

ESTTA Tracking number: **ESTTA59887**

Filing date: **12/30/2005**

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	Kabushiki Kaisha Hitachi Seisakusho d/b/
Granted to Date of previous extension	12/31/2005
Address	6-6, Marunouchi 1-chome Chiyoda-ku Tokyo, 100-8220 JAPAN
Party who filed Extension of time to oppose	Kabushiki Kaisha Hitachi Seisakusho d/b/a Hitachi, Ltd.
Relationship to party who filed Extension of time to oppose	The name is not different - the full name did not fit in the field provided. The correct name for the opposer is Kabushiki Kaisha Hitachi Seisakusho d/b/a Hitachi, Ltd.

Attorney information	Michelle C. Burke McDermott Will & Emery LLP 227 West Monroe Street Suite 4400 Chicago, IL 60606 UNITED STATES chicago_ip_docket@mwe.com, mburke@mwe.com, jmikulina@mwe.com Phone:312.372.2000
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Applicant Information

Application No	78453552	Publication date	11/01/2005
Opposition Filing Date	12/30/2005	Opposition Period Ends	12/31/2005
Applicant	Samsung Electronics Co., Ltd. #416, Maetan-dong Yeongtong-gu, Suwon-si Gyeonggi-do, KOREA, REPUBLIC OF		

Goods/Services Affected by Opposition

<p>Class 010. All goods and services in the class are opposed, namely: Ophthalmometers; Eye testing machines and apparatus; Speculums; Pelvimeters; Electroencephalographs; Immune affinity chromatography apparatus; Tongue depressors; Electrocardiographs; Tonometers; Urethral probes; Gastrosopes; Thermometers for medical purposes; Electrodes for medical use; Probes for medical purpose, namely, cardiac probe; Probes for medical purpose, namely, urethral probes; Skin thickness measuring apparatus for medical purposes; Mobile monitoring scanners for medical purposes; Audiometers; Stethoscopes; Percussion hammers; Magnetic resonance CT apparatus; Hematimeters; Sphygmomanometers; Blood testing apparatus; Health trusses; Crutches; Hearing aids; Walking aids for medical purposes; Abdominal belts; Abdominal pads; Artificial Surgical</p>
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implants; Surgical splints; Surgical compressors; Artificial skin for surgical purposes; Medical guidewires; Strait jackets; Finger guards for medical purposes; Boot arch supports for medical purposes; Artificial hairs for medical purposes; Galvanic belts for medical purposes; Corsets for medical purposes; Artificial limbs; Artificial eyes; Artificial teeth; Pins for artificial teeth; Dialyzers; Artificial breasts; Artificial ligament; Artificial jaws; Maternity belts; Orthopedic soles; Orthopedic belts; Orthopedic shoes; Hearing protectors, namely, ear plugs for medical purposes; Vertebral orthopedic apparatus; Hernia bandages; Anus prolapse bands; Supports for flat feet; Hypogastric belts; Tips for crutches for invalids; Cupping glasses; Moxibustion apparatus for producing skin analgesia; Radium tubes for medical purposes; Lasers for medical purposes; Radiology screens for medical purposes; X ray tubes for medical purposes; X ray apparatus for medical purposes; Protective shields for use against X-ray for medical purposes; X ray photographs for medical purposes

Attachments	<p>LEADING THE NEXT Notice of Opposition.pdf (4 pages) Hitachi Medical Home Page_Page_1.tif (1 page) Hitachi Medical Home Page_Page_2.tif (1 page) Hitachi 2006 Product Catalog_Page_1.tif (1 page) Hitachi 2006 Product Catalog_Page_2.tif (1 page) Hitachi 2006 Product Catalog_Page_3.tif (1 page) Hitachi 2006 Product Catalog_Page_4.tif (1 page) Hitachi 2006 Product Catalog_Page_5.tif (1 page) Hitachi 2006 Product Catalog_Page_6.tif (1 page) Hitachi Probeat Brochure_Page_1.tif (1 page) Hitachi Probeat Brochure_Page_2.tif (1 page) Hitachi Probeat Brochure_Page_3.tif (1 page) Hitachi Probeat Brochure_Page_5.tif (1 page)</p>
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Signature	/Michelle C. Burke/
Name	Michelle C. Burke
Date	12/30/2005

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

In the matter of trademark application Serial No. 78/453,552
For the mark LEADING THE NEXT
Published in the Official Gazette on November 1, 2005

Kabushiki Kaisha Hitachi Seisakusho d/b/a
Hitachi, Ltd., a Japanese corporation,

Opposer,

v.

Samsung Electronics Co., Ltd.,

Applicant.

NOTICE OF OPPOSITION

Kabushiki Kaisha Hitachi Seisakusho d/b/a Hitachi, Ltd. is a Japanese corporation, with its principal place of business at 6-6 Marunouchi 1-chome, Chiyoda-ku, Tokyo, Japan (“Opposer”); and through its counsel, McDermott Will & Emery LLP; 227 West Monroe Street; Chicago, Illinois 60606, hereby states that it will be damaged by registration of the mark LEADING THE NEXT covered by U.S. Application Serial Number 78/453,552, filed by Samsung Electronics Co., Ltd. (“Applicant”), and hereby opposes same.

The grounds for this Opposition are as follows:

1. Hitachi Ltd. is a leading global electronics company that is part of the Hitachi Group, which has approximately 347,000 employees worldwide. Hitachi offers a wide range of systems, products and services in various market sectors including medical equipment, information systems, electronic devices, power and industrial systems, consumer products, materials and financial services.

