

ESTTA Tracking number: **ESTTA4610**

Filing date: **01/13/2004**

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

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Name	Distance Engineering Inc.		
Opposer Entity	Corporation	Citizenship of Opposer	Michigan
Opposer Address	1935 Orchardview Drive Ann Arbor, MI 48108 UNITED STATES		

Attorney information	Livingston Davies, Esq. P.O.Box 367 Duxbury, MA 02331 UNITED STATES Livingston@flyingcloud.com Phone:781-934-6420		
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Applicant Information

Application No	76321053	Publication date	12/16/2003
Opposition Filing Date	01/13/2004	Opposition Period Ends	01/15/2004
Applicant	MEITEC CORPORATION		
Address	2-20-1, Koseidori Nishi-ku, Nagoya Aichi, JAPAN		

Goods/Services Affected by Opposition

Class 016. First Use: First Use In Commerce:
All goods and services in the class are opposed, namely: Printed matter, namely:

catalogues, magazines, books, newspapers, pamphlets, periodicals, brochures, newsletters and journals, all in the fields of telecommunications, employment in the field of engineering and computers; calendars, postcards, decals, posters, stickers and bumper stickers

Class 038. First Use: First Use In Commerce:

All goods and services in the class are opposed, namely: Cellular telephone communication services, teletypewriter communication services, communication by computer terminals, namely electronic transmission of data, messages, and documents via a computer terminals; communication by telegrams; communication by telephone, facsimile communication, wireless paging services

Class 042. First Use: First Use In Commerce:

All goods and services in the class are opposed, namely: computer software design for others; computer programming for others; maintenance of computer software

Attachments NOTICE OF OPPOSITION.txt (3 pages)

5. DISTANCE ENGINEERING INC. has used the mark in the United States continuously for at least five years.
6. DISTANCE ENGINEERING INC. products and services are directly relevant to and sold in the fields of engineering, computers, electronic transmission of data, messages and documents, and computer software design programming and maintenance. These areas are in international classes 16, 38, and 42, the same as those classes in which MEITEC seeks registration of the mark.
7. The market applications for which MEITEC seeks registration and for which MEITEC prospectively seeks customers significantly overlap the current market and natural expansion market for DISTANCE ENGINEERING INC.
8. A significant number of the customers and prospective customers of DISTANCE ENGINEERING INC. are the same entities as the prospective customers of MEITEC.
9. DISTANCE ENGINEERING INC. markets its products and services throughout the United States as well as internationally.
10. DISTANCE ENGINEERING INC. has expended significant time, resources, and money promoting its name.
11. As a result of its marketing efforts, DISTANCE ENGINEERING INC. has made sales in North America, South America, Europe, Asia, Africa, and Australia.
12. DISTANCE ENGINEERING INC. markets through means of the Internet.
13. DISTANCE ENGINEERING INC. maintains a web site at www.distanceengineering.com.
14. DISTANCE ENGINEERING INC. has developed significant good will associated with the name DISTANCE ENGINEERING.
15. DISTANCE ENGINEERING INC. is well known in its field and is entitled to the trademark protection afforded famous marks.
16. MEITEC does not claim to have yet used the mark in the United States.
17. Use of the mark by MEITEC in the United States for any of the areas in which MEITEC seeks registration is likely to cause confusion in the minds of customers and prospective customers of DISTANCE ENGINEERING INC.
18. Registration and use of the mark by MEITEC in any of the areas in which MEITEC seeks registration is likely to cause irreparable harm to DISTANCE ENGINEERING INC.

WHEREFORE, Opposer prays that this Opposition be sustained and that the application for the registration of the word mark "DISTANCE ENGINEERING" be denied.

POWER OF ATTORNEY

Opposer has appointed Livingston Davies, a member of the Bars for the Commonwealth of Massachusetts and the District of Columbia, to prosecute this opposition proceeding and to transact all business in and before the United States Patent and Trademark Office in connection herewith. Please address all correspondence to:

Livingston Davies
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The filing fee for this opposition in the amount of \$900 is being provided by credit card through the USPTO electronic submission system simultaneous with electronic submission of this document.

Respectfully submitted,
Distance Engineering, Inc.

By its attorney,
Livingston Davies

Signed: /Livingston Davies, Esq./
13, 2004

January