

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

In the Matter of Application Serial No. 76/292,150: OCE COM WORKS<sup>✓</sup>  
Published in the *Official Gazette* of November 5, 2002 at TM 173 in International Class 9 and 42

3COM CORPORATION, )  
 )  
 )  
 Opposer, )  
 )  
 v. )  
 )  
 OCE TECHNOLOGIES B.V., )  
 )  
 )  
 )  
 Applicant. )

Opposition No.



03-05-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #33

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 TRADEMARK TRIAL AND APPEAL BOARD

**NOTICE OF OPPOSITION**

3Com Corporation, a Delaware corporation having a principal place of business at 5400 Bayfront Plaza, Santa Clara, California ("Opposer"), believes it will be damaged by registration of the mark OCE COM WORKS, Application Serial No. 76/292,150, filed by Oce Technologies. B.V. ("Applicant"), and opposes the same. As grounds for opposition, Opposer alleges:

1. Since long prior to the filing date of Applicant's application opposed herein, Opposer has continuously used the name and mark COMMWORKS in commerce in connection with the sale, advertising and promotion of computer hardware and software for use in communication systems, and related services.
2. Opposer has sold substantial quantities of computer hardware and software products and related services under the COMMWORKS name and mark, and has spent substantial sums to advertise and promote the COMMWORKS name and mark throughout the United States.

"Express Mail" Mailing Label No: EV 252087515 US Date of Deposit: March 5, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513

*Mitchell K...*

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3. As a result of Opposer's sales, advertising and promotion, the COMMWORKS name and mark has become well-known to consumers and has acquired a distinctiveness identifying Opposer and its goods and services.

4. Opposer owns United States Trademark Registration No. 1,851,064 for the mark COMMWORKS for, "computer programs for providing various communications functions; namely, facsimile, terminal emulation, file transfer, printer sharing and disc sharing." This registration is valid and subsisting and owned by Opposer, and incontestable in accordance with 15 U.S.C. §§ 1065 and 1115(b).

5. Upon information and belief, neither Applicant nor any predecessor or related company of Applicant has any claim of use of the opposed mark prior to the filing date of Application Serial No. 76/292,150.

6. Applicant's use of the mark OCE COM WORKS (Application Serial No. 76/292,150) is without Opposer's consent or authorization.

7. Applicant's use of OCE COMWORKS (Application Serial No. 76/292,150) for "computer software for the processing and output management of data from computers; document flow and output management software; computer software designed to collect data from different host systems and process it into pre-defined forms for distribution to various output devices, namely, printers, modems, faxes, e-mail systems and remote computers; installation and updating of computer software" is likely to cause confusion, mistake or deception in that consumers are likely to believe that Applicant's goods and services are Opposer's goods and services or the goods and services of a company that is sponsored, authorized, or licensed by, or in some other way legitimately connected with, Opposer.

8. Registration by Applicant of OCE COM WORKS (Application Serial No. 76/292,150) for the above-stated goods and services would be damaging to Opposer.

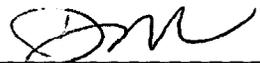
WHEREFORE, Opposer respectfully prays that this opposition be sustained and that Application Serial No. 76/292,150 be denied.

Opposer herein submits the requisite filing fee in the amount of \$600.00.

Please address all correspondence to Raymond I. Geraldson, Jr., Esq., Pattishall, McAuliffe, Newbury, Hilliard & Geraldson, 311 South Wacker Drive, Suite 5000, Chicago, Illinois 60606.

Date: March 5, 2003

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