2. Opposer adopted the INSPIRE THE NEXT slogan as a house mark to express its commitment “to breathe new life into the coming age in these times of change.” Specifically, Opposer’s INSPIRE THE NEXT slogan is a declaration that its brand embodies Opposer’s commitment to continue to inspire coming generations with the latest products, systems and services, for a more vibrant society. It is also an expression of Opposer’s strong commitment to boldly face whatever new challenges the times bring - namely, whatever comes “Next.”

3. Opposer offers numerous medical devices in Class 10, including magnetic resonance imaging (MRI) systems, positron emission tomography (PET) scanning systems, ultrasound systems, computer tomography (CT) scanning systems, optical tomography systems, and imaging probes. Opposer also offers x-ray and CT scanning equipment for industrial and business use. Opposer has attached examples of such use as Exhibits A-C to this Notice of Opposition.

4. Opposer has a pending application for its INSPIRE THE NEXT house mark (Serial No. 75/924,852, filed on February 22, 2000) in International Classes 1, 6, 7, 8, 9, 10, 11, 12, 14, 16, 17, 35, 36, 37, 38, 39, 40, 41, 42, and 44. Included in class 10 in its application are the goods described in the foregoing paragraph, together with a wide variety of other medical devices. Opposer’s application was published for opposition on October 18, 2005.

5. Opposer has expended substantial sums and resources to advertise and promote its goods and services under the INSPIRE THE NEXT mark.

6. Since at least as early as October 2001, long before Applicant’s filing date of July 20, 2004, Opposer has used the INSPIRE THE NEXT house mark in interstate commerce in connection with its numerous goods and services, including its medical equipment. See Exhibit A.

7. By reason of Opposer’s advertisement, promotion and use of Opposer’s services under the INSPIRE THE NEXT mark for so many years, the INSPIRE THE NEXT Mark has come to be

recognized as identifying Opposer and the value of Opposer's goods and services throughout the United States and abroad, and Opposer has developed substantial goodwill in the INSPIRE THE NEXT Mark.

8. Notwithstanding Opposer's prior use of and rights in and to the INSPIRE THE NEXT Mark, on July 20, 2004, Applicant filed U.S. Application Serial No. 78/453,552, for registration of the mark LEADING THE NEXT for use with various medical devices in International Class 10. That application was published in the Official Gazette (Trademarks) of the United States Patent and Trademark Office on November 1, 2005. Opposer obtained a thirty-day extension of time to file this Notice of Opposition on November 29, 2005, through December 31, 2005. Therefore, this Opposition is being timely filed.

9. Upon information and belief, Applicant intends to use the LEADING THE NEXT mark in connection with medical devices. There is a definite relationship and overlap between the goods offered in connection with Applicant's LEADING THE NEXT mark and the goods set forth in Opposer's application and actually offered in connection with Opposer's INSPIRE THE NEXT mark. Applicant's mark is therefore likely to be confused with Opposer's mark.

10. Further, both marks suggest goods and services that will move consumers into the future. Opposer selected the INSPIRE THE NEXT mark to embody its commitment to continue to inspire coming generations with the latest products, systems, and services, for a more vibrant society. Opposer's INSPIRE THE NEXT slogan is an expression of Hitachi's strong commitment to boldly face new challenges. Opposer selected a mark that consists of an incomplete sentence to allow the reader to freely imagine what follows "THE NEXT" ("age," "idea", "goods," "system", "solution," etc.). Applicant's LEADING THE NEXT slogan creates the same commercial impression, not only because the element "THE NEXT" remains unchanged in each mark, but also

because the terms “INSPIRE” and “LEADING” both have related connotations. Further, the Applicant’s LEADING THE NEXT slogan also consists of an incomplete sentence, allowing the reader mentally to complete the phrase with the same sort of imagined words that would be associated with Opposer’s mark. Because Applicant’s slogan uses the same concept as the Opposer’s mark, the commercial impressions of the marks are even more similar.

11. Applicant’s registration and intended use of the mark LEADING THE NEXT interferes with Opposer’s INSPIRE THE NEXT Mark and will seriously damage Opposer and its goodwill and reputation.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant’s mark and prays that it be denied.

Date: December 30, 2005

Respectfully submitted,
Kabushiki Kaisha Hitachi Seisakusho
d/b/a Hitachi, Ltd.

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CHI99 4545313-1.017575.0694

Hitachi in North America

Medical



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Diagnostic Equipment

Invitro Diagnosis

Treatment

Life Sciences

Related Products

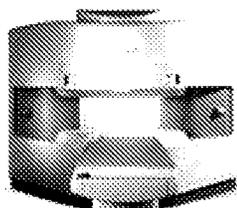
News Releases

Solutions

Whats New

Medical A-Z Product Listing

Medical



Hitachi in Healthcare

Hitachi has been a pioneer in medical technology and life sciences for decades. Through a diverse range of companies, Hitachi participates in four key areas of the medical field. Diagnostic imaging equipment, in-vitro diagnostics, treatment, and bioinformatics. The medical field is a focused business domain for the company. Hitachi continues to develop important technologies for the medical field and makes significant investments in R&D.

