

ESTTA Tracking number: **ESTTA138211**

Filing date: **04/30/2007**

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	ESCORT Inc.		
Entity	Corporation	Citizenship	Illinois
Address	5440 West Chester Road West Chester, OH 45069-2950 UNITED STATES		

Attorney information	Brett A. Schatz Wood, Herron & Evans, L.L.P. 441 Vine Street, 2700 Carew Tower Cincinnati, OH 45202 UNITED STATES bschatz@whepatent.com, sgraber@whepatent.com, tremaklus@whepatent.com, afreeman@whepatent.com Phone: 513-241-2324
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Applicant Information

Application No	78923816	Publication date	04/03/2007
Opposition Filing Date	04/30/2007	Opposition Period Ends	05/03/2007
Applicant	Mazed, Mohammad A. No. 393G 21520 Yorba Linda Blvd. Yorba Linda, CA 92887 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Electronic and optical communications instruments and components, namely lasers not for medical use, optical transmitters, optical receivers, optical data links, optical transceivers, digital transmitters, digital receivers, digital data links, digital transceivers, multiplexers, demultiplexers, amplifiers, computer network hubs, switches and routers

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1352568	Application Date	09/10/1984
Registration Date	08/06/1985	Foreign Priority Date	NONE
Word Mark	PASSPORT		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 1984/08/28 First Use In Commerce: 1984/08/28 POLICE RADAR WARNING RECEIVERS

U.S. Registration No.	2884977	Application Date	05/20/2003
Registration Date	09/14/2004	Foreign Priority Date	NONE
Word Mark	PASSPORT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2003/01/09 First Use In Commerce: 2003/05/16 Electronic vehicle performance computers and vacuum fluorescent displays for calculating and displaying maximum engine horsepower, maximum vehicle speed, forces developed by vehicle during cornering, acceleration, and deceleration, 0 - 60 mph and standing start to quarter mile times		

U.S. Registration No.	3014652	Application Date	08/10/2004
Registration Date	11/15/2005	Foreign Priority Date	NONE
Word Mark	PASSPORT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1984/10/00 First Use In Commerce: 1984/10/00 Police radar and laser speed detectors combined with audible and/or visible warning annunciator		

Attachments	76515613#TMSN.gif (1 page)(bytes) 76606280#TMSN.gif (1 page)(bytes) Notice of Opposition-BANDWIDTH PASSPORT.pdf (16 pages)(697471 bytes)
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Signature	/Brett A. Schatz/
Name	Brett A. Schatz
Date	04/30/2007

transceivers, multiplexers, demultiplexers, amplifiers, computer network hubs, switches and routers” in International Class 9 and hereby opposes same.

This application was filed on an intent-to-use basis on July 6, 2006, and published at page TM 453 of the *Trademark Official Gazette* of April 3, 2007. (A copy is attached as Exhibit A.)

As grounds for the opposition, it is alleged that:

1. Opposer is the owner of the trademark PASSPORT, which is the subject of incontestible, U.S. Trademark Registration No. 1,352,568, filed September 10, 1984, for “Police Radar Warning Receivers,” in International Class 9. (A copy is attached as Exhibit B.)
2. Opposer is the owner of the trademark PASSPORT, U.S. Trademark Registration No. 2,884,977, filed May 20, 2003, for “Electronic vehicle performance computers and vacuum fluorescent displays for calculating and displaying maximum engine horsepower, maximum vehicle speed, forces developed by vehicle during cornering, acceleration, and deceleration, 0-60 mph and standing start to quarter mile times,” in International Class 9. (A copy is attached as Exhibit C.)
3. Opposer is also the owner of the trademark PASSPORT, U.S. Trademark Registration No. 3,014,652, filed August 10, 2004, for “Police radar and laser speed detectors combined with audible and/or visible warning annunciator,” in International Class 9. (A copy is attached as Exhibit D.)
4. Opposer has used the PASSPORT mark in commerce continuously since at least August 28, 1984, as evidenced by its U.S. Registration No. 1,352,568. (Exhibit B.)

