

ESTTA Tracking number: **ESTTA103438**

Filing date: **10/10/2006**

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 parties oppose registration of the indicated application.

Opposers Information

Name	Wacom Co., Ltd.
Granted to Date of previous extension	10/21/2006
Address	2-510-1, Toyonodai Otone-Machi Kitasaitama-gun Saitama-ken, 349-1148 JAPAN

Name	Wacom Technology Corporation
Granted to Date of previous extension	10/21/2006
Address	1311 S.E. Cardinal Court Vancouver, WA 98683 UNITED STATES

Attorney information	Joseph W. Berenato, III Berenato, White & Stavish, LLC 6550 Rock Spring Drive Suite 240 Bethesda, MD 20817 UNITED STATES jberenato@bwsiplaw.com Phone: 3018960600
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Applicant Information

Application No	76554068	Publication date	08/22/2006
Opposition Filing Date	10/10/2006	Opposition Period Ends	10/21/2006
International Registration No.	NONE	International Registration Date	NONE
Applicant	LINX SA 2A RUE DES CAPUCINS L-1313 LUXEMBOURG		

Goods/Services Affected by Opposition

Class 002. All goods and services in the class are opposed, namely: printing ink, ink toners for photocopiers, toner cartridges for printers and typewriters
Class 003. All goods and services in the class are opposed, namely: cleaning preparations for computer apparatus and equipment

Class 009.

All goods and services in the class are opposed, namely: photographic and optical apparatus and instruments, and apparatus for recording, transmission or reproduction of sound, data or images, namely, cameras, optical scanners, telephones, key Universal Serial Bus, cassette players and recorders, CD players and recorders, disk players and recorders, disk drives and recorders, DVD players and recorders, CD ROM players and recorders, mp3 players and mp3 recorders; blank magnetic data carriers; automatic vending machines and mechanisms for coin operating apparatus, cash registers calculators, computers; computer game software, computer software for use in word processing, office automation software, computer apparatus and equipment, namely mouse mats for computer apparatus, video game apparatus namely joysticks, memory cards, smart card readers, video memory cards, sound cards, television memory cards; accessories for video games, namely, steering wheels and pedals, graphics tablet computers, plotter pens, namely, computer cursor control light pens; mice, scanners, CD and DVD burners, printers for use with computers, displays and keyboards for computers; loudspeakers; microphones; video cameras, photocopiers, facsimiles, cellular telephones, telephones, intercoms, telephone answering machines; apparatus for payment by card, namely, smart card players, magnetic card players; power sockets; electrical and computer cables and wires; extension cables for electrical and computer wiring and cabling protective covers for computer apparatus and equipment; video projectors; modems; electronic diaries and personal organizers; electric batteries; exposed camera and x-ray films; electric cables; computer cables, telephone cables, video and/or audio cables; electrical or computer plug adapters; bags for the protection and transport of computer and office automation equipment, namely, computer carrying cases, cases for diskettes and compact discs, DVD cases

Class 016.

All goods and services in the class are opposed, namely: computer paper, computer printer paper, stationery paper, printing paper, cardboard for stationery and printing purposes; adhesive and non-adhesive paper or cardboard labels; stationery covers and pouches of paper or plastic, bookbinding, bookbinding tape and bookbinding wire; photographs, felt-tip pens and marker pens; adhesives for stationery or household purposes; typewriters; instructional and teaching materials, namely, books, instructional manuals, pedagogical magazines and posters, in the fields of data processing, computers and office automation; inking ribbons for computer printers; hand labeling machines for office purposes; adhesive tape for stationery or household use; staplers, paper clips for offices, office perforators, paper clips for stationery use; pencil sharpeners; office requisites, namely bookbinding machines; office requisites, namely, laminating machines for plastic coating, paper shredders; adhesive and non-adhesive plastic films for stationery purposes not for industrial or commercial purposes; plastic films for photocopiers and printers not for industrial or commercial purposes; cardboard storage boxes

Class 018.

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

Class 020.

All goods and services in the class are opposed, namely: office and storage furniture; paper trays, file trays and document file trays not of metal; chests and baskets, not of metal; fixed dispensers for cloths or towels, not of metal; plastic storage boxes

Attachments	6304.966_20061010122053.pdf (5 pages)(230276 bytes)
Signature	/s/
Name	Joseph W. Berenato, III
Date	10/10/2006

recorders, disk drives and recorders, DVD players and recorders, CD ROM players and recorders, mp3 players and mp3 recorders; blank magnetic data carriers; automatic vending machines and mechanisms for coin operating apparatus, cash registers calculators, computers; computer game software, computer software for use in word processing, office automation software, computer apparatus and equipment, namely mouse mats for computer apparatus, video game apparatus namely joysticks, memory cards, smart card readers, video memory cards, sound cards, television memory cards; accessories for video games, namely, steering wheels and pedals, graphics tablet computers, plotter pens, namely, computer cursor control light pens; mice, scanners, CD and DVD burners, printers for use with computers, displays and keyboards for computers; loudspeakers; microphones; video cameras, photocopiers, facsimiles, cellular telephones, telephones, intercoms, telephone answering machines; apparatus for payment by card, namely, smart card players, magnetic card players; power sockets; electrical and computer cables and wires; extension cables for electrical and computer wiring and cabling protective covers for computer apparatus and equipment; video projectors; modems; electronic diaries and personal organizers; electric batteries; exposed camera and x-ray films; electric cables; computer cables, telephone cables, video and/or audio cables; electrical or computer plug adapters. bags for the protection and transport of computer and office automation equipment, namely, computer carrying cases, cases for diskettes and compact discs, DVD cases in International Class 9, suitcases in International Class 18, and storage furniture; paper trays, file trays and document file trays not of metal; chests and baskets, not of metal; fixed dispensers for cloths or towels, not of metal; plastic storage boxes in International Class 20, and computer paper, computer printer paper, stationery paper, printing paper, cardboard for stationery and printing purposes; adhesive and non-adhesive paper or cardboard labels; stationery covers and pouches of paper or plastic,