products



services



companies



- » Allergy Diagnostics
- » Amino Acid Analyzers
- » Bioinformatics
- » Biometrics
- » CCD Camera-based Imaging Products
- » Centrifuges
- » Clinical PET Imaging Systems
- » Electron Microscopes
- » Enterprise Storage
- » Fluorescence Imaging Systems
- » Gene Expression Analysis
- » High Throughput Purifiers
- » HPLC Systems
- » Immunotherapy
- » Latex Allergy
- » LC/MS Systems
- » Life Sciences - Diagnostics
- » Life Sciences - Instruments
- » Liquid Array Systems
- » Microarray Systems

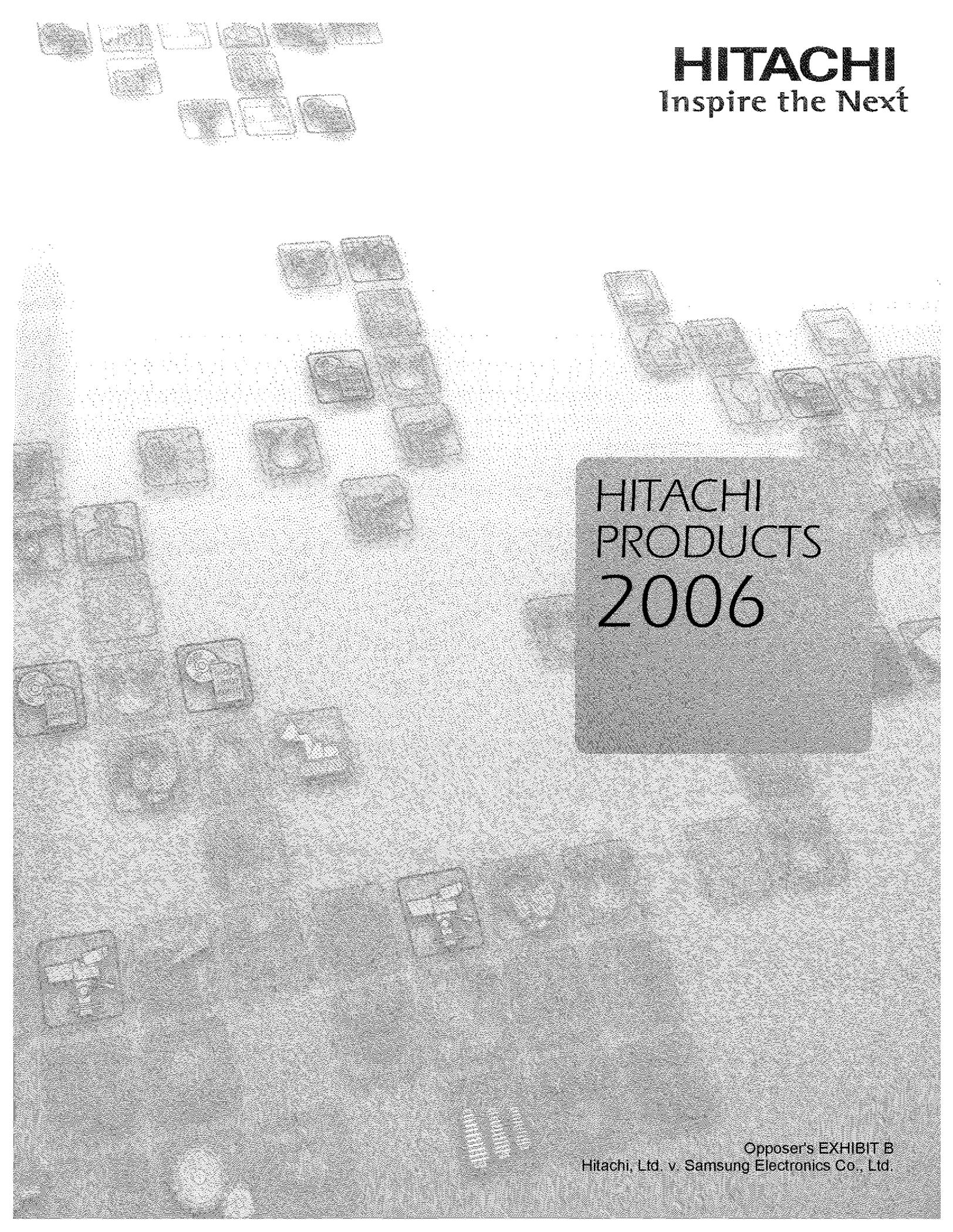
- » Allergy Testing
- » Gene Expression Analysis
- » Immunotherapy
- » Latex Allergy

- » AccSys Technology, Inc.
- » Hitachi America, Ltd., Power & Industrial Division, Proton Beam
- » Hitachi Chemical Diagnostics, Inc.
- » Hitachi Consulting
- » Hitachi Data Systems
- » Hitachi Denshi America, Ltd.
- » Hitachi High Technologies America, Inc.
- » Hitachi Medical Systems America, Inc.
- » MiraiBio, Inc.
- » RNAture, Inc.