5. (a) Opposer has continuously used the PASSPORT mark through various channels of trade since at least 1984 in connection with Police Radar Warning Receivers; (b) Opposer has continuously used the PASSPORT mark through various channels of trade since at least 2003 in connection with electronic vehicle performance computers and vacuum fluorescent displays for calculating and displaying maximum engine horsepower, maximum vehicle speed, forces developed by vehicle during cornering, acceleration, and deceleration, 0-60 mph and standing start to quarter mile times; (c) Opposer has continuously used the PASSPORT mark through various channels of trade since at least 1984 in connection with police radar and laser speed detectors, combined with audible and/or visible warning annunciator.
6. Opposer is currently using, advertising, offering for sale, and selling in interstate commerce under the PASSPORT mark a wide range of goods, including, but not limited to, the goods cited in its Registrations Nos. 1,352,568, 2,884,977 and 3,014,652 (Exhibits B, C and D) and in connection with devices that use lasers and more specifically lasers not for medical use in virtually all 48 states of the continental USA, the District of Columbia, and over the Internet.
7. Opposer has sold under the PASSPORT mark millions of units, including but not limited to the goods cited in its Registrations Nos. 1,352,568, 2,884,977 and 3,014,652, and similar goods.
8. PASSPORT is a distinctive trademark, and because of Opposer's prior and continuous use of said mark in conjunction with the sale and promotion of the PASSPORT radar and laser detectors, radios and warning devices used in or with vehicles and related goods,

and by reason of expenditure by Opposer of substantial amounts of time, effort and money in advertising and promotion, said mark has become associated in the public mind with Opposer and is symbolic of extensive goodwill and customer recognition built up by Opposer. Upon the market introduction of the aforesaid PASSPORT brand radar and laser detectors, radios and warning devices, and the commencement of use of the PASSPORT mark in connection with the sale of its PASSPORT brand radar and laser detectors, radios and warning devices, and continuously thereafter, Opposer became and is now widely known and recognized as the source of PASSPORT brand radar and laser detectors, radios and warning devices for use in or with vehicles.

9. Upon information and belief, Mohammad A. Mazed, an individual, having an address of No. 393G 21520 Yorba Linda Blvd., Yorba Linda, California 92887, is the owner of U.S. Trademark Application Serial No. 78/923,816 for the trademark BANDWIDTH PASSPORT for "Electronic and optical communications instruments and components, namely lasers not for medical use, optical transmitters, optical receivers, optical data links, optical transceivers, digital transmitters, digital receivers, digital data links, digital transceivers, multiplexers, demultiplexers, amplifiers, computer network hubs, switches and routers," in International Class 9. (A copy is attached as Exhibit E.)
10. Upon information and belief, the term PASSPORT is the dominant component of Applicant's trademark, and the term BANDWIDTH is merely descriptive of a feature of Applicant's goods, namely "Electronic and optical communications instruments and components, namely lasers not for medical use, optical transmitters, optical receivers, optical data links, optical transceivers, digital transmitters, digital receivers, digital data

links, digital transceivers, multiplexers, demultiplexers, amplifiers, computer network hubs, switches and routers,” as evidenced by the disclaimer given in the application.

11. Upon information and belief, the overall impression of Applicant’s mark is “PASSPORT.”
12. Applicant’s goods are closely related to and in the same International Class as the goods Opposer markets and sells.
13. Applicant’s goods are rendered to the same class of purchasers, and are available for sale through the same or similar channels of trade, including, but not limited to, advertising in the same media as Opposer’s goods.
14. Applicant was not entitled to use or seek to register as a trademark the BANDWIDTH designation for the goods for which it seeks registration in its U.S. Application Serial No. 78/923,816, either on July 6, 2006, the date of filing of said Application, or on April 3, 2007, the date of the mark’s publication in the *Official Gazette*.
15. Applicant’s BANDWIDTH PASSPORT mark so resembles Opposer’s PASSPORT mark as to be likely, when used in connection with the goods listed in U.S. Application Serial No. 78/923,816 or any component therefor, to cause confusion or to cause mistake or to deceive persons by creating the erroneous impression that (a) Applicant’s goods originate with or are sponsored and/or approved by Opposer and (b) that Applicant is affiliated, connected or associated with Opposer. Therefore, the registration of BANDWIDTH PASSPORT by Applicant would damage and be injurious to Opposer.
16. Applicant’s adoption and use of the designation BANDWIDTH PASSPORT is without license or permission of Opposer.

