

ESTTA Tracking number: **ESTTA207438**

Filing date: **04/26/2008**

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	Mobi Technologies, Inc.
Granted to Date of previous extension	04/26/2008
Address	7635 San Fernando Road Suite A Burbank, CA 91505 UNITED STATES

Name	David Naghi
Granted to Date of previous extension	04/26/2008
Address	7635 san Fernando Road Suite A Burbank, CA 91505 UNITED STATES

Correspondence information	Mobi Technologies, Inc. 7635 San Fernando Road Suite A Burbank, CA 91505 UNITED STATES jstein@frlawcorp.com Phone:(310)575-0800
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Applicant Information

Application No	78847172	Publication date	02/26/2008
Opposition Filing Date	04/26/2008	Opposition Period Ends	04/26/2008
International Registration No.	NONE	International Registration Date	NONE
Applicant	Brilliant Ascent Development Limited 414 Kwun Tong Road 4th Floor, WKK Building Kowloon, HONG KONG		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Compact disc players; read-only memory compact discs, namely, blank CD-ROMs and DVD-ROMs for data, games, pictures, video and multi-media files recording; computer game programs; computer keyboards; computer memories; recorded computer operating programs; computer peripheral devices; downloadable software, namely, software for processing executable file for its associate computer program to access, edit and utilize console and gateway for download games, pictures, video, or music files for computer and portable devices such as mobile phones, portable media player, portable game sets; recorded computer

software, namely, software for processing executable file for its associate computer program to access, edit and utilize console and gateway for download games, pictures, video, or music files for computer and portable devices such as mobile phones, portable media player, portable game sets; computers; magnetic data media, namely, prerecorded magnetic data carriers featuring data and executable file for its associate computer program to access, edit and utilize blank magnetic data carrier, blank magnetic cards, magnetic data carriers of games, pictures, video, or music files for computer and portable devices or the access cards of these contents; optical data media, namely, optical discs featuring data and executable file for its associate computer program to access, edit and utilize blank magnetic data carrier, blank magnetic cards, magnetic data carriers of games, pictures, video or music files for computer and portable devices or the access cards of these content; disk drives for computers; downloadable executable files for magnetic data media or optical publications of games, pictures, video or music files; headphones; high frequency apparatus, namely, high frequency transmitters, receivers, and electronic data relays for use in the inter-relay of voice, data , pictures, video, games and multi-media wireless content; integrated circuit cards, namely, cards with integrated circuits and memory storage capacity and ability to read and write in the nature of secure digital (SD) cards, and multi media (MMC) cards; intercommunication apparatus, namely, apparatus for transmission of communications; interface board for computers; juke boxes for computers, musical juke boxes; laptop computers; loudspeakers; modems; notebook computers; pocket calculators; portable telephones; data processing equipment, namely, central processing units for processing information, data, sound or images, record players; electric sockets; electric plugs and other contacts or electrical connections, namely, multi-function electric charger for different devices; sound recording apparatus; sound recording apparatus and instruments; stereoscopes; telephone apparatus; transmitters for telecommunication; transmitting sets for telecommunication, namely, telephone sets, telephone sets for mobile network for voice, data and multi-media content; video game cartridges, digital video recorders; video telephones; viewfinders photographic

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)
Other	Common Law

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3109709	Application Date	09/10/2003
Registration Date	06/27/2006	Foreign Priority Date	NONE
Word Mark	MOBI		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2003/06/00 First Use In Commerce: 2003/06/00 (1) COMPUTER HARDWARE AND PC AND LAPTOP PRODUCTS AND ACCESSORIES, NAMELY, EXTENSION CABLES; SOFTWARE FOR CONTROLLING MULTIPLE VIDEO CAMERAS, MONITORING VIDEO IMAGES RECEIVED FROM VIDEO CAMERAS, AND FOR NOTIFYING USER WHEN PRESELECTED CONDITION IS DETERMINED ON VIDEO IMAGE AND THE USER HAVING ACCESS TO THE VIDEO IMAGES AND RECEIVING NOTIFICATION OVER A GLOBAL COMPUTER NETWORK; AND (2) AUTOMATIC WIRELESS OPERATING SYSTEM LOCK COMPRISING A RECEIVER CONNECTED TO THE COMPUTER AND A TRANSMITTER CARRIED BY THE USER SO THAT WHEN THE USER MOVES A PREDETERMINED DISTANCE AWAY FROM THE RECEIVER, THE RECEIVER LOCKS THE COMPUTER AND UNLOCKS THE COMPUTER WHEN THE USER RETURNS; WIRELESS PROXIMITY SENSOR, LOCATOR, AND NOTIFICATION SYSTEMS COMPRISED OF ONE OR MORE		

