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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. 76/194,442

Filed: January 16, 2001

For the trademark: μ ARRAY

For the goods: electrical sockets for burn-in test, testing and programming integrated circuits
(International Class 9)

First Use: May 1, 2001

Published in the Official Gazette on: August 6, 2002, TM 282

**FCI Americas Technology, Inc. (Opposer)
(f/k/a Berg Technology Inc.)**

v.

Wells CTI, Inc. (Applicant)

Opposition No.



12-05-2002
U.S. Patent & TMO/TM Mail Rcpt Dt. #11

NOTICE OF OPPOSITION

FCI Americas Technology, Inc. (formerly known as Berg Technology, Inc.), a Nevada corporation with a principal place of business at One East First Street, Reno, Nevada 89501, ("Opposer"), believes that it will be damaged by registration of the mark μ ARRAY which is the subject of application Serial No 76/194,442, published on page TM 282 of the August 6, 2002 *Official Gazette*, and hereby opposes the same.

As grounds of opposition, it is alleged that:

1. On information and belief the Applicant, Wells CTI, Inc., is a United States citizen, residing at 3502 N. Olive Road, South Bend, Indiana 46628 ("Applicant").
2. Upon information and belief, Applicant filed Application Serial No. 76/194,442 for the mark μ ARRAY for "electrical sockets for burn in, testing and programming integrated circuits" on January 16, 2001.

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3. Upon information and belief, “μ” is a standard engineering symbol for “micro.” Thus, Applicant’s mark μARRAY would be pronounced “MICRO ARRAY” (Applicant’s mark is hereinafter referred to as “MICRO ARRAY”).

4. Opposer is the owner of the registrations and applications listed below (hereafter collectively referred to as “Opposer’s ARRAY Marks”). Copies of the documentation confirming the Opposer’s name change were previously filed with the Trademark Office and are attached hereto as Exhibit A.

- a. U.S. Registration No. 2,186,572 for MEG-ARRAY for electrical connectors;
- b. U.S. Registration No. 2,354,176 for MASSIVE ARRAY for electrical connectors;
- c. U.S. Registration No. 2,408,308 for MEG-ARRAY (stylized) for electrical connectors;
- d. U.S. Application Serial No. 76/081,227 for GIG-ARRAY for electrical connectors;
- e. U.S. Application Serial No. 75/529,169 for FLEX-ARRAY for electrical connectors adapted to be mounted on a circuit board in which the connector has a plurality of contacts each of which is attached to a fusible conductive element in which is adapted to provide the primary electrical current path between the connector and the substrate; and
- f. U.S. Application Serial No. 75/510,279 for GATOR ARRAY for electrical connectors adapted to be mounted on a circuit board in which the connector has a plurality of contacts each of which is attached to a fusible conductive element in which is adapted to provide the primary electrical current path between the connector and the substrate.

Information concerning Opposer’s ARRAY Marks is attached hereto as Exhibit B.

5. Opposer commenced use of the registered marks MEG-ARRAY and MEG-ARRAY (stylized) at least as early as January 15, 1998, and began using the mark MASSIVE ARRAY at least as early as August 17, 1999.

6. Opposer filed its intent-to-use applications as follows: GIG-ARRAY was filed on June 30, 2000, FLEX-ARRAY on July 31, 1998 (and later claimed a date of first use on October 16, 2001), and GATOR ARRAY on June 29, 1998.

7. As Applicant filed its application for the mark MICRO ARRAY on January 16, 2001, and alleges a date of first use of May 1, 2001, Opposer's ARRAY Marks have priority over Applicant's instant application based upon either their earlier filing dates and/or dates of first use.

8. All of Opposer's ARRAY Marks are in full force and effect.

9. Opposer's ARRAY Marks are inherently distinctive and/or have acquired distinctiveness and represent the exceedingly valuable good will of Opposer. In particular, the market success of Opposer's goods under the MEG-ARRAY mark has been extraordinary, and the relevant consuming public has come to rely upon and recognize the Opposer's ARRAY marks, including MEG-ARRAY. This mark, as well as Opposer's other ARRAY marks, have substantial goodwill associated with them.

10. During the prosecution of the applications for the marks MASSIVE ARRAY and GATOR ARRAY, Opposer accepted a disclaimer of the term "ARRAY" apart from the marks as a whole. Despite its acceptance of this disclaimer for the marks MASSIVE ARRAY and GATOR ARRAY, Opposer contends that Opposer's ARRAY Marks, individually and as a family of marks, are inherently and/or have acquired distinctive in connection with Opposer's products, namely, electrical connectors.

11. Applicant's claimed mark MICRO ARRAY is similar in sound, appearance, and meaning to Opposer's ARRAY marks. The marks create the same commercial impression and are confusingly similar.

12. Upon information and belief, Opposer's and Applicant's respective goods are similar in nature, are sold in the same channels of trade, and would be directed to the same or similar potential purchasers.

13. If Applicant is permitted to register its mark, and, thereby, obtain the *prima facie* exclusive right to use the mark MICRO ARRAY in commerce in connection with goods closely related to Opposer's goods, confusion is likely to result, and Opposer will be damaged thereby.

14. Applicant's use of MICRO ARRAY in connection with electrical sockets for burn in, testing and programming integrated circuits is likely to cause confusion or mistake or to deceive, within the meaning of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

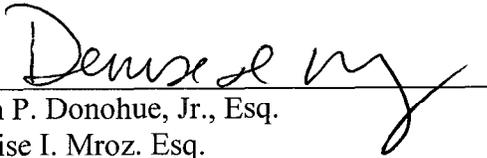
15. Allowance of Applicant's application and registration of Applicant's mark MICRO ARRAY would result in damage and injury to Opposer, who has expended considerable sums and effort in promoting and developing Opposer's ARRAY marks.

16. A duplicate copy of this Notice of Opposition and the fee required in §2.6(1) are enclosed herewith.

WHEREFORE, Opposer prays that allowance of Serial No. 76/194,442 be refused and that this Opposition be sustained.

Respectfully Submitted,

Date: December 5, 2002

By: 
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Mark: μ ARRAY

Attorney Ref.: FCI-L10

Box TTAB
FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513



12-05-2002

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #11

Dear Sir:

TRANSMITTAL

Enclosed herewith is a Notice of Opposition, in duplicate, with exhibits, and the fee required in § 2.6(1) in the amount of \$300. Please charge any deficiencies to our deposit account 23-3050.

Respectfully submitted,

Denise I. Mroz
dmroz@woodcock.com

Date: December 5, 2002

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(215) 568-3100

"Express Mail" Label No. EL884782527US

Date of Deposit December 5, 2002

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box TTAB, FEE, 2900 Crystal Drive, Arlington, Virginia 22202-3513.