- Microscope & Medical Cameras
- Molecular Spectroscopy (UV/Vis-NIR & Fluorescence)
- MRI
- Optical Topography
- Prep HPLC Systems
- Probes
- Proton Beam Therapy
- Spectroscopy (Gene Spec)
- Ultrasound Systems
- X-Ray Systems

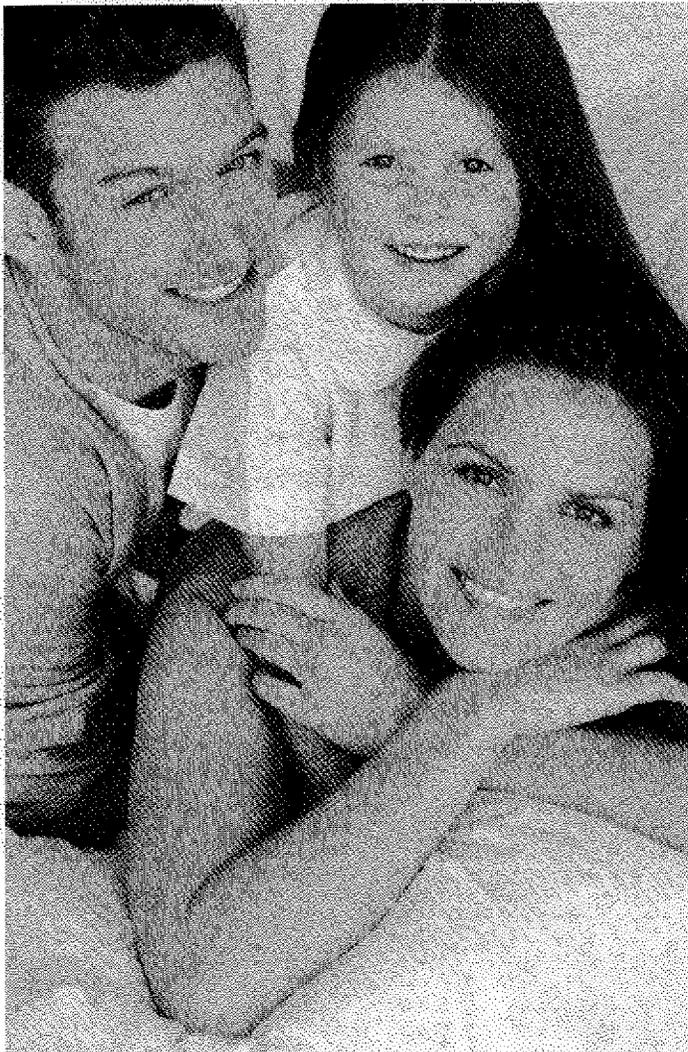
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HITACHI
Inspire the Next

HITACHI
PRODUCTS
2006



The modern world is undergoing rapid change, and to contribute to a better society we in the Hitachi Group are drawing on our combined expertise and experience to create and foster new businesses for the future. Our focus is twofold, providing lifeline support solutions for the new age, and highly competitive global products, which incorporate advanced technology to enhance comfort and convenience.

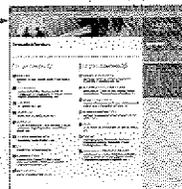
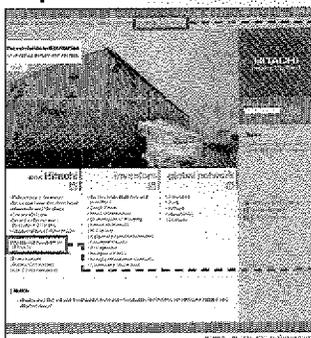
As part of our global strategy, in 2004 we appointed Hitachi Group Regional Representatives in North America, Europe, and China. These play a key role in the ongoing globalization of our operations, ensuring that our businesses are optimally tailored to suit each region.

Since its establishment, Hitachi has consistently sought to contribute to society through technology, a philosophy that goes hand in hand with our corporate social responsibility (CSR) in the 21st century. We pledge to continue to "Inspire the Next" — offering fresh ideas, new concepts for tomorrow. Hitachi is committed to becoming the best, most trusted solution partner for our customers around the world.

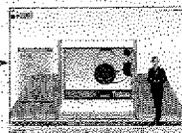
HITACHI

Inspire the Next

Please access the Hitachi website at:
<http://www.hitachi.com/>



Click on 'Products & Services' for more information on Hitachi Products and Services.