	TRANSMITTERS AND ONE OR MORE RECEIVERS WHICH ARE CARRIED BY THE USER AND OTHER PERSONS, ANIMALS, OR OBJECTS SUCH AS KEYS, MOBILE PHONES, PURSES OR WALLETS FOR NOTIFYING A USER WHEN THE USER AND THE SELECTED ITEM ARE SEPARATED BY MORE THAN OR LESS THAN A SELECTED DISTANCE, OR WHICH ALLOWS THE USER TO OPERATE AN AUDIBLE OR VISUAL SIGNAL FROM THE UNIT ASSOCIATED WITH THE TRACKED ITEM; AND (3) PORTABLE WIRELESS VIDEO MONITORING SYSTEMS COMPRISING A PORTABLE VIDEO CAMERA AND WIRELESS TRANSMITTER AND A PORTABLE WIRELESS MONITOR RECEIVER
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U.S. Registration No.	3365795	Application Date	06/13/2006
Registration Date	01/08/2008	Foreign Priority Date	NONE
Word Mark	MOBI		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 008. First use: First Use: 2006/05/00 First Use In Commerce: 2006/05/00 Spoons</p> <p>Class 009. First use: First Use: 2003/12/00 First Use In Commerce: 2003/12/00 Computer video software for use in controlling video cameras not for use with land vehicles; computerized systems for controlling video cameras comprising computer hardware, computer peripherals, computer video software, video cameras, video transmitters, and video monitors not for use with land vehicles; computerized systems for monitoring images from videos cameras where video images are transmitted over a global computer network comprising computer hardware, computer peripherals, computer video software, video cameras, video transmitters, video monitors, and computer networking and communications devices not for use with land vehicles; proximity sensors not for use with land vehicles; computer proximity software of controlling one or more computers and transmitters and one or more receivers that notify a user of a the approach or separation of an object and one or more proximity sensors; wireless proximity systems comprising a proximity sensor, locator, and notification systems comprised of one or more transmitters and one or more receivers that notify a user of a the approach or separation of an object and one or more proximity sensors; wireless transmitters and receivers for use with video monitoring systems; video monitoring systems comprising computer hardware, computer peripherals, computer video software, video cameras, video transmitters, and video monitors; electric door bells; telephone apparatus, namely intercoms; wireless visitor signal chimes; devices for wireless radio transmission; door phone systems comprising electric door bells, wireless telephony apparatus, telephone apparatus, intercoms, radio telephones, and wireless visitor signal chimes</p> <p>Class 010. First use: First Use: 2006/05/00 First Use In Commerce: 2006/05/00 Thermometers for medical purposes</p> <p>Class 011. First use: First Use: 2006/05/00 First Use In Commerce: 2006/05/00 Air purifiers; flashlights; bicycle lights; electric night lights</p>		

U.S. Registration No.	3004111	Application Date	06/11/2004
Registration Date	10/04/2005	Foreign Priority Date	NONE
Word Mark	MOBICAM		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2003/08/00 First Use In Commerce: 2003/08/00 Compact, portable, and multi-function color handheld wireless monitoring system, namely, color monitor and digital video camera

Attachments	76543560#TMSN.gif (1 page)(bytes) 78906778#TMSN.jpeg (1 page)(bytes) 78434224#TMSN.jpeg (1 page)(bytes) STATEMENT OF OPPOSITION TO REGISTRATION.1A.pdf (7 pages)(58210 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/JayStein/
Name	Mobi Technologies, Inc.
Date	04/26/2008

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEALS BOARD

Re: "MOBIN"
Applicant: Brilliant Ascent Development Ltd.
Serial Number: 78847172
Opposers: Mobi Technologies, Inc.
David Naghi