17. Based on information and belief, Opposer has and will continue to be damaged by the existence and maintenance of U.S. Application Serial No. 78/923,816 in that the designation BANDWIDTH PASSPORT is diluting the value and recognition of Opposer's PASSPORT mark and lessens the distinctive status that this mark enjoys, thereby causing substantial damage to the goodwill associated with Opposer's PASSPORT mark.
18. The existence of Applicant's U.S. Application Serial No. 78/923,816 is a source of damage and injury to Opposer.

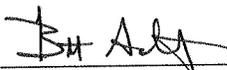
WHEREFORE, Opposer prays that Application Serial No. 78/923,816 be rejected and that registration of the designation of this application be refused and denied as a trademark.

Opposer herewith submits the \$300.00 filing fee associated with filing of this Notice of Opposition. The Commissioner is authorized to charge Deposit Account No. 23-3000 for any deficiencies in the filing fee and any and all other fees associated with filing the Notice of Opposition.

Respectfully submitted,

ESCORT Inc.

Date 4/30/07

By: 
Theodore R. Remaklus
Brett A. Schatz
Sarah Otte Graber
Attorneys for Opposer

WOOD, HERRON & EVANS, L.L.P.
441 Vine Street, 2700 Carew Tower
Cincinnati, Ohio 45202-2917
(513) 241-2324
(513) 241-6234 (Facsimile)

CLASS 9—(Continued).

SN 78-923,816. MAZED, MOHAMMAD A., YORBA LINDA, CA. FILED 7-6-2006.

BANDWIDTH PASSPORT

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BANDWIDTH", APART FROM THE MARK AS SHOWN.

FOR ELECTRONIC AND OPTICAL COMMUNICATIONS INSTRUMENTS AND COMPONENTS, NAMELY LASERS NOT FOR MEDICAL USE, OPTICAL TRANSMITTERS, OPTICAL RECEIVERS, OPTICAL DATA LINKS, OPTICAL TRANSCEIVERS, DIGITAL TRANSMITTERS, DIGITAL RECEIVERS, DIGITAL DATA LINKS, DIGITAL TRANSCEIVERS, MULTIPLEXERS, DEMULTIPLEXERS, AMPLIFIERS, COMPUTER NETWORK HUBS, SWITCHES AND ROUTERS (U.S. CLS. 21, 23, 26, 36 AND 38).

SOPHIA S. KIM, EXAMINING ATTORNEY

SN 78-924,238. MILTON, HAROLD W., JR., BLOOMFIELD HILLS, MI. FILED 7-7-2006.

patent architect

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PATENT", APART FROM THE MARK AS SHOWN.

FOR COMPUTER PROGRAMS FOR PREPARING A PATENT APPLICATION IN CONJUNCTION WITH A WORD PROCESSING PROGRAM (U.S. CLS. 21, 23, 26, 36 AND 38).

KATHERINE M. DUBRAY, EXAMINING ATTORNEY

SN 78-925,852. CORVALENT CORPORATION, MORGAN HILL, CA. FILED 7-10-2006.

CORVALENT

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

FOR COMPUTER CONTROLLERS FOR USE IN EMBEDDED APPLICATIONS, NAMELY INDUSTRIAL MOTHERBOARDS, SINGLE BOARD COMPUTERS, AND COMPUTER OPERATED INDUSTRIAL EQUIPMENT AND ASSOCIATED PERIPHERAL EQUIPMENT, NAMELY, MANUFACTURING, MEDICAL AND TESTING EQUIPMENT (U.S. CLS. 21, 23, 26, 36 AND 38).

DEZMONA MIZELLE, EXAMINING ATTORNEY

CLASS 9—(Continued).

SN 78-926,240. KIM, CHOL, LOS ANGELES, CA. FILED 7-10-2006.