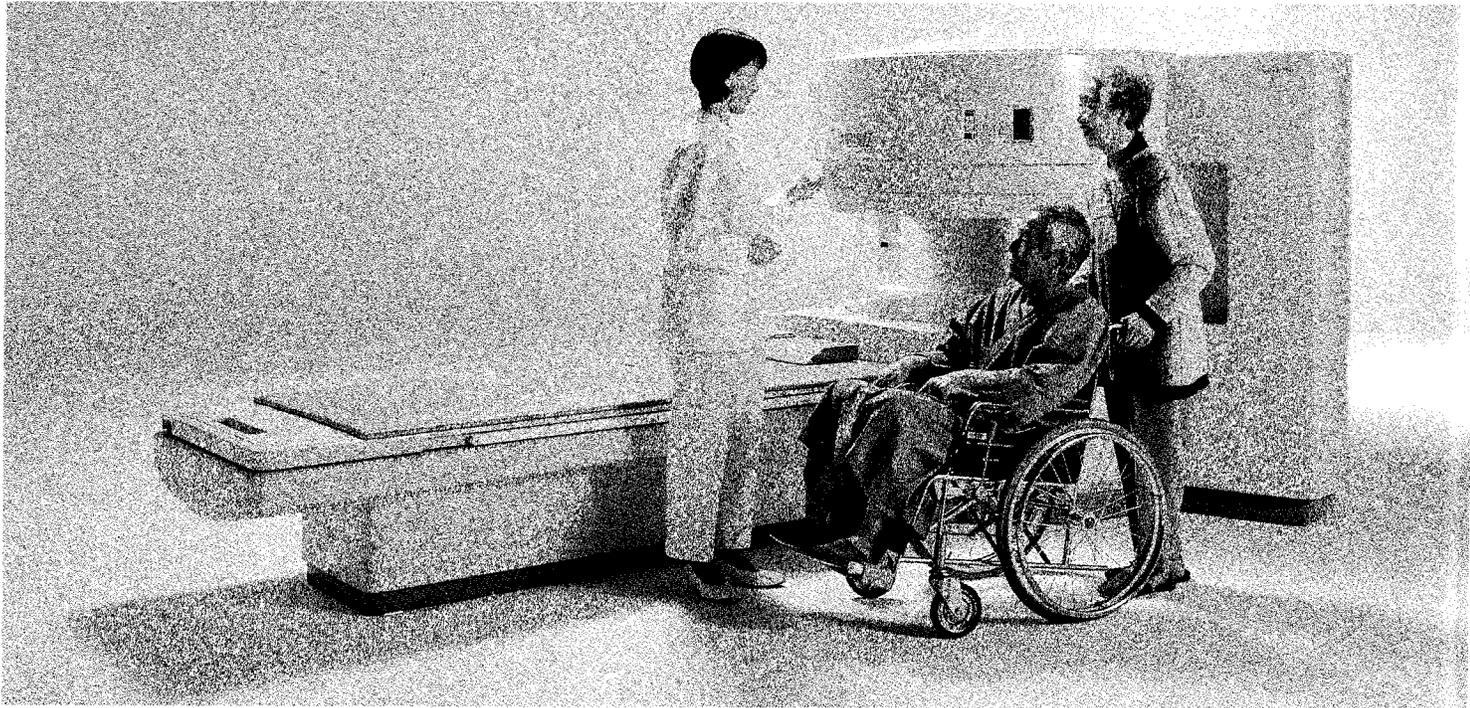


HITACHI NOW:
 Click on 'Visual Introduction of Hitachi' and take a visual tour showing the latest technology, products and activities of the Hitachi Group.



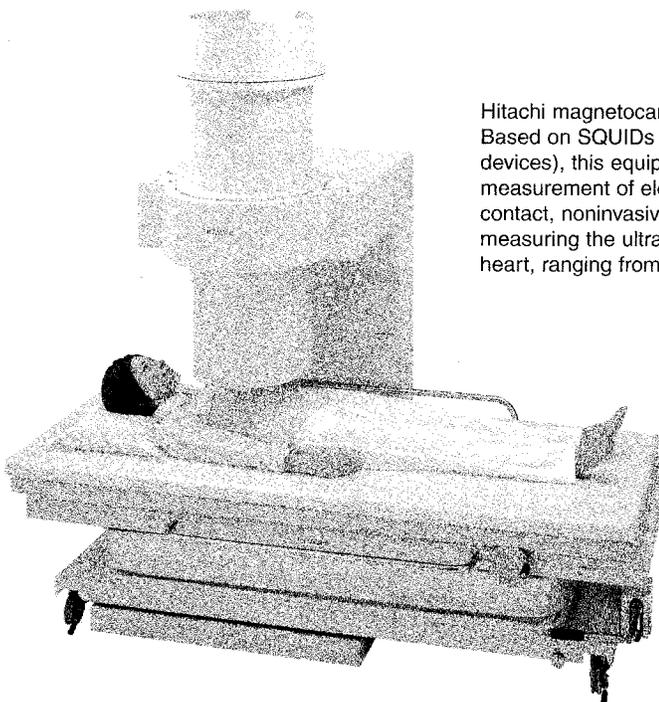
Medical Equipment

MRI AND MCG SYSTEMS



Patient-friendly wide-open MRI*1

Open design MRI systems with unique Hitachi permanent magnets are patient-friendly and easy for the operator to run. In addition, the world of MRI, which covers from examination to treatment, is attracting much expectation, including support by imaging during surgery and monitoring of the effect of treatment.



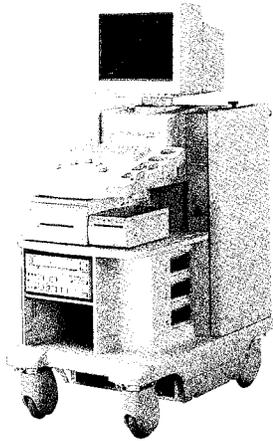
Hitachi magnetocardiograph (MCG) system*2

Based on SQUIDS (superconducting quantum interference devices), this equipment allows simultaneous 64-channel measurement of electrophysiological cardiac activity in a non-contact, noninvasive manner with no need to disrobe, by measuring the ultra-weak magnetic fields emitted from the heart, ranging from fetus to mature adult.

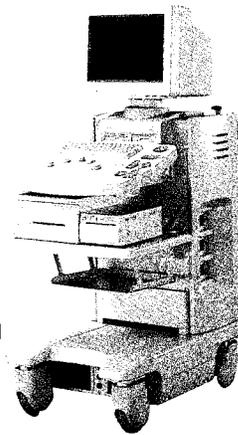


Opposer's EXHIBIT B
Hitachi, Ltd. v. Samsung Electronics Co., Ltd.
*1 Manufactured by Hitachi Medical Corporation
*2 Manufactured by Hitachi High-Technologies Corporation

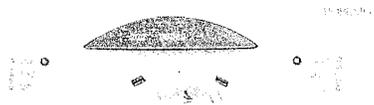
Manufactured by Hitachi Medical Corporation



Full digital diagnostic ultrasound scanner with CFM
New electrical compound scan technology advances ultrasound imaging to a higher level and provides the diagnostic confidence to explore and expand into new clinical capabilities. This is a premium performance machine in which image processing capability is dramatically improved.