STATEMENT OF OPPOSITION TO REGISTRATION OF "MOBIN"

I.
THE EXISTING REGISTRATIONS

Opposer Mobi Technologies, Inc., a California corporation, is a wholesale and retail vendor of electronic, audio-visual and computer goods. It is the Registrant of the trademark, "Mobi," registered in the Principal Register under Registration Number 3109709 in connection with Class 9 goods and services described as:

(1) COMPUTER HARDWARE AND PC AND LAPTOP PRODUCTS AND ACCESSORIES, NAMELY, EXTENSION CABLES; SOFTWARE FOR CONTROLLING MULTIPLE VIDEO CAMERAS, MONITORING VIDEO IMAGES RECEIVED FROM VIDEO CAMERAS, AND FOR NOTIFYING USER WHEN PRESELECTED CONDITION IS DETERMINED ON VIDEO IMAGE AND THE USER HAVING ACCESS TO THE VIDEO IMAGES AND RECEIVING NOTIFICATION OVER A GLOBAL COMPUTER NETWORK; AND (2) AUTOMATIC WIRELESS OPERATING SYSTEM LOCK COMPRISING A RECEIVER CONNECTED TO THE COMPUTER AND A TRANSMITTER CARRIED BY THE USER SO THAT WHEN THE USER MOVES A PREDETERMINED DISTANCE AWAY FROM THE RECEIVER, THE RECEIVER LOCKS THE COMPUTER AND UNLOCKS THE COMPUTER WHEN THE USER RETURNS; WIRELESS PROXIMITY SENSOR, LOCATOR, AND NOTIFICATION SYSTEMS COMPRISED OF ONE OR MORE TRANSMITTERS AND ONE OR MORE RECEIVERS WHICH ARE CARRIED BY THE USER AND OTHER PERSONS, ANIMALS, OR OBJECTS SUCH AS KEYS, MOBILE PHONES, PURSES OR WALLETS FOR NOTIFYING A USER WHEN THE USER AND THE SELECTED ITEM ARE SEPARATED BY MORE THAN OR LESS THAN A SELECTED DISTANCE, OR WHICH ALLOWS THE USER TO OPERATE AN AUDIBLE OR VISUAL SIGNAL FROM THE UNIT ASSOCIATED WITH THE TRACKED ITEM; AND (3) PORTABLE WIRELESS VIDEO MONITORING SYSTEMS COMPRISING A PORTABLE VIDEO CAMERA AND WIRELESS TRANSMITTER AND A PORTABLE

WIRELESS MONITOR RECEIVER, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

Opposer Mobi technologies, Inc. also is the Registrant of the trademark, "Mobi," registered in the Principal Register under Registration Number 3365795 in connection with the Class 9 goods and services described as:

