

ESTTA Tracking number: **ESTTA243877**

Filing date: **10/21/2008**

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 party opposes registration of the indicated application.

Opposer Information

Name	Tivit Terceirizacao De Tecnologia E Servicos S/A
Granted to Date of previous extension	10/22/2008
Address	Av. Brigadeiro Faria Lima1335 - 22 Andar Jardim Paulistano, Sao Paulo, SP 01452-002 BRAZIL

Attorney information	Brooks R. Bruneau Mathews, Shepherd, McKay & Bruneau, P.A. 29 Thanet Road, Suite 201 Princeton, NJ 08540-3674 UNITED STATES brbruneau@mathewslaw.com Phone:609 924-8555
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Applicant Information

Application No	77389705	Publication date	06/24/2008
Opposition Filing Date	10/21/2008	Opposition Period Ends	10/22/2008
Applicant	Drew Technologies, Inc. 3915 Research Park Drive Ann Arbor, MI 48108 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 2007/03/27 First Use In Commerce: 2007/03/27 Opposed goods and services in the class: Electronic interface modules used for interfacing between motor vehicle on-board computer information to a personal computer

Grounds for Opposition

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

U.S. Application No.	78733623	Application Date	10/14/2005
Registration Date	NONE	Foreign Priority Date	07/01/2005
Word Mark	TIVIT		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: Computer hardware and software for collecting, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; telecommunications and data networking hardware, namely, devices for transporting and aggregating voice, data, and video communications across multiple network infrastructures and communications protocols; storage and security data systems comprised of hardware and software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; customized computers software for use in management, collaboration and integration systems, software for electronic transactions, namely, computer e-commerce software, electronic exchange of documents software and information management and security software to allow users to perform electronic business via a global computer network</p> <p>Class 035. First use: Consulting services for structuring and optimization of the processes related to a corporative governance and business management, namely, in the information technology area; compilation and systemization of information in databanks; data research for third parties in computer files; data processing services; inventory management in the field of computer hardware and software</p> <p>Class 036. First use: Consulting services for the analysis and planning of investments in the information technology area</p> <p>Class 037. First use: Installation, maintenance and repair services of hardware for computers and maintenance of network and peripheral equipment</p> <p>Class 038. First use: Communication services, namely, electronic transmission of data and documents among users of computers; data transmission and reception services via telecommunications means; electronic exchange of data stored in databases accessible via telecommunications networks; telecommunications consultation; transmission of information by data communication for assisting decision making</p> <p>Class 041. First use: Educational services, namely, technical training in the areas of information technology, computer sciences, communication through the global computer network, database compilation, computer network and data storage</p> <p>Class 042. First use: Consulting services for planning and specification of software solutions; computer software design; customization of computer hardware and software; Consulting services in the field of design, selection, implementation and use of computer hardware and software systems for others; rental of hardware and</p>

	software; technical support services in hardware and software, namely, troubleshooting of computer hardware and software problems
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Attachments	78733623#TMSN.jpeg (1 page)(bytes) Notice of Opposition.pdf (5 pages)(131045 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	/brooks r. bruneau/
Name	Brooks R. Bruneau
Date	10/21/2008

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

**Tivit Terceirizacao De Tecnologia
E Servicos S/A**

Opposer,

v.

Drew Technologies, Inc.

Applicant.

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Opposition No.:

Mark: TVIT

Serial No.: 77/389,705

Filing Date: February 6, 2008

Published: June 24, 2008

NOTICE OF OPPOSITION

Tivit Terceirizacao De Tecnologia E Servicos S/A, with a business address of Av. Brigadeiro Faria Lima, 1335-22 Andar, Jardim Paulistano, Sao Paulo SP, Brasil 01452-002, (hereinafter "Opposer"), believes that it will be damaged by registration of the mark "TVIT" for electronic interface modules used for interfacing between motor vehicle on-board computer information to a personal computer, as set forth in Application Serial No. 77/389,705 filed February 6, 2008 and published June 24, 2008, and hereby opposes said application.

