

ESTTA Tracking number: **ESTTA128390**

Filing date: **03/06/2007**

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	NetVision, Inc.
Granted to Date of previous extension	03/07/2007
Address	752 East 1180 South American Fork, UT 84003-3395 UNITED STATES

Correspondence information	Michael F. Krieger Attorney for Applicant KIRTON & McCONKIE 1800 Eagle Gate Tower 60 East South Temple Salt Lake City, UT 84145-0120 UNITED STATES mkrieger@kmclaw.com, jmarrott@kmclaw.com, bhathaway@kmclaw.com Phone:8013214814
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Applicant Information

Application No	78455179	Publication date	11/07/2006
Opposition Filing Date	03/06/2007	Opposition Period Ends	03/07/2007
Applicant	Chubb International Holdings Limited Cleveland House 33 King Street London, SW1Y 6RJ UNITED KINGDOM		

Goods/Services Affected by Opposition

Class 009. First Use: 2000/02/00 First Use In Commerce: 2000/06/00 All goods and services in the class are opposed, namely: (Based on Use in Commerce) Video surveillance computer software, namely, computer software for use in association with video surveillance equipment; video input circuit boards and accessories, namely, alarm input devices, namely, motion detector; contact switch; control output devices, namely, relays and camera control devices, namely, PTZ controller and rack mounts
Class 037. All goods and services in the class are opposed, namely: (Based on Intent to Use) Installation of image capture and video recording products, for security purposes
Class 038. All goods and services in the class are opposed, namely: (Based on Intent to Use) Transmission of video images over telephone, local area and wide area networks, and the Internet
Class 039. All goods and services in the class are opposed, namely: (Based on Intent to Use) Storage services for archiving video images

Class 045.

All goods and services in the class are opposed, namely: (Based on Intent to Use) Emergency response consultation; Electronic monitoring services for security purposes in the fields of office buildings and remote locations, hospitals and medical facilities, financial institutions, retail stores and mall complexes, and government institutions

Attachments	opposition.pdf (5 pages)(160993 bytes)
Signature	/Michael Krieger/
Name	Michael F. Krieger
Date	03/06/2007

TRADEMARK OPPOSITION

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

In re Trademark Application No. 78/455,179
Published in the Official Gazette of November 7, 2006
Mark: NETVISION

NetVision, Inc.,

Opposer,

vs.

Chubb International Holdings Limited,

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

Applicant, Chubb International, has sought registration of the proposed trademark "NETVISION." This mark was published for opposition in the Official Gazette of the United States Patent and Trademark Office on November 7, 2006 as Serial No. 78/455,179; and Opposer, NetVision, Inc., having received a ninety (90) day extension from the original deadline of December 7, 2006, timely files this notice within 90 days of December 7, 2006. Opposer believes that it will be damaged by registration of the mark shown in application Serial

No. 78/455,179 filed by Applicant and hereby opposes the same for the reasons and upon the grounds set forth below:

General Allegations

1. Opposer is a Utah corporation having a principal place of business at 752 East 1180 South, American Fork, Utah 84003-3395.
2. Applicant is, on information and belief, a United Kingdom Company having its principal place of business at Cleveland House, 33 King Street, London, United Kingdom SW1Y 6RJ.
3. On or about July 22, 2004, Applicant filed application Serial No. 78/455,179 for registration of the alleged mark “NETVISION,” and said application was published for opposition in the Official Gazette of the United States Patent and Trademark Office on November 7, 2006, in International Class 37 for “[i]nstallation of image capture and video recording products, for security purposes”; Class 39 for “[s]torage services for archiving video images”; Class 45 for “[e]mergency response consultation; [e]lectronic monitoring services for security purposes in the fields of office buildings and remote locations, hospitals and medical facilities, financial institutions, retail stores and mall complexes, and government institutions”; and 38 for “[t]ransmission of video images over telephone, local area and wide area networks, and the Internet.”
4. The goods on which Applicant intends to use the alleged “NETVISION” mark are more particularly described as the capture, storage and transmission of surveillance images and videos over the Internet and other widely distributed and accessible media.

5. In its application the Applicant describes the use of “NETVISION” in connection with capturing, archiving, monitoring, transmitting and tracking data over the Internet as well as over telephone lines and local area and wide area networks.

Likelihood of Confusion

6. Opposer and its affiliates are now, and have been for many years, and at least earlier than March 1996, using the mark “NETVISION” in connection with its business, which includes manufacture and distribution of network access security software programs; distribution of information and commands, and integrating electronic goods and services over networks and the Internet, similar to services intended to be offered by Applicant and described in Applicant’s aforesaid application under the mark “NETVISION.”

7. Opposer is likely to be damaged by registration of the term “NETVISION” because Applicant is intending to expand its use of “NETVISION.”

8. Opposer has used the mark “NETVISION” at least as early as March 1996, in its name, and as service marks and other intellectual property for services related to the manufacture, distribution, electronic transmission of goods and services, and data over global, wide area and local area computer networks, telecommunications lines and the Internet, with actual use as of March, 1996.

9. As a result, Opposer has for many years been engaged in providing software, advertising and developing good will by means of the Internet, and has as well transmitted information, goods and services using the mark “NETVISION.” Opposer has adopted and has continuously used the mark “NETVISION”, since a date long prior to Applicant’s July 22, 2004 filing date, and Opposer is now using such mark in commerce.

10. Opposer and its licensees have so used the “NETVISION” mark in connection with their services that the public has come to associate “NETVISION” with Opposer and as indicating that the goods and services marketed and/or associated with such mark originate with Opposer.

11. The “NETVISION” mark is symbolic of extensive goodwill and consumer recognition built up by Opposer through substantial expenditure of time and resources in promotion.

12. In its aforesaid application, Applicant states that its expanded use is intended only. At this point, Applicant has submitted no Statement Alleging Use or Statement of Use.

13. The goods recited in Applicant’s said application and the services upon which Applicant bases its application for the “NETVISION” mark are closely associated in use and services of the same general class and type.

14. The services provided by Applicant in association with its “NETVISION” mark are distributed through similar channels of commerce to the same or similar classes of persons as the goods of Opposer bearing the alleged mark “NETVISION.”

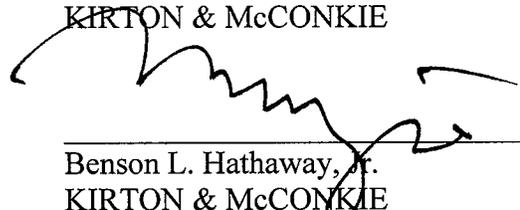
15. The alleged “NETVISION” mark of Applicant, as applied to the goods of Applicant, as set forth in its above-identified application, so resembles the mark “NETVISION” of Opposer, previously used in the United States by Opposer, as applied to the goods and services of Opposer, so as to be likely to cause confusion, or to cause mistake, or to deceive.

16. Based upon the foregoing, registration of the mark depicted in application Serial No. 78/455,179, filed by Applicant on July 22, 2004, on the Principal Register of the United States Patent and Trademark Office will cause injury and damage to Opposer.

WHEREFORE, Opposer, NetVision, Inc., prays that this opposition be sustained in its favor, and that registration of Applicant Chubb International Holdings Ltd.'s alleged intent-to-use mark "NETVISION," application Serial No. 78/455,179, be denied.

DATED this 6 day of March, 2007.

KIRTON & McCONKIE



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