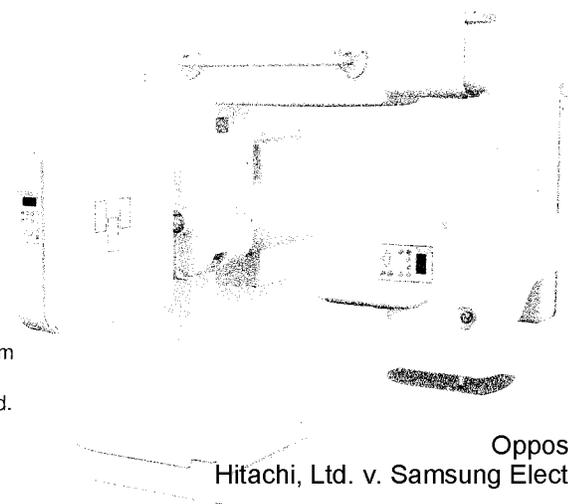
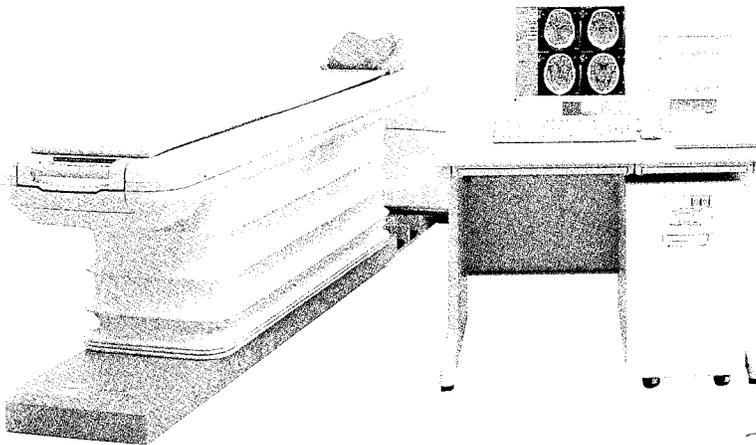


Full digital diagnostic ultrasound scanner with CFM
This is designed based on the concepts of expert technology, expandable capabilities, easy operation and environmental responsibility, and realizes advanced capabilities in a compact body. This is a high performance machine suitable for full body scanning.



Multislice CT scanner system

Scan time: 0.8s, image reconstruction time: 0.2s (5 images/s),
Incorporates high-sensitivity multislice detector enabling "pitch 7"
high-speed imaging with 4 slices.



Full digital general-purpose imaging system
Equipped with a broad-view high definition FPD, this system offers highly detailed images of vast dynamic range.
X-ray control and image processing are centrally managed. State-of-the-art processing enables high-speed image display improving the throughput of examination work. Furthermore, the arm stand can respond to multi-purpose imaging applications.

Opposer's EXHIBIT B
Hitachi, Ltd. v. Samsung Electronics Co., Ltd.

Power & Industrial Systems

Electronic Devices

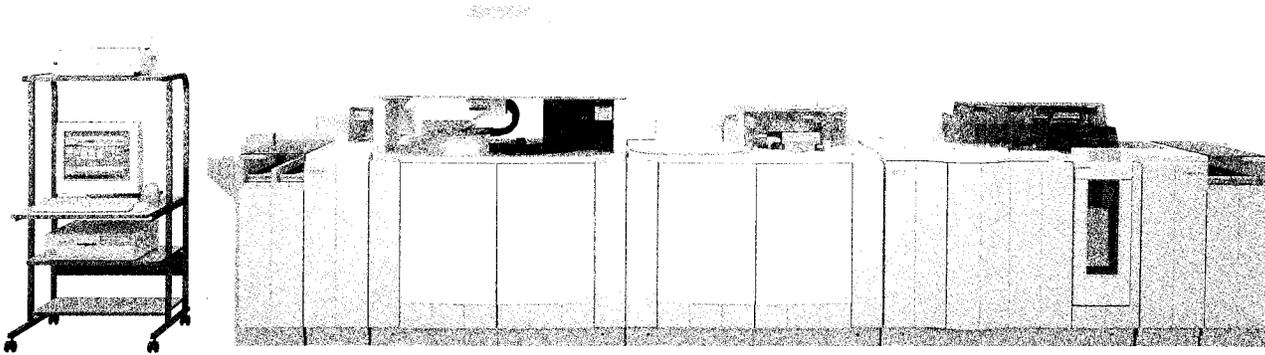
Power & Industrial Systems

Digital Media & Consumer Products

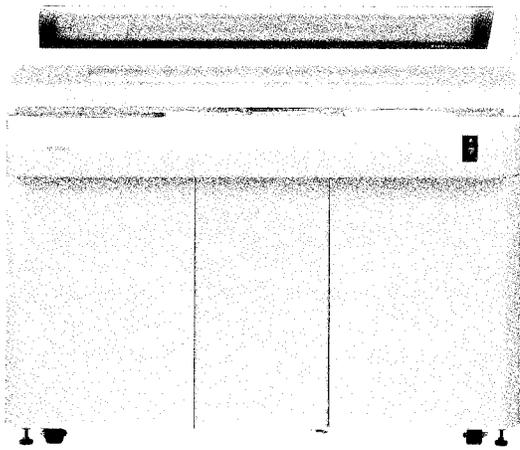
High Functional Materials & Components/
Logistics, Services & Others/
Financial Services