COMPUTER VIDEO SOFTWARE FOR USE IN CONTROLLING VIDEO CAMERAS NOT FOR USE WITH LAND VEHICLES; COMPUTERIZED SYSTEMS FOR CONTROLLING VIDEO CAMERAS COMPRISING COMPUTER HARDWARE, COMPUTER PERIPHERALS, COMPUTER VIDEO SOFTWARE, VIDEO CAMERAS, VIDEO TRANSMITTERS, AND VIDEO MONITORS NOT FOR USE WITH LAND VEHICLES; COMPUTERIZED SYSTEMS FOR MONITORING IMAGES FROM VIDEOS CAMERAS WHERE VIDEO IMAGES ARE TRANSMITTED OVER A GLOBAL COMPUTER NETWORK COMPRISING COMPUTER HARDWARE, COMPUTER PERIPHERALS, COMPUTER VIDEO SOFTWARE, VIDEO CAMERAS, VIDEO TRANSMITTERS, VIDEO MONITORS, AND COMPUTER NETWORKING AND COMMUNICATIONS DEVICES NOT FOR USE WITH LAND VEHICLES; PROXIMITY SENSORS NOT FOR USE WITH LAND VEHICLES; COMPUTER PROXIMITY SOFTWARE OF CONTROLLING ONE OR MORE COMPUTERS AND TRANSMITTERS AND ONE OR MORE RECEIVERS THAT NOTIFY A USER OF A THE APPROACH OR SEPARATION OF AN OBJECT AND ONE OR MORE PROXIMITY SENSORS; WIRELESS PROXIMITY SYSTEMS COMPRISING A PROXIMITY SENSOR, LOCATOR, AND NOTIFICATION SYSTEMS COMPRISED OF ONE OR MORE TRANSMITTERS AND ONE OR MORE RECEIVERS THAT NOTIFY A USER OF A THE APPROACH OR SEPARATION OF AN OBJECT AND ONE OR MORE PROXIMITY SENSORS; WIRELESS TRANSMITTERS AND RECEIVERS FOR USE WITH VIDEO MONITORING SYSTEMS; VIDEO MONITORING SYSTEMS COMPRISING COMPUTER HARDWARE, COMPUTER PERIPHERALS, COMPUTER VIDEO SOFTWARE, VIDEO CAMERAS, VIDEO TRANSMITTERS, AND VIDEO MONITORS; ELECTRIC DOOR BELLS; TELEPHONE APPARATUS, NAMELY INTERCOMS; WIRELESS VISITOR SIGNAL CHIMES; DEVICES FOR WIRELESS RADIO TRANSMISSION; DOOR PHONE SYSTEMS COMPRISING ELECTRIC DOOR BELLS, WIRELESS TELEPHONY APPARATUS, TELEPHONE APPARATUS, INTERCOMS, RADIO TELEPHONES, AND WIRELESS VISITOR SIGNAL CHIMES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

Opposer David Naghi, a United States citizen, is the original Registrant and assignor to Mobi Technologies, Inc. of the trademark, "MobiCam," registered in the Principal under Registration Number 3004111 in connection with goods and services described as:

COMPACT, PORTABLE, AND MULTI-FUNCTION COLOR HANDHELD WIRELESS MONITORING SYSTEM, NAMELY, COLOR MONITOR AND DIGITAL VIDEO CAMERA, IN CLASS 9 (U.S. CLAS. 21, 23, 26, 36 AND 38).

Notwithstanding the registration of the foregoing marks, Applicant is a Chinese company that seeks to register the word mark, "Mobin," in connection with Class 9 goods and services described as:

Compact disc players; read-only memory compact discs, namely, blank CD-ROMs and DVD-ROMs for data, games, pictures, video and multi-media files recording; computer game programs; computer keyboards; computer memories; recorded computer operating programs; computer peripheral devices; downloadable software, namely, software for processing executable file for its associate computer program to access, edit and utilize console and gateway for download games, pictures, video, or music files for computer and portable devices such as mobile phones, portable media player, portable game sets; recorded computer software, namely, software for processing executable file for its associate computer program to access, edit and utilize console and gateway for download games, pictures, video, or music files for computer and portable devices such as mobile phones, portable media player, portable game sets; computers; magnetic data media, namely, prerecorded magnetic data carriers featuring data and executable file for its associate computer program to access, edit and utilize blank magnetic data carrier, blank magnetic cards, magnetic data carriers of games, pictures, video, or music files for computer and portable devices or the access cards of these contents; optical data media, namely, optical discs featuring data and executable file for its associate computer program to access, edit and utilize blank magnetic data carrier, blank magnetic cards, magnetic data carriers of games, pictures, video or music files for computer and portable devices or the access cards of these content; disk drives for computers; downloadable executable files for magnetic data media or optical publications of games, pictures, video or music files. headphones; high frequency apparatus, namely, high frequency transmitters, receivers, and electronic data relays for use in the inter-relay of voice, data , pictures, video, games and multi-media wireless content; integrated circuit cards, namely, cards with integrated circuits and memory storage capacity and ability to read and write in the nature of secure digital (SD) cards, and multi media (MMC) cards; intercommunication apparatus, namely, apparatus for transmission of communications; interface board for computers; juke boxes for computers, musical juke boxes; laptop computers; loudspeakers; modems; notebook computers; pocket calculators; portable telephones; data processing equipment, namely, central processing units for processing information, data, sound or images, record players; electric sockets; electric plugs and other contacts or electrical connections, namely, multi-function electric charger for different devices; sound recording apparatus; sound recording apparatus and instruments; stereoscopes; telephone apparatus; transmitters for telecommunication; transmitting sets for telecommunication, namely,

telephone sets, telephone sets for mobile network for voice, data and multi-media content; video game cartridges, digital video recorders; video telephones; viewfinders photographic

II.

