

ESTTA Tracking number: **ESTTA18348**

Filing date: **11/01/2004**

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

Notice of Opposition

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

Opposer Information

Name	SensAble Technologies, Inc.
Granted to Date of previous extension	11/13/2004
Address	15 Constitution Way Woburn, MA 01801 UNITED STATES

Attorney information	Wanda Washington Wanda Washington, P.C. 475 Furnace Street Marshfield, MA 02050 UNITED STATES w@wwatlaw.com Phone:781.319.0840
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Applicant Information

Application No	78267115	Publication date	09/14/2004
Opposition Filing Date	11/01/2004	Opposition Period Ends	11/13/2004
Applicant	IdeaStream Consumer Products LLC 4011 Brookpark Road Parma, OH 44134		

UNITED STATES

Goods/Services Affected by Opposition

Class 009.

All goods and services in the class are opposed, namely: Computer stylus

Attachments	Notice of Opposition FREEFORM 102904.pdf (2 pages)
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Signature	./ww/
Name	Wanda Washington
Date	11/01/2004

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

SENSABLE TECHNOLOGIES, INC.

v.

IDEASTREAM CONSUMER PRODUCTS LLC

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

NOTICE OF OPPOSITION

In the matter of the application for registration of the trademark FREEFORM of IDEASTREAM CONSUMER PRODUCTS LLC as shown in Application Serial No. 78267115 published for opposition in the Official Gazette of September 14, 2004.

SENSABLE TECHNOLOGIES, INC. believes that it will be damaged by registration of the mark shown in said Application Serial No. 78267115, and hereby opposes the same in International Class 9.

As grounds for opposition it is alleged that:

1. Opposer is engaged in the business of providing touch enabled computer hardware and software.
2. Opposer is the owner of Registration No. 2550418 for "FREEFORM".
3. Applicant seeks to register the mark FREEFORM for goods/services that are substantially identical to Opposer's services and highly related to the goods offered under Opposer's trademarks, FREEFORM.
4. The trademark FREEFORM sought to be registered by the Applicant is substantially similar to Opposer's trademarks FREEFORM
5. Opposer has a prior use date of June 14, 1999 for its registration of FREEFORM.
6. Consumers are likely to be confused and to mistakenly believe that Applicant's FREEFORM goods/services are licensed by, sponsored by, or associated with Opposer, or that Opposer's FREEFORM goods and services are licensed by, sponsored by, or associated with Applicant.
8. If the Applicant were permitted to use and register its mark for its goods/services as specified in its application, confusion among consumers resulting in damage and injury to Opposer would be caused by virtue of the similarity between Applicant's trademark and Opposer's trademark, and the related nature of the goods and services covered by those marks. Any defect, objection or fault found with Applicant's goods could reflect upon and seriously injure the reputation of Opposer.