bookbinding, bookbinding tape and bookbinding wire; photographs, felt-tip pens and marker pens; adhesives for stationery or household purposes; typewriters; instructional and teaching materials, namely, books, instructional manuals, pedagogical magazines and posters, in the fields of data processing, computers and office automation; inking ribbons for computer printers; hand labeling machines for office purposes; adhesive tape for stationery or household use; staplers, paper clips for offices, office perforators, paper clips for stationery use; pencil sharpeners; office requisites, namely bookbinding machines; office requisites, namely, laminating machines for plastic coating, paper shredders; adhesive and non-adhesive plastic films for stationery purposes not for industrial or commercial purposes; plastic films for photocopiers and printers not for industrial or commercial purposes; cardboard storage boxes in International Class 16 in an application filed October 24, 2003, based upon a bona fide intent to use the mark in commerce and based upon a prior issued foreign registration as evidenced by the publication of said mark in the Official Gazette of August 22, 2006.

2. Upon information and belief, Applicant has made no bona fide use of the term “INTUIX” as a trademark in commerce prior to October 24, 2003, as stated in the above-listed application for registration.

3. Opposers are in the business of developing, manufacturing and selling computer input peripherals, such as graphic tables and graphic tablets having an included display, components for computer input peripherals, software to be used with computer input peripherals, and graphics tablet computers.

4. Opposer Wacom Co., Ltd. is the owner of U.S. Trademark Reg. No. 2,312,345 (“the ‘345 registration”) for the mark INTUOS, registered January 25, 2000, claiming use since

November 3, 1997, as applied to computer peripherals, namely, a graphics tablet and electronic stylus. The '345 registration is incontestable.

5. Opposer Wacom Co., Ltd. itself and/or through its subsidiary Wacom Technology Corporation continues to use the mark as set forth in the registration.

6. The '345 registration is in full force and effect.

7. Additionally and alternatively, Opposer Wacom Co., Ltd. itself or through its subsidiary Wacom Technology Corporation uses the trademark INTUOS in the marketing of computer peripherals, namely, a graphics tablet and electronic stylus and upon information and belief has done so prior to any use by Applicant of its mark.

8. Opposers requested extensions of time through October 21, 2006 to oppose and the extension requests were granted. Hence this opposition is timely filed.

9. Upon information and belief, Opposers alleges that the goods of Opposers and Applicant are competitive, are offered in similar channels of commerce and offered to similar customers.

10. Applicant's alleged mark "INTUIX" is similar to Opposer's aforesaid "INTUOS" mark in sound, appearance, meaning and commercial impression.

11. There is a confusing similarity between Opposers' mark and Applicant's mark, and because the goods of Applicant and Opposers are similar, are in similar channels of commerce and are directed to similar customers, registration of the mark "INTUIX" in connection with Applicant's goods is likely to cause confusion or is likely to deceive purchasers as to the source or sponsorship of such goods.

12. In view of the foregoing facts, Opposers believes that they will be damaged if Applicant's application is registered.

WHEREFORE, the Opposers pray that the application Serial No. 76/554,068 be rejected and that the mark therein sought for the goods herein specified be denied and refused.

The undersigned Opposer hereby consents and appoints Joseph W. Berenato, III, Matthew W. Stavish, Matthew F. Johnston and William C. Schrot, of BERENATO, WHITE & STAVISH, LLC, 6550 Rock Spring Drive, Suite 240, Bethesda, Maryland 20817, as its duly authorized agents and attorneys in the matter of this opposition to prosecute said opposition, to transact all business in the Patent and Trademark Office in the United States and in the United States courts in connection with this opposition, to sign their name to all papers which may hereinafter be filed in connection therewith, and to receive all communications relating to the same. The Commissioner is hereby authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 50-0548.

Respectfully submitted,

Date: October 10, 2006

/s/
Joseph W. Berenato, III
Berenato, White & Stavish, LLC
6550 Rock Spring Drive, Suite 240
Bethesda, Maryland 20817
(301) 896-0600
Attorney for Opposers

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

In the Matter of Application Serial No. 76/554068
Published in the Official Gazette of August 22, 2006

WACOM Co., Ltd. and WACOM	:	
TECHNOLOGY CORPORATION	:	
	:	
Opposers,	:	
	:	Opposition No.
LINX SA	:	
	:	
Applicant.	:	

BOX TTAB FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

NOTICE OF OPPOSITION

Sir:

Wacom Co., Ltd. a corporation organized and existing under the laws of Japan and Wacom Technology Corporation, a corporation organized and existing under the laws of the State of Washington (hereinafter, "OPPOSERS"), believe that they would be damaged by registration of the mark shown in Serial No. 76/554068 and hereby oppose the same.

As grounds for this opposition, Opposers allege that:

1. Applicant seeks to register "INTUIX" as a trademark for printing ink, ink toners for photocopiers, toner cartridges for printers and typewriters in International Class 2, photographic and optical apparatus and instruments, and apparatus for recording, transmission or reproduction of sound, data or images, namely, cameras, optical scanners, telephones, key Universal Serial Bus, cassette players and recorders, CD players and recorders, disk players and