MOTION RISER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MOTION", APART FROM THE MARK AS SHOWN.

FOR ADAPTER RINGS FOR ATTACHING OBJECTIVES ON CAMERAS; AN OPTICAL METROLOGY INSPECTION SYSTEM COMPRISED OF A LIGHT SOURCE, ONE OR MORE CAMERAS AND SENSORS IN COMMUNICATION WITH COMPUTER SOFTWARE AND HARDWARE; BAGS FOR CAMERAS AND PHOTOGRAPHIC EQUIPMENT; BELLOWS; CAMERA CASES; CAMERA CLOSURES; CAMERA CONTAINING A LINEAR IMAGE SENSOR; CAMERA FILTERS; CAMERA FLASHES; CAMERA HOODS; CAMERA TRIPODS; CAMERAS; CAMERAS FOR MONITORING AND INSPECTING EQUIPMENT IN A NUCLEAR POWER STATION; CAMERAS FOR SELF-DEVELOPING FILM; CAMERAS SHUTTERS; CINEMATOGRAPHIC CAMERAS; COLOR FILTERS FOR TELEVISION AND MOTION PICTURE FILM CAMERAS; COMPUTER CAMERAS (U.S. CLS. 21, 23, 26, 36 AND 38).

DEZMONA MIZELLE, EXAMINING ATTORNEY

SN 78-929,640. TIME INC., NEW YORK, NY. FILED 7-14-2006.

MYSI

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 754,203, 1,463,508 AND OTHERS.

FOR DOWNLOADABLE ELECTRONIC PUBLICATIONS IN THE NATURE OF INTERACTIVE DESKTOP FILES AND ELECTRONIC NEWSLETTERS IN THE FIELD OF SPORTS AND ATHLETIC COMPETITIONS; DOWNLOADABLE MULTIMEDIA FILE CONTAINING ARTWORK, TEXT, AUDIO, VIDEO, GAMES, AND INTERNET WEB LINKS RELATING TO SPORTS AND ATHLETIC COMPETITIONS; DOWNLOADABLE RING TONES, GRAPHICS AND MUSIC VIA A GLOBAL COMPUTER NETWORK AND WIRELESS DEVICES; DOWNLOADABLE SOFTWARE FOR ACCESSING A COMPUTER DATABASE FEATURING INFORMATION REGARDING SPORTS AND ATHLETIC COMPETITIONS; DOWNLOADABLE VIDEO RECORDINGS FEATURING SPORTS AND ATHLETIC COMPETITIONS (U.S. CLS. 21, 23, 26, 36 AND 38).

JOHN KELLY, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cl.: 21

United States Patent and Trademark Office

Reg. No. 1,352,568

Registered Aug. 6, 1985

**TRADEMARK
PRINCIPAL REGISTER**

PASSPORT

CINCINNATI MICROWAVE, INC. (OHIO COR-
PORATION)
ONE MICROWAVE PLAZA
CINCINNATI, OH 452499502

FIRST USE 8-28-1984; IN COMMERCE
8-28-1984.

SER. NO. 498,804, FILED 9-10-1984.

FOR: POLICE RADAR WARNING RECEIV-
ERS, IN CLASS 9 (U.S. CL. 21).

DAVID A. GUTH, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,884,977

United States Patent and Trademark Office

Registered Sep. 14, 2004

**TRADEMARK
PRINCIPAL REGISTER**

PASSPORT

ESCORT INC. (ILLINOIS CORPORATION)
5440 WEST CHESTER ROAD
WEST CHESTER, OH 450692950

AND DECELERATION, 0 - 60 MPH AND STANDING
START TO QUARTER MILE TIMES, IN CLASS 9
(U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: ELECTRONIC VEHICLE PERFORMANCE
COMPUTERS AND VACUUM FLUORESCENT DIS-
PLAYS FOR CALCULATING AND DISPLAYING
MAXIMUM ENGINE HORSEPOWER, MAXIMUM
VEHICLE SPEED, FORCES DEVELOPED BY VEHI-
CLE DURING CORNERING, ACCELERATION,

FIRST USE 1-9-2003; IN COMMERCE 5-16-2003.

