application Serial No. 78/430,909  
Published in the Official Gazette on April 22, 2008

Namsung America, Inc.

v.                                 Opposer,

Opposition No: \_\_\_\_\_  
Mark: **DUALIT**

Dualit Limited

Applicant.  
\_\_\_\_\_ /

**NOTICE OF OPPOSITION**

Opposer Namsung America, Inc., a corporation organized under the laws of the State of Florida, whose address is 250 International Parkway, Suite 230, Heathrow, Florida 32746, believes it will be damaged by registration of the mark **DUALIT**, shown in Serial No. 78/430,909, in International Class 9 for "Apparatus for recording, transmission or reproduction of sound or images; radios, DAB radios, home entertainment systems comprised of televisions, stereo receivers and stereo amplifiers, DVD players, videotape players, and remote controls therefor; pre-recorded DVDs and CD-ROMS featuring music, action, comedy, dramatic movies, and cookery programs; digital cameras, mobile telephones, computer hardware and peripherals; automatic vending machines; parts and fittings of the aforesaid goods" and hereby opposes registration of the application for the referenced goods in International Class 9, pursuant to an second Extension of Time allowed on September 3, 2008.

As grounds for opposition it is alleged that:

1. Applicant seeks to register the mark **DUALIT** as a trademark for “Apparatus for recording, transmission or reproduction of sound or images; radios, DAB radios, home entertainment systems comprised of televisions, stereo receivers and stereo amplifiers, DVD players, videotape players, and remote controls therefor; pre-recorded DVDs and CD-ROMS featuring music, action, comedy, dramatic movies, and cookery programs; digital cameras, mobile telephones, computer hardware and peripherals; automatic vending machines; parts and fittings of the aforesaid goods,” in International Class 9, as evidenced by the publication of the mark in the Official Gazette on April 22, 2008.
2. Applicant filed its application on June 14, 2004, under Section 44(d) based on its United Kingdom Reg. No. 2,350,948 and its intent to use the mark in United States commerce. Applicant has not yet filed an Amendment to Allege Use in the United States.
3. Opposer is affiliated with Namsung Corporation (“Namsung Korea”), a corporation organized under the laws of the Republic of Korea, whose address is 197-22 Koolo-Dong, Koolo-Ku Seoul, Republic of Korea.
4. Namsung Korea owns U.S. Trademark Registration No. 2,527,705 for the mark **DUAL (Stylized)**.
5. The mark as shown in U.S. Trademark Registration No. 2,527,705 has been used in connection with personal consumer electronics since at least as early as July 1, 2000.

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