CLINICAL ANALYZERS

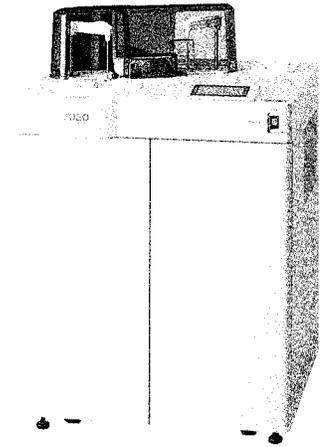
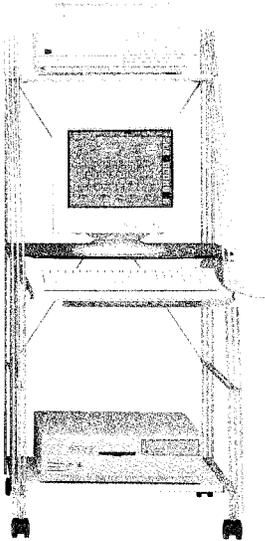
Manufactured by Hitachi High-Technologies Corporation



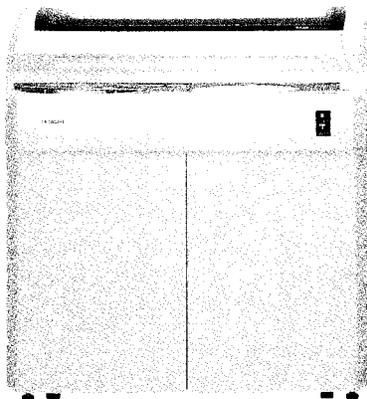
Module assembly type automatic blood chemistry analyzer
(up to 44 – 86 channels, 800 – 8,000 tests/h)
The immunoassay module (option) for extension is distributed by Roche Diagnostics.
Combining the fields of clinical testing and immunoassay testing makes possible high quality testing and makes it possible to expand the system scale to match needs.



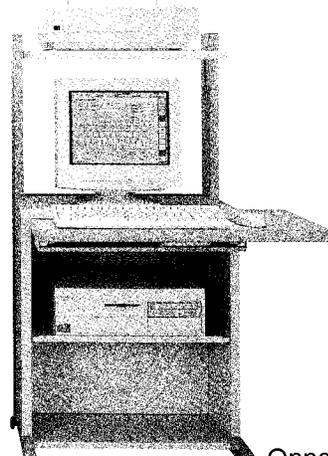
Automatic blood chemistry analyzer
(up to 86 channels, 800 tests/h)



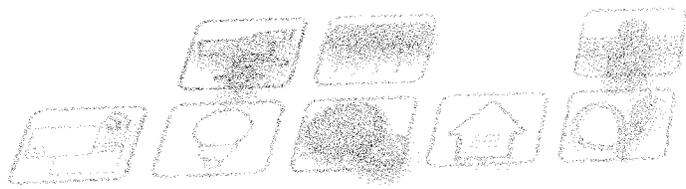
Automatic blood chemistry analyzer
(up to 36 channels, 200 tests/h)



Automatic blood chemistry analyzer
(up to 32 channels, 360 tests/h)



Hitachi, Ltd. v. Samsung Electronics Co., Ltd. Opposer's EXHIBIT B



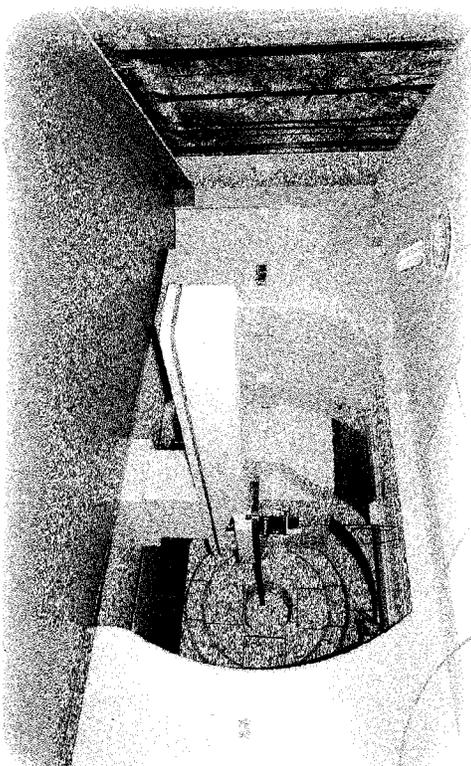
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HITACHI Proton Therapy System

PROBEAT



Enhanced Cancer Treatment

is a fixed beam delivery system where a patient is positioned relative to the beam.

is a 7MeV Radio Frequency Quadrupole(RFQ) type Linear Accelerator, which increases the proton energy from 0 to 7 MeV in readiness for smooth injection into the accelerator.