APPLICANT'S MARK IS LIKELY TO CAUSE CONFUSION WITH PRIOR REGISTERED MARKS AS TO THE SOURCE OF THE GOODS.

Section 2(d) of the Trademark Act (15 USC §1052(d)) precludes the registration of any mark "which so resembles a mark registered in the Patent and Trademark Office, or a mark or trade name previously used in the United States by another and not abandoned, as to be likely, when used on or in conjunction with the goods of the applicant, to cause confusion, or to cause mistake, or to deceive."

In re E.I. du Pont de Nemours & Co., 476 F2d 1357, 1361 (1973) established that the criteria for testing the likelihood of confusion under Section 2(d) as including the following most relevant factors here:

- (1) The similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression. [See also, Palm Bay Imports, Inc. v. Veuve Clicquot Ponsardin Maison Fondee en1772, 396 F3d 1369, 1371.]
- (2) The similarity or dissimilarity and nature of the goods or services as described in an application or registration or in connection with which a prior mark is in use.
- (3) The similarity or dissimilarity of established, likely-to-continue trade channels.

A. Applicant's Word Mark is Nearly Identical to Registrant's Marks.

"MOBIN" is hardly distinguishable from Opposer's prior registered mark, "MOBI." The addition of the letter, "N" to the end of "MOBI" does not sufficiently distinguish Applicant's mark from Opposer's prior registered mark. The words look and sound substantially similar. Moreover, notwithstanding the contention in Applicant's application that there is no significance to the meaning of "MOBIN," Opposers contend that the commercial impression of consumers is likely to be an inability to distinguish between Opposer as being the source of the goods and Applicant as being the source of the goods, given that Applicant merely adds one letter to the end of Opposer's existing mark.

Although Applicant's mark, "MOBIN" is not as patently close to Opposer's prior registered mark, "MOBICAM," as it is to "MOBI," the similarity is nevertheless present, the sound, appearance, and connotation to "MOBICAM" is nevertheless substantially similar. That is especially apparent when examining the goods represented by each mar and the channel of trade, as discussed below.

In Weiss Associates, Inc. v. HRL Associates, Inc., 902 F 2d 1546, 1547 (Fed. Cir. 1990), the Court held that changing the final letter of even a three-letter registered mark covering similar goods “so resemble each other than confusion was likely.” See also, In re Pix of America, Inc. 225 USPQ 691 (TTAB 1985), “Newports” likely to be confused with “Newport;” In re Curtice-Burns, Inc., 231 USPQ 990 (TTAB 1986), “McKenzie’s” likely to be confused with “McKenzie;” In re Pellerin Milnor Corp., 221 USPQ 558 (TTAB 1983), “Miltron” likely to be confused with “Miltronics;” In re BASF A.G., 189 USPQ 424 (TTAB 1975), “Lutexal” likely to be confused with “Lutex.”

As is the standard regarding similarity of marks established by du Pont, supra, the two marks need not be compared side-by-side, but rather, whether the two marks are similar enough that there is a likelihood of confusion by consumers as to the source of the goods. In so doing, the impression of the average consumer is to be gauged, which consumer typically retains only a general impression of the mark. Sealed Air Corp. v. Scott Paper Co., 190 USPQ 106, 108 (TTAB 1975). Moreover, when the goods are identical, as is the case, discussed below, “the degree of similarity necessary to support a conclusion of likely confusion declines.” Century 21 Real Estate Corp. v. Century Life of America, 970 F 2d 874, 877 (Fed. Cir. 1992).

If the dominant portion of each mark is the same, then confusion is more likely, despite other differences in the mark. Palm Bay Imports, supra. Opposer submits that this concept is even more acute when it comparing single-word marks.

Inasmuch as there is no correct pronunciation of a word mark¹, the similarity of all of the possible pronunciations of the two marks should be considered.

