

4/16/2003

04-21-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #64

TO:
The United States Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, VA 22202-3513

FROM:
Applicant: Turkbas, Ceyhan Jay Nejat , 2685 Copperview Drive,
Orono, MN 55356
Application Serial Number 76332651
Application Filing Date: 11/02/2001
Mark: Aeron
Date of Publication: 03/11/2003
ESTTATracking No. ESTTA1453, Filing Date; 04/02/2003

RE:
Objection by applicant to:
The request to extend time to oppose until 5/10/03 as granted to Herman Miller, Inc.

Hello:

I, Ceyhan Jay Nejat Turkbas, object to the current extension of time to oppose by Herman Miller, Inc. to Aeron and any subsequent objections.

My application and use of the Aeron Mark in class 12 and class 28 do not compete or interfere with their use of the mark Aeron.

1. Our design of the mark is completely different.
2. Our typeface is completely different.
3. Our products do not overlap in appearance, function, environment or use
4. Our distribution channels do not intersect or overlap

In addition there are other holders of the Aeron mark in other classes that were allowed. Some registered before Herman Miller, Inc. which was registered. In 1995. The other registered applicants and class types are:

1. Pressurized Fluid and Chemicals, reg. No.0823861, registered 1967
2. Medical testing services and Bio-Tech, reg. No. 225638, registered 1999
3. Vinyl Coated fabric, reg. No. 2576019, registered 2002

These applicants are no more near or far from the Herman Miller, Inc. use of Aeron for chairs as we are in our use in class 12 for bicycle components or in class 28 for inline skates or windsurfing components.

In addition I have sent the Herman Miller, Inc. representing attorney an email that states our intentions not to interfere with their trade and name and will consider stating on our marketing and packaging materials that we are NOT an affiliate of Herman Miller, Inc. Copy of this email is attached.

Respectfully yours,


Ceyhan Jay Nejat Turkbas

Enclosures, email, copy of notice to oppose

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

CEYHAN JAY NEJAT TURKBAS

2685 COPPERVIEW DRIVE
ORONO, MN 55356



Mailed: April 9, 2003

Serial No.: 76332651
ESTTA TRACKING NO: ESTTA1453

Kimberly Goodwin, Information Systems Specialist

The request to extend time to oppose is granted until 5/10/03 on behalf of potential opposer **Herman Miller, Inc.**

Please do not hesitate to contact the Trademark Trial and Appeal Board at (703) 308-9300 if you have any questions relating to this extension.

ESTTA Tracking number: **ESTTA1453**Filing date: **04/02/2003**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD*copy*

Applicant:	Turkbas, Ceyhan Jay Nejat
Application Serial Number:	76332651
Application Filing Date:	11/02/2001
Mark:	AERON
Date of Publication	03/11/2003

Pursuant to 37 C.F.R. Section 2.102, Herman Miller, Inc., 855 East Main Avenue, Zeeland, MI 49464-0302, US, a corporation organized under the laws of state of Michigan, through its undersigned attorney, respectfully requests that it be granted a 30-day extension of time to file a notice of opposition against the above-identified mark.

The mark was published for opposition on 03/11/2003, the opposition period being set to expire on 04/11/2003. Herman Miller, Inc. requests extension of the opposition period to 30 days from such date, namely to 05/10/2003.

Respectfully submitted,

/tee/ 04/02/2003

Timothy E. Eagle

Varnum, Riddering, Schmidt & Howlett LLP

P.O. Box 352 Bridgewater Place

Grand Rapids, MI 49501-0352, US

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616-336-6000

PTO-2120 (Exp. 5/31/2004)

OMB No. 0651-0009 (Exp. 5/31/2004)

Sent Message

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From: Jay Turkbash <turkstrat@earthlink.net> [Add to Address Book](#)

Date: Tue, 15 Apr 2003 14:07:36 -0600 (CST)

To: teeagle@varnumlaw.com

Subject: Aeron Sports, Turkbash

Copy

Hello Mr. Eagle:

I just received the notice from the Patent and Trademark office regarding the request for the extension for notice of opposition against the our mark.

I am sincerely sending you this note in hopes that you can feel free to discuss with me the objections you may have to our unique use of Aeron and Aeron Sports in class 12 Vehicles (Bikes) and class 28 Toys and sporting goods (Inline skates and windsurfing)

I can assure you our products are of the highest quality and performance, specifically in a high end \$200-\$300 retail inline skate and in high performance windsurfing equipment such as precision booms and components.

Our intention is not to relate the brand to your products or good name. Our logo represents a sail and arch shape that signifies movement and an "A". The R extension in the wordmark is like a keel or a rudder.

We can assure you that we will not attempt to align ourselves or represent ourselves as a component in your market or business, or affiliate.

I'm not aware of what others who use the Aeron name in other classes do in this case. If you prefer we can make notice on all packaging and marketing materials that we are not affiliated and are no part of Herman Miller, Inc. and it's marks, etc. We can probably sign an agreement on those points.

However, we are a small brand in low volume high-end market segments not at all associated with yours at all. We are well along on our product and planning and use of the logo and it would be a significant hardship to change now. The logo does not resemble yours and the markets are clearly differentiated, as well as there are other uses of Aeron in other categories, as well.

Your job is to protect and limit, I realize, but we at Aeron Sports are decent folks and want to make sure you are satisfied with our non-related product and our good intentions of assuring you and providing you the security you require.

What I'm trying to emphasize is we conduct ourselves in a professional manner and if you have specific concerns on what our intentions are we will certainly make sure we do not intrude on your name or trade on your name.

I appreciate your reading this with our genuine spirit of cooperation being obvious and sincere.

Please feel free to call me at any time at 763-253-1306.

Best regards,

Jay Turkbash

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