December 7, 2015

Day Pitney Obtains Trademark Opposition Win for Tekni-Plex

Boston, MA, December 7, 2015 – Day Pitney represented Tekni-Plex, Inc., one of the world's leading manufacturers of innovative, high quality packaging and tubing materials, in a trademark opposition before The Trademark Trial and Appeal Board (TTAB) that resulted in a finding that the competitor's trademark application was void*ab initio* due to a lack of *bona fide* intent to use the mark at the time of filing.

In the case *Tekni-Plex, Inc. v. Selig Sealing Products, Inc.*, Tekni-Plex filed an opposition against the registration of a competitor's trademark that was identical to a mark used by Tekni-Plex. The TTAB opposition proceeding was based on likelihood of confusion with the senior mark. In the discovery phase of the proceeding, the competitor failed to produce any documents or evidence demonstrating that the competitor had a *bona fide* intent to use the mark at the time of filing. In a summary judgment motion, Tekni-Plex argued that the competitor's trademark application was void *ab initio* due to such lack of evidence. The TTAB agreed, granting summary judgment for Tekni-Plex and avoiding a trial on the priority issue.

Day Pitney's Carrie Webb Olson, Catherine O'Connor and Ryan Osterweil represented Tekni-Plex in this victory.

Key Contacts



Carrie Webb Olson
Partner

Boston, MA | (617) 345-4767

colson@daypitney.com