Further in assessing the similarity between the two marks, it is important to observe that Applicant has claimed in its application that the word, “mobin,” has no meaning or connotation in the marketplace, i.e., that it is an arbitrary mark. If such contention is similarly applied to the word, “mobi,” then the Board should ascribe greater strength to Opposer’s prior registered “MOBI” mark, as articulated in Nautilus Group, Inc. v. Icon Health & Fitness, Inc., 372 F3d 1330, 1340.

B. Applicant’s Goods Are Largely Identical to Opposer’s Prior-Registered Goods

For there to be a likelihood of confusion of the source of the goods, the Applicant’s goods or services need only be “related” in nature, not identical. Safety-Kleen Corp. v. Dresser Industries, Inc., 518 F2d 1399, 1404 (USCCPA 1975), involving parts washers versus hand tools. The respective goods need only be sufficiently related that consumers are likely to encounter them in the same channels of trade and, thereby, be confused as to the origin of the goods. On-line Careline, Inc. v. America Online, Inc., 229 F3d 1080 (Fed. Cir. 2000).

As detailed in Opposers’ prior registrations, Opposers enjoy the registration on the Principal Register of the marks MOBI and MobiCam for use with Class 9 goods, including such

¹ Centraz Industries, Inc. v. Spartan Chemical Co., Inc., 77 USPQ 2d 1698, 1701 (TTAB 2006)

goods as: computer hardware; computer software; computer peripherals; video cameras, transmitters and monitors; computerized systems for monitoring images transmitted over the internet; intercoms; and, telephone aparata.

Applicant seeks registration of a nearly identical word mark for mostly identical goods offered to the general public in the same channel of trade, including computer hardware, software and peripherals, audio-visual transmitters and receivers, telephone aparata, and intercoms.

Because of the substantial overlap in the goods described in Applicant's application and those described in Opposers' prior registered marks, there need be no further inquiry into the similarity of the goods. Most of the goods described are identical.

C. Applicants Goods Are Sold in the Same Channels of Trade as Are Opposer's Goods.

Opposers' goods are consumer goods sold both to retailers and to the general public. Although Opposers' independent research uncovered no public advertisement of any goods offered by Applicant under the name, "MOBIN," the description of the goods (especially given that there are largely identical goods) in Applicant's application suggests that they, too, are or will be sold to retailers and to the general public. It is likely that a consumer will walk through an electronics or computer retail store and see Opposers' goods and Applicant's goods perhaps even on the same shelf or fixture.

D. The Likelihood of Confusion is Great.

In the instant matter, Applicant's mark looks, sounds, and has the same commercial connotation as Opposers' prior registered marks. Applicant's described goods are not just related, but are substantially identical to the goods described in Opposers' prior registered marks. And, Applicant's described goods are sold in the same channels of trade to the same consumers.

Moreover, Opposers enjoy the rights conferred by their priority in registration. Therefore, if there is any doubt as to the likelihood of confusion, such doubt must be resolved in favor of the prior registrant. In re Shell oil Co., 992 F2d 1204 (Fed. Cir. 1993). In re Hyper Shoppes (Ohio), Inc., 837 F2d 463, 464-5 (Fed. Cir. 1988).

III.

AS OPPOSERS WILL BE HARMED BY THE REGISTRATION OF APPLICANT'S MARK, APPLICANT'S REGISTRATION MUST BE DENIED.

Opposer Mobi Technologies, Inc. is the registered owner of two prior marks, "MOBI" and "MOBICAM."² Opposer sells to retailers and to the general public the goods described in

² Opposer David Naghi was the original owner and registrant of the mark, "MobiCam," but assigned it to Mobi Technologies, Inc. By virtue of the nature of the assignment agreement

those registrations, largely being consumer electronic products. Therefore, if Applicant is allowed to market many of the same goods and other similar goods to the same consumers in the same channels of trade, it would dilute Opposer's marks and there is likely to result confusion as to the source of the goods, thereby interfering with Opposer's commercial advantage and goodwill.

Given the harm to be suffered by Opposers, it is respectfully requested that Applicant's registration be denied.

between the parties and the relationship of the parties, though, David Naghi has a pecuniary and potential future interest in safeguarding the integrity of the "MobiCam" mark.