

ExHS

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

In the matter of trademark application Serial No. 76/033895
For the mark "ADVENT NETWORKS"
Published in the Official Gazette on December 18, 2001
Opposition No. 91150749



10-31-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #30

_____)
RECOTON AUDIO CORPORATION,)
Opposer)
v.)
ADVENT NETWORKS, INC.,)
Applicant)
_____)

MOTION FOR SUMMARY JUDGMENT

Opposer hereby respectfully requests that the Trademark Trial and Appeal Board issue summary judgment in the matter of Opposition No. 91150749 pending before it based on Opposer's prior use and existing registrations, and deny registration for Applicant's "intent-to-use" Application No. 76/033895, based upon the "likelihood of confusion" pursuant to 15 U.S.C. §1052(d).

Opposer submits the following evidence in support of its Motion for Summary Judgment:

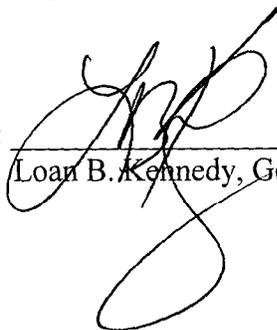
1. A certified copy of Opposer's United States Patent and Trademark Office ("USPTO") Trademark Registration No. 1,008,947 showing use of its "ADVENT" trademark dating back to 1969 (attached hereto and made a part hereof as Exhibit "A").
2. A certified copy of Opposer's USPTO Trademark Registration No. 2,558,737 showing use of its "ADVENT" trademark dating back to 1970 (attached hereto and made a part hereof as Exhibit "B").
3. Affidavit of Opposer in support of original opposition and motion for summary judgment (attached hereto and made a part hereof as Exhibit "C").
4. Evidence of suspension of Opposer's Application No. 76/363889 for the "ADVENT" trademark by the USPTO (attached hereto and made a part hereof as Exhibit "D"), and evidence of suspension of Applicant's Application No. 75/906111 for the "ADVENT" trademark by the USPTO (attached hereto and made a part hereof as Exhibit "E"). The USPTO has suspended both Opposer's application to update its goods to advances in modern technology

and Applicant's application for the "ADVENT" mark alone. These applications appear to be cited against each other by the USPTO clearly revealing that the marks appear confusingly similar to the USPTO examiners.

Date: October 30, 2002

RECOTON AUDIO CORPORATION

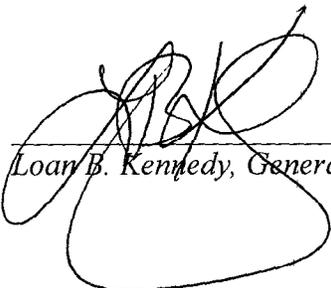
By:



Loan B. Kennedy, General Counsel

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify that this correspondence and the above-identified items are being deposited postage prepaid in an overnight envelope via DHL Carrier #7583310 803, addressed to: United States Patent and Trademark Office, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Suite 3B-30, Arlington, VA 22202-3513, on October 30, 2002.

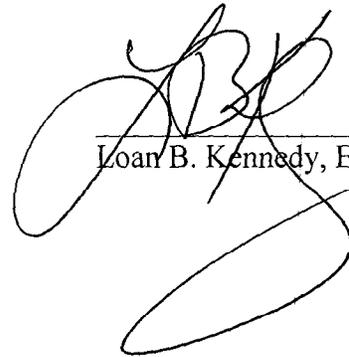


Loan B. Kennedy, General Counsel

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing MOTION FOR SUMMARY JUDGMENT was served by first class mail, postage prepaid, this 30th day of October 2002, upon counsel for Applicant:

Irene Williams, Vice President Legal
ADVENT NETWORKS
9600 Great Hills Trail, Suite 300E
Austin, TX 78759



Loan B. Kennedy, Esq.

RECOTON®

October 30, 2002

150149

Via DHL Carrier #758 3310 803

BOX TTAB -FEE
Assistant Commissioner for Trademarks
United States Patent and Trademark Office
2900 Crystal Drive, Suite 3B-30
Arlington, VA 22202-3513


10-31-2002
U.S. Patent & TMO/TM Mail Rpt Dt. #30

RE: Trademark Opposition
Opposer: Recoton Audio Corporation
Applicant: Advent Networks, Serial No. 76/033895

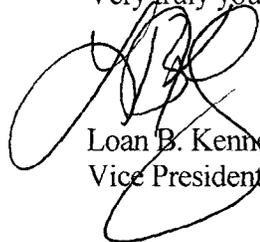
Dear Sir/Madam:

Enclosed please find the following documents with respect to the above-referenced trademark application opposition:

1. MOTION FOR SUMMARY JUDGMENT with Exhibits; and
2. Return postcard.

Kindly stamp and return the enclosed postage prepaid postcard to us acknowledging receipt of these documents.

Very truly yours,



Loan B. Kennedy
Vice President and General Counsel

10/31/02 12:58 PM
150149 AND

LBK/pbb
Enclosures