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

In the Matter of App. Serial No.: 75/864,029
Mark: HOME-LINK & Design
Classes: 9, 35, 36 and 42
Published: June 25, 2002

10-28-2002

U.S. Patent & TMO/TM Mail Rpt Dt. #70

JOHNSON CONTROLS)
TECHNOLOGY COMPANY,)
Opposer,)
v.)
HOME LINK SERVICES, INC.)
Applicant.)

Opposition No. _____

02/10/22 AM 5:52
TRADEMARK TRIAL AND
APPEAL BOARD

BOX TTAB/FEE
Asst. Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

NOTICE OF OPPOSITION

Opposer, Prince Corporation, by change of name and merger now known as Johnson Controls Technology Company, a Michigan corporation with a business address of 650 Waverly, Holland, Michigan 49423, believes that it will be damaged by, and hereby opposes registration of, the mark HOME-LINK & Design that is the subject of Application Serial No. 75/864,029, published in the *Official Gazette* as of June 25, 2002 (and the subject of two timely, granted requests for an extension of time to oppose, the second of which expires on October 23, 2002) and requests that registration be refused to this Application.

As grounds in support of its opposition, Opposer asserts as follows:

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1. Opposer, for many years and since long prior to any filing date or date of first use upon which Applicant can rely, has adopted and continuously used the term "HOMELINK" as a trademark for wireless control systems for garage door openers, gates, home appliances, lights, and security systems; and customer support services in the field of wireless control systems for garage door openers, gates, home appliances, lights, and security systems.

2. Opposer is the owner of Registration No. 1,894,865 (two copies of which are attached as Exhibit A) for the mark HOMELINK for "electrical control system using a remote transmitter comprising trainable transmitters, vehicle interface modules, lamp modules, switch modules, switch control modules, plug-in lamp modules, and garage door status indicators." This registration is valid, subsisting, incontestable, unrevoked, and uncanceled.

3. Applicant has filed an application to register the mark HOME-LINK & Design for:

- Computer software for use in the real estate industry for coordinating services for property buyers and sellers including, but not limited to, connecting and disconnecting utilities and security systems and arranging for moving services in Class 9;
- Real estate purchaser and seller relocation services and affinity marketing services, namely, advertising and promoting the goods and services of others by preparing and placing advertisements in an online database and distributing advertisements to potential property buyers and property sellers in Class 35;
- Real estate brokerage services in Class 36; and
- Real estate closing services in Class 42.

This application was filed on December 3, 1999, and was assigned Serial No. 75/864,029.

4. Applicant's mark so resembles Opposer's previously used and registered HOMELINK mark that when Applicant's mark is applied to the goods set forth in Applicant's

application, it will cause confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act, all to the damage of Opposer.

5. Opposer's HOMELINK mark is a famous mark and use or registration of the Applicant's mark would cause dilution of the distinctive quality of the HOMELINK mark within the meaning of Section 43(c) of the Trademark Act, to the damage of Opposer.

WHEREFORE, Opposer will be damaged by registration of the opposed mark; Opposer prays that Application Serial No. 75/864,029 be denied; that the mark which is the subject of the application be refused registration; and that this Opposition be sustained in Opposer's favor.

Opposer hereby gives notice under 37 C.F.R. § 2.122(d) that it will rely on its registration, **two copies** of which are attached as Exhibit A to this Notice of Opposition, as evidence in support of this Notice of Opposition.

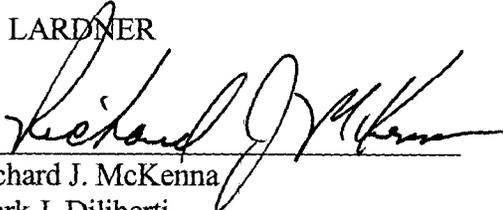
Opposer submits herewith a **duplicate copy** of this Notice of Opposition and the opposition fee in the form of a check in the amount of \$1,200 (\$300 per class). Please charge our Deposit Account No. 06-1447 should there be any deficiency in this amount.

Respectfully submitted,

Dated: October 22, 2002

FOLEY & LARDNER

By:


Richard J. McKenna

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Milwaukee, Wisconsin 53202-5367
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Counsel for Opposer

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| <p align="center">CERTIFICATE OF MAILING</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, on the date below.</p> <p><u>Linda Adams</u> (Printed Name)</p> <p><u>Linda Adams</u> (Signature)</p> <p><u>10/23/02</u> (Date of Deposit)</p> |
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EXHIBIT A

Int. Cl.: 9

Prior U.S. Cl.: 21

Reg. No. 1,894,865

United States Patent and Trademark Office Registered May 23, 1995

**TRADEMARK
PRINCIPAL REGISTER**

HOMELINK

PRINCE CORPORATION (MICHIGAN CORPORATION)
ONE PRINCE CENTER
HOLLAND, MI 49423

FOR: ELECTRICAL CONTROL SYSTEM
USING A REMOTE TRANSMITTER COMPRISING
TRAINABLE TRANSMITTERS, VEHICLE
INTERFACE MODULES, LAMP MODULES,
SWITCH MODULES, SWITCH CONTROL MOD-

ULES, PLUG-IN LAMP MODULES, AND
GARAGE DOOR STATUS INDICATORS, IN
CLASS 9 (U.S. CL. 21).

FIRST USE 5-3-1994; IN COMMERCE
5-3-1994.

SER. NO. 74-437,099, FILED 9-15-1993.

MARY C. MACK, EXAMINING ATTORNEY

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