SN 76-515,613, FILED 5-20-2003.

EDWARD NELSON, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 3,014,652

United States Patent and Trademark Office

Registered Nov. 15, 2005

TRADEMARK
PRINCIPAL REGISTER

PASSPORT

ESCORT INC. (ILLINOIS CORPORATION)
5440 WEST CHESTER ROAD
WEST CHESTER, OH 450692950

FOR: POLICE RADAR AND LASER SPEED DETECTORS COMBINED WITH AUDIBLE AND/OR VISIBLE WARNING ANNUNCIATOR, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 10-0-1984; IN COMMERCE 10-0-1984.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 1,352,568.

SER. NO. 76-606,280, FILED 8-10-2004.

BRENDAN MCCAULEY, EXAMINING ATTORNEY



United States Patent and Trademark Office

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Record 1 out of 1

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BANDWIDTH PASSPORT

Word Mark BANDWIDTH PASSPORT
 Goods and Services IC 009. US 021 023 026 036 038. G & S: Electronic and optical communications instruments and components, namely lasers not for medical use, optical transmitters, optical receivers, optical data links, optical transceivers, digital transmitters, digital receivers, digital data links, digital transceivers, multiplexers, demultiplexers, amplifiers, computer network hubs, switches and routers
 Standard Characters Claimed
 Mark Drawing Code (4) STANDARD CHARACTER MARK
 Design Search Code
 Serial Number 78923816
 Filing Date July 6, 2006
 Current Filing Basis 1B
 Original Filing Basis 1B
 Published for Opposition April 3, 2007
 Owner (APPLICANT) Mazed, Mohammad A. INDIVIDUAL UNITED STATES No. 393G 21520 Yorba Linda Blvd. Yorba Linda CALIFORNIA 92887
 Attorney of Record Jennifer M. Lantz
 Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BANDWIDTH" APART FROM THE MARK AS SHOWN
 Type of Mark TRADEMARK
 Register PRINCIPAL
 Live/Dead

Exhibit E- Notice of Opposition, ESCORT Inc. v. Mohammad A. Mazed, Offered by ESCORT Inc

Indicator LIVE

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Serial Number: 78923816 Assignment Information

Registration Number: (NOT AVAILABLE)

Mark

BANDWIDTH PASSPORT

(words only): BANDWIDTH PASSPORT

Standard Character claim: Yes

Current Status: Application has been published for opposition.

Date of Status: 2007-04-03

Filing Date: 2006-07-06

The Information will be/was published in the Official Gazette on 2007-04-03

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 106

Attorney Assigned:
KIM SOPHIA SUJIN Employee Location

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-02-23

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Mazed, Mohammad A.

Address:

Mazed, Mohammad A.
No. 393G 21520 Yorba Linda Blvd.
Yorba Linda, CA 92887
United States

Legal Entity Type: Individual

Country of Citizenship: United States

GOODS AND/OR SERVICES

International Class: 009

Class Status: Active

Electronic and optical communications instruments and components, namely lasers not for medical use, optical transmitters, optical receivers, optical data links, optical transceivers, digital transmitters, digital receivers, digital data links, digital transceivers, multiplexers, demultiplexers, amplifiers, computer network hubs, switches and routers

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Disclaimer: "BANDWIDTH"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2007-04-03 - Published for opposition

2007-03-14 - Notice of publication

2007-02-12 - Law Office Publication Review Completed

2007-02-12 - Assigned To LIE

2007-01-10 - Examiner's amendment mailed

2007-01-09 - Approved for Pub - Principal Register (Initial exam)

2007-01-09 - Examiner's Amendment Entered

2007-01-09 - Examiners Amendment -Written

2006-12-08 - Non-final action mailed

2006-12-08 - Non-Final Action Written

2006-12-06 - Assigned To Examiner

2006-09-20 - TEAS Change Of Correspondence Received

2006-07-13 - Notice Of Pseudo Mark Mailed

2006-07-12 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Jennifer M. Lantz

Correspondent

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Fax Number: 408-392-9262