As grounds for this Opposition, it is alleged:

1. Prior to the February 6, 2008 filing date of Application Serial No.: 77/389,705, Opposer, owner by assignment of Application Serial No. 78/733,623, established rights in the mark "TIVIT" in connection with the following goods and services:

Class 009: Computer hardware and software for collecting, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; telecommunications and data networking hardware, namely, devices for transporting and aggregating voice, data, and video communications across multiple network infrastructures and communications protocols; storage and security data systems comprised of hardware and software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; customized computers software for use in management, collaboration and integration systems, software for electronic transactions, namely, computer e-commerce software, electronic exchange of documents software and information management and security software to allow users to perform electronic business via a global computer network

Class 035: Consulting services for structuring and optimization of the processes related to a corporative governance and business management, namely, in the information technology area; compilation and systemization of information in databanks; data research for third parties in computer files; data processing services; inventory management in the field of computer hardware and software

Class 036: Consulting services for the analysis and planning of investments in the information technology area

Class 037: Installation, maintenance and repair services of hardware for computers and maintenance of network and peripheral equipment

Class 038: Communication services, namely, electronic transmission of data and documents among users of computers; data transmission and reception services via telecommunications means; electronic exchange of data stored in databases accessible via telecommunications networks; telecommunications consultation; transmission of information by data communication for assisting decision making

Class 041: Educational services, namely, technical training in the areas of information technology, computer sciences, communication through the global computer network, database compilation, computer network and data storage

Class: Consulting services for planning and specification of software solutions; computer software design; customization of computer hardware and software; Consulting services in the field of design, selection, implementation and use of computer hardware and software systems for others; rental of hardware and software; technical support services in hardware and software, namely, troubleshooting of computer hardware and software problems.

2. Opposer has priority of right dating back to July 1, 2005 under Trademark Act Section 44.

3. In addition, Opposer's direct filing date for its "TIVIT" mark under Application Serial No. 78/733,623 was October 14, 2005.

4. The mark "TVIT" sought to be registered by Drew Technologies, Inc. is virtually identical to Opposer's "TIVIT" mark.

5. Drew Technologies, Inc. seeks to register the "TVIT" mark in connection with electronic interface modules used for interfacing between motor vehicle on-board computer information to a personal computer.

6. Drew Technologies, Inc.'s goods listed in its Application Serial No. 77/389,705 are strongly similar and strongly related to the goods and services listed in Opposer's "TIVIT" Application Serial No. 78/733,623.

7. Use of the mark "TVIT" by Drew Technologies, Inc. at the same time Opposer utilizing its "TIVIT" trademark, for the goods and services identified above, is likely to cause consumer confusion, deception or mistake, all to the damage of Opposer.

8. Drew Technologies, Inc.'s "TVIT" mark is in fact confusingly and deceptively similar to Opposer's "TIVIT" trademark.

9. Opposer will be damaged by the registration of the "TVIT" mark by Drew Technologies, Inc., because it will cause confusion and uncertainty in the industry and handicap and damage the legitimate present and future activities of Opposer by placing Drew Technologies, Inc. in a position to raise doubts as to the rights of Opposer to use its "TIVIT" mark in connection with the goods identified above. As a result, Opposer will eventually be deprived of all distinctiveness in its "TIVIT" mark, since Drew Technologies, Inc.'s use would

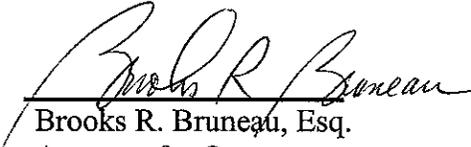
blur Opposer's "TIVIT" mark along with the goods and services identified with that "TIVIT" mark, such that the association with which said mark has or will come to convey will be tarnished. Accordingly, registration of the "TVIT" shown on Application Serial No. 77/389,705 will result in damage to Opposer.

WHEREFORE, Tivit Terceirizacao De Tecnologia E Servicos S/A requests that registration of Application Serial No. 77/389,705 be denied, and this Opposition be sustained.

Respectfully submitted:

**TIVIT TERCEIRIZACAO DE TECNOLOGIA E
SERVICOS S/A**

Date: 10/21/08

BY: 

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Notice of Electronic Mailing

I hereby certify that this correspondence is being electronically submitted with the United States Patent and Trademark Office, Trademark Trial and Appeal Board, Attn: TTAB

10/21/08
Date of mailing


Signature

10/21/08
Date of Signature

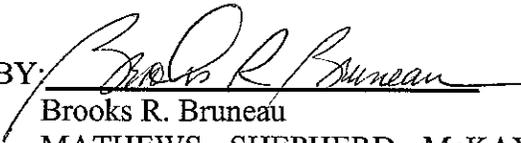
CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Notice of Opposition was served upon counsel for Drew Technologies, Inc. this 21st of October, 2008, via First Class Mail, Postage Prepaid, addressed as follows:

Carl J. Spagnuolo, Esq.
McHale & Slavin, P.A.
2855 PGA Blvd.
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**TIVIT TERCEIRIZACAO DE TECNOLOGIA E
SERVICOS S/A**

Dated: 10/21/08

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