

**UNITED STATES PATENT AND TRADEMARK  
OFFICE**

**Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513**

tww

Mailed: August 1, 2002

Opposition No. 150,971

AVX CORPORATION

v.

EPCOS AG  
Substituted for  
Siemens Aktiengesellschaft<sup>1</sup>

Thomas W. Wellington  
Interlocutory Attorney,  
Trademark Trial and Appeal Board:

This case now comes up on applicant's motion (filed April 29, 2002) to suspend pending filing of a corrected notice of opposition and the service of a complete copy of the notice of opposition on applicant. Specifically, applicant states that is has been misidentified in the notice of opposition because opposer included "Corporation" at the end of the name of the application's previous owner (see case caption above and footnote explaining substitution). Furthermore, applicant states that the Board omitted page three of the notice of opposition when it attached a copy thereof to the institution order mailed to applicant.

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<sup>1</sup> The Board notes that an assignment for application Serial No. 75/863,261 was recorded with the Trademark Office at Reel/ Frame Nos. 2512/0822 on May 8, 2002; Epcos AG is hereby substituted as a party defendant for Siemens Aktiengesellschaft. See TBMP section 512.01.

Applicant's argument that it has been misidentified and this requires a suspension of the proceeding is not well-taken. Applicant does not state that there is a third party that could reasonably be confused with applicant as a result of opposer's apparent inadvertent addition of the generic term "Corporation."

Turning now to applicant's argument that it did not receive pages three and five of the notice of opposition, the Board acknowledges that these pages are missing from the proceeding record. It is not possible to determine whether these pages were missing from the original notice of opposition, as filed, or if the Board misplaced these. In view thereof, opposer is hereby ordered to serve a copy of the original on applicant and the Board within twenty (20) days from the mailing date of this order.