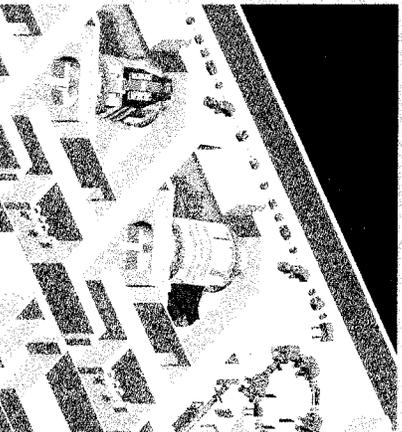
is a fixed beam delivery system where a patient can be positioned relative to the beam.

is a 7m in diameter, particle accelerator of energizing proton specified energy can between 70 - 250 Me intensity of 1×10^{11}

has a multiple fixed beam delivery system where medical and material research may be performed

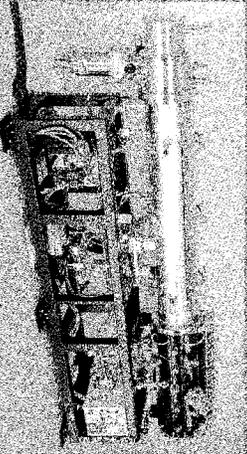
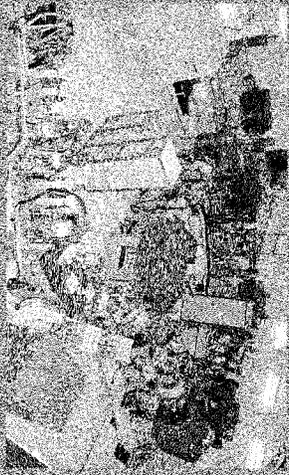
is where the already energized protons are carried down a vacuum-controlled switch - yard so that the protons can be re-directed into one of the patient treatment rooms.

provide an isocentric 360° rotation of the beam delivery nozzle allowing a patient to be treated from any angle.



ACCELERATOR - 250 MeV SYNCHROTRON

- Safe, Efficient and Reliable
- Modular and Upgradeable
- Highly Automated Control System
- Intensity of 1 x 10¹⁹ protons per Pulse
- Stable and Reproducible Beam Quality



CONTROL SYSTEM & TREATMENT PLANNING SOFTWARE

The control systems software for the accelerator and treatment rooms are both designed with the ultimate attention to safety, ease-of-operation, and user-friendly interfaces.

The Graphical User Interface (GUI) provides an easy-to-use tool for immediate confirmation of facility real-time conditions.

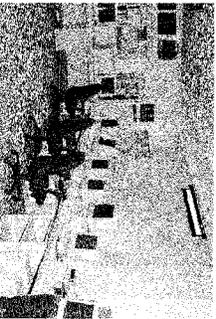
Constant monitoring and storage of the data from the accelerator, safety interlock systems, beam quality data, and patient demographics is made simple.

Both control systems are PC-based and utilize modern programming algorithms.

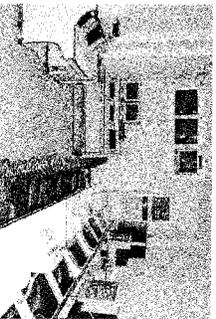
HITACHI has developed a commercially viable Integrated Three-Dimensional Treatment Planning System for Proton Therapy.

The treatment planning software has an easy-to-use graphical user interface with point-and-click operation.

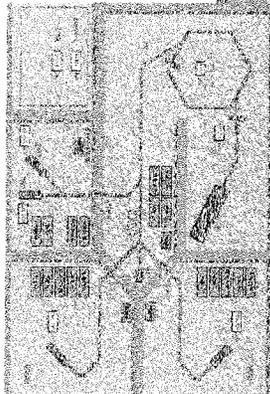
Setting of devices for beam delivery and the data for fabrication of the patient collimator and boluses, can be selected or produced automatically.



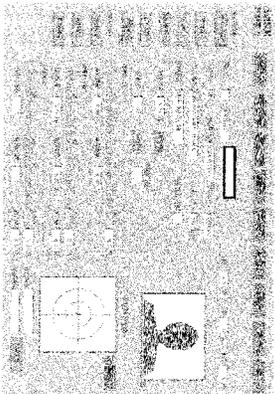
Accelerator Control Room



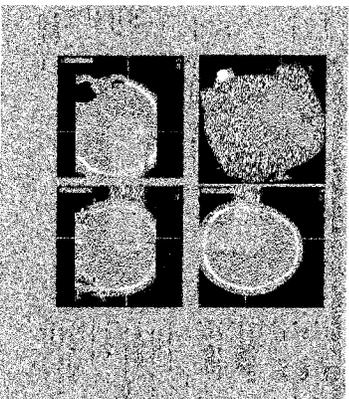
Irradiation Control Room



User Interface of the accelerator control system



User Interface of the irradiation control system



Treatment Planning Software

HITACHI - A PROVEN GLOBAL LEADER

- More than 90 Years of Experience
- More than 16,000 R & D Specialists
- Proven Proton Technology Developer
- More than \$US 75 Billion in Annual Revenues
- One of the Largest Industrial Firms in the World
- More than \$US 3.5 Billion Spent on Annual R & D

Founded in 1910, Hitachi designs, manufactures and markets a broad range of advanced products in nuclear physics & construction, the health & medical industry, semi-conductor technology, information systems, energy, transportation, office equipment, heavy machinery, large-scale engineering, and consumer products.

In Japan, Hitachi has over 15 years of proton therapy technology experience, consisting of designing, manufacturing and implementing key proton equipment.

HITACHI
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Hitachi America, Ltd.

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Phone:(914)651-0600 Fax:(914)332-5555