

ESTTA Tracking number: **ESTTA65475**

Filing date: **02/08/2006**

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	Karsten Manufacturing Corporation
Granted to Date of previous extension	02/08/2006
Address	2201 W. Desert Cove Phoenix, AZ 85029 UNITED STATES

Attorney information	John D. Titus THE CAVANAGH LAW FIRM 1850 N. Central Avenue Suite 2400 Phoenix, AZ 85004 UNITED STATES JTitus@Cavanaghlaw.com Phone:602-322-4000
----------------------	--

Applicant Information

Application No	76612122	Publication date	10/11/2005
Opposition Filing Date	02/08/2006	Opposition Period Ends	02/08/2006
Applicant	Seven Networks, Inc. 901 Marshall Street Redwood City, CA 94063 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Application software for use in mobile phones, personal digital assistants, smart devices and portable computers; application software used in mobile communications devices to enable mobile communications devices to retrieve, display and manage electronic graphical and textual data; software for enabling, conducting, and coordinating realtime or asynchronous remote collaboration; software for enabling peer-to-peer file sharing
Class 042. All goods and services in the class are opposed, namely: Software development services; consultation regarding peer-to-peer file sharing software; computer software support services, namely, provision of technical assistance and technical support

Attachments	Opposition Seven Networks.pdf (4 pages)
-------------	---

Signature	/john d. titus/
Name	John D. Titus
Date	02/08/2006

1. Karsten is the owner of various trademarks and trademark registrations for the mark PING® including:

Registration No. 2,909,185 in Class 8 for Pocket Knives;

Registration No. 2,810,552 in Class 9 for Computer Carrying Cases;

Registration No. 2,936,630 in Class 14 for Men's and Women's Watches;

Registration No. 1,638,323 in Class 16 for Newsletters on Professional Golf;

Registration No. 2,810,551 in Class 18 for Travel Document Cases and Toiletry Cases Sold

Empty;

Registration No. 1,747,448 in Class 18 for Golf Accessories, Namely, Umbrellas and

Travelling Bags;

Registration No. 2,909,186 in Class 20 for Chairs;

Registration No. 2,909,187 in Class 21 for Mugs;

Registration No. 2,822,249 in Class 21 for Water Bottles Sold Empty;

Registration No. 2,909,188 in Class 22 for Lanyards for holding eyeglasses;

Registration No. 2,823,210 in Class 24 for Towels;

Registration No. 2,810,601 in Class 25 for caps and visors;

Registration No. 1,637,647 in Class 25 for Clothing, Namely Shirts, Caps Sweaters, and Sun

Visors;

Registration No. 2,810,550 in Class 25 for Mittens

Registration No. 704,552 in Class 28 for Golf Clubs;

Registration No. 1,632,445 in Class 28 for Sporting Goods, Namely, Golf Bags, Golf Balls, and Head Covers for Golf Clubs;

Registration No. 1,633,477 in Class 41 for Sponsoring Golf Professionals;

Registration No. 2,870,863 in Class 41 for training and educating sporting goods dealers to fit golf clubs to customers, golf club fitting, sponsoring amateur golf tournaments for men, women and for junior golfers, and sponsoring professional golf tournaments; and

Registration No. 2,773,222 in Class 18, 25, and 28 for travel covers for golf bags, leather gloves and belts made of leather, back packs fanny packs, brief cases, garment bags and shoe bags for travel, valuable pouch, and duffel bags. (The foregoing marks are collectively referred to herein as the "PING marks.")

2. The PING marks all have registration and/or application dates that are prior to the application date of the above-captioned application. Many of the PING marks are incontestable.

3. Seven Networks is owner of the above-captioned application, which was filed under section 1(b) of the Trademark Act for the following goods and services:

IC 009: Application software for use in mobile phones, personal digital assistants, smart devices and portable computers; application software used in mobile communications devices to enable mobile communications devices to retrieve, display and manage electronic graphical and textual data; software for enabling, conducting, and coordinating realtime or asynchronous remote collaboration; software for enabling peer-to-peer file sharing

IC 042: Software development services; consultation regarding peer-to-peer file sharing software; computer software support services, namely, provision of technical assistance and technical support

4. Karsten Manufacturing Corporation directly and/or through its wholly owned subsidiary Ping, Inc. has used the PING mark in an open and public manner in the United States since prior to the filing date of the above-referenced application; and has not abandoned such use.

5. PING® is a famous mark within the meaning of §43(c) of the Lanham Trademark Act.

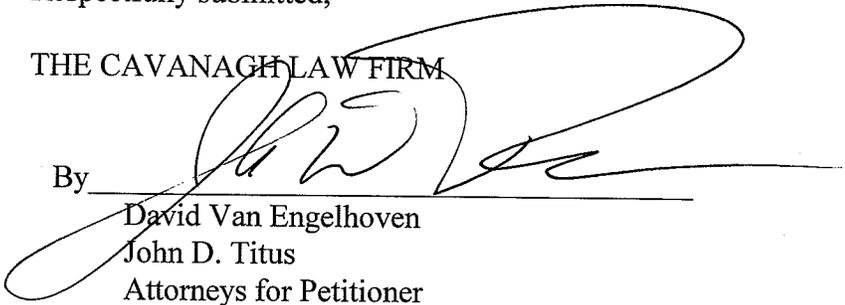
6. Seven Network's application for the above-captioned mark should be refused because the mark is likely to cause confusion and/or is likely to dilute the distinctiveness of the PING trademark and service mark.

WHEREFORE, Karsten prays for an Order sustaining this Opposition and refusing application of the above-captioned mark, and for such other relief as may be proper.

Respectfully submitted,

THE CAVANAGH LAW FIRM

By



David Van Engelhoven

John D. Titus

Attorneys for Petitioner

Karsten Manufacturing Corporation

1850 North Central Avenue, Suite 2400

Phoenix, AZ 85004

Telephone: (602) 322-4000

Date: February 8, 2006

CAVPHXDB:1223989.1