

ESTTA Tracking number: **ESTTA170885**

Filing date: **10/25/2007**

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	Synergy Microwave Corporation
Granted to Date of previous extension	10/27/2007
Address	201 McLean Boulevard Paterson, NJ 07504 UNITED STATES

Attorney information	Thomas M. Palisi Lerner David Littenberg Krumholz & Mentlik LLP 600 South Avenue West Westfield, NJ 07090 UNITED STATES litigation@ldlkm.com,tpalisi@ldlkm.com Phone:(908) 518-6461
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**Applicant Information**

Application No	78405566	Publication date	08/28/2007
Opposition Filing Date	10/25/2007	Opposition Period Ends	10/27/2007
International Registration No.	NONE	International Registration Date	NONE
Applicant	Ascalade Communications Limited Unit 3510 - 11, 35th Floor, Cable TV Tower, No. 9 Hoi Shing Road, Tsuen Wan, New Territories; Hong Kong, CHINA		

**Goods/Services Affected by Opposition**

<p>Class 009. Opposed goods and services in the class: Wired and wireless telecommunication products and telephones, namely telephones; telephone adjuncts, namely telephone caller displays, telephone messaging devices in the nature of Internet Protocol phones, telephone emergency/weather information display devices in the nature of liquid crystal displays and light emitting diodes, telephone email notification devices in the nature of Internet Protocol phones, pagers, modems, dialers, internet protocol routers, internet protocol bridges, computer hardware for use as internet protocol gateways; personal digital assistant accessories, namely data and voice communicators in the nature of microphones and headphones, data modules in the nature of integrated circuit modules and transmitters, video modules in the nature of video circuit boards and transmitters and accessories thereof, namely, batteries, handsfree headsets and carrying cases; audio conferencing systems and accessories thereof, namely, wired and wireless extension microphones, battery packs, wired and wireless headset microphones, wireless lapel microphones and repeater base stations; video conferencing systems comprised of video monitors, video cameras, video controllers, microphones and accessories thereof, namely, coaxial cables, digital cables, optical cables, connectors and</p>
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adapters
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## Grounds for Opposition

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

U.S. Registration No.	1315126	Application Date	06/16/1983
Registration Date	01/15/1985	Foreign Priority Date	NONE
Word Mark	S SYNERGY		
Design Mark			
Description of Mark	The mark consists, in part of a logo in the form of the letter "S".		
Goods/Services	Class 042. First use: First Use: 1983/01/01 First Use In Commerce: 1983/01/01 Consulting Services in the Field of Microwave Components		

U.S. Registration No.	1672479	Application Date	01/22/1991
Registration Date	01/21/1992	Foreign Priority Date	NONE
Word Mark	SYNERGY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1983/02/00 First Use In Commerce: 1983/03/01 electronic components for radio frequency, microwave and analog applications; namely, mixers, power dividers, transformers, modulators, phase shifters, frequency doublers and amplifiers		

U.S. Registration No.	1817248	Application Date	04/05/1993
Registration Date	01/18/1994	Foreign Priority Date	NONE
Word Mark	S SYNERGY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1983/01/01 First Use In Commerce: 1983/01/01 research, design and consulting services for electronic equipment used for radios, avionics, microwave equipment, frequency synthesizers, communication receivers, active antennas, amplifiers and CAD software packages		

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Signature	/s/ THOMAS M. PALISI
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Name	Thomas M. Palisi
Date	10/25/2007

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

SYNERGY MICROWAVE CORPORATION	:	Serial No. 78/405,566
	:	Filed: April 21, 2004
	:	
Opposer,	:	For: SYNERG
	:	
v.	:	Published: August 28, 2007
	:	
ASCALADE COMMUNICATIONS LIMITED	:	
	:	
	:	
Applicant.	:	Opposition No. _____
_____	X	

MS TTAB  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**NOTICE OF OPPOSITION**

Opposer, Synergy Microwave Corporation, a New Jersey corporation having a principal place of business at 201 McLean Boulevard, Paterson, New Jersey, 07504, believes that it will be damaged by registration of the SYNERG mark for which Applicant seeks registration. Accordingly, Opposer hereby opposes registration of Serial

No. 78/405,566 ("the Application"). This opposition is timely given the extension of time the Board has granted in this matter through and including October 27, 2007.

As grounds for the opposition, Opposer alleges as follows:

1. Opposer is a company which offers a broad array of services and products in the field of electronics and electronic components, as well as offering software products. At least as early as January, 1983, Opposer adopted and began using the mark SYNERGY in connection with its services and electronics products, including the design of electronic components, offered throughout the United States and internationally.

2. Opposer's services under its SYNERGY mark include, among others, research, design and consulting services for electronic equipment such as microwave equipment, frequency synthesizers and design software. Opposer's products sold under its SYNERGY mark include, among others, electronic components for RF, microwave and analog applications, such as frequency synthesizers, mixers and related software, which products are used in a variety of other electronic products.

3. In addition to having common law rights in the mark SYNERGY, Opposer is the owner of United States Trademark Registrations Nos. 1,315,126, 1,672,479 and 1,817,248 for the mark SYNERGY for a number of goods and services in International Classes 9 and 42. The aforesaid United States registrations are valid, subsisting and in full force and effect.

4. Long prior to Applicant's filing of its application on April 21, 2004, Opposer began using in interstate commerce the mark SYNERGY in connection with its products and services in the field of electronics and electronics design. Such use by Opposer has been substantial and continuous since as early as January, 1983, and Opposer has established substantial goodwill and reputation under the mark SYNERGY.

5. Based upon its use of the mark SYNERGY, Opposer has acquired extensive, exclusive and valuable statutory and common-law rights in and to its SYNERGY mark.

6. Upon information and belief, Applicant has not commenced use of its mark in the United States until after Opposer. Accordingly, Opposer has superior rights in and to its SYNERGY mark, because its registration and usage of the mark in United States commerce pre-dates any potential entry into the market by Applicant.

7. Opposer's mark so resembles Applicant's mark as to result in a likelihood of confusion.

8. Opposer will suffer harm as a result of the confusion likely to arise from the registration of the Application and from Opposer's prior and ongoing use of its SYNERGY mark.

9. If the application here opposed should be granted, statutory rights will be created in Applicant in violation and degradation of the established prior rights of Opposer.

10. Registration should be refused to Applicant, the newcomer in the field, in order to prevent deception to the public and damage to the business and goodwill of Opposer.

WHEREFORE, Opposer prays that the Board refuse registration of Application Serial No. 78/405,566, and that this Opposition be sustained.

TRADEMARK  
SYNERGY 10.20-034

Respectfully submitted,

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(908) 654-5000

Dated: October 25, 2007

By



THOMAS M. PALISI