

ESTTA Tracking number: **ESTTA278219**

Filing date: **04/15/2009**

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	AuthenTec, Inc.
Granted to Date of previous extension	04/15/2009
Address	100 Rialto Place Suite 100 Melbourne, FL 32901 UNITED STATES
Attorney information	Bridget Heffernan Labutta Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A. 255 S. Orange Avenue Suite 1401 Orlando, FL 32801 UNITED STATES blabutta@addmg.com, dsigalow@addmg.com Phone:407-841-2330

Applicant Information

Application No	77163242	Publication date	12/16/2008
Opposition Filing Date	04/15/2009	Opposition Period Ends	04/15/2009
International Registration No.	NONE	International Registration Date	NONE
Applicant	Route1 Inc. 155 University Avenue, Suite 1920 Toronto, Ontario, M5M3B7 CANADA		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Computer software that provides a secure remote access connection service, delivered through any Internet Protocol enabled network

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2740918	Application Date	11/16/1999
Registration Date	07/29/2003	Foreign Priority	NONE

		Date	
Word Mark	TRUEPRINT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1999/12/00 First Use In Commerce: 2001/09/00 Authentication and identification products, namely, computer software, biometric matching software, biometric indexing software, and cryptographic protection software, and related hardware, namely, fingerprint sensors and associated computer chips and electronic circuitry for use in determining the identity of unknown persons and to verify the claimed identity of persons		

Attachments	75850660#TMSN.gif (1 page)(bytes) KE1708.PDF (5 pages)(200379 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	/David L. Sigalow/
Name	David L. Sigalow
Date	04/15/2009

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

In the matter of Application Serial No. 77/163,242
Published in the Official Gazette on December 16, 2008

AuthenTec, Inc.,

Opposer,

Opposition No: _____

v.

Mark: **TRUOFFICE**

Routel, Inc.,

Applicant.

_____ /

NOTICE OF OPPOSITION

Opposer AuthenTec, Inc., a Delaware corporation whose address is 100 Rialto Place, Suite 100, Melbourne, Florida, 32901, believes it will be damaged by registration of the mark **TRUOFFICE**, shown in U.S. Application Serial No. 77/163,242, in International Class 9 for “computer software that provides a secure remote access connection service, delivered through any Internet Protocol enabled network,” and hereby opposes registration of the application, pursuant to an Extension of Time allowed on December 30, 2008.

As grounds for opposition it is alleged that:

1. Applicant seeks to register the mark **TRUOFFICE** as a trademark for the above-described goods, as evidenced by the publication of the mark in the Official Gazette on December 16, 2008.

2. Applicant filed its application on April 26, 2007, claiming priority further to corresponding Canadian Trademark Application No. 1,339,332, which has since issued into

Canadian Registration No. TMA 718,639. Applicant's application is also based its intent to use the mark in commerce within the United States.

3. Opposer is the owner of the U.S. Trademark Registration No. 2,740,918 for the mark **TRUEPRINT**, which registered on the Principal Register on July 29, 2003 and was based upon an application filed on November 16, 1999.

4. Opposer is also the owner of the following pending **TRUE**-based applications, all of which (with the exception of Application Serial No. 77/451,639 for the mark **TRUEME**) have been allowed:

Mark	Application Serial No.	Filing Date
TRUEFINGER	78/785,002	June 15, 2007
TRUEVAULT	77/206,847	June 15, 2007
TRUEMAGIC	77/183,299	May 17, 2007
TRUESUITE	77/167,948	April 27, 2007
TRUENAV	77/132,060	March 15, 2007
TRUEYOU	77/129,782	March 13, 2007
TRUEME	77/451,639	April 18, 2008
TRUEMATCH	77/131,966	March 15, 2007

5. Opposer has used its **TRUEPRINT** mark in commerce since at least as early as September 2001 in connection with the products set forth in the registration, namely, "authentication and identification products, namely, computer software, biometric matching software, biometric indexing software, and cryptographic protection software, and related hardware, namely, fingerprint sensors and associated computer chips and electronic circuitry for use in determining the identity of unknown persons and to verify the claimed identity of persons" in International Class 9.

6. Opposer is also the owner of various other trademarks directed to authentication and identification products, including **AUTHENTEC** (U.S. Registration No. 3,434,565), **PERSONAL SECURITY FOR THE REAL WORLD** (U.S. Registration No. 2,470,452),

ENTREPAD (U.S. Registration No. 2,801,537), **THE POWER OF TOUCH** (U.S. Registration No. 3,105,183), and **A (& Design)** (U.S. Registration No. 2,447,074).

7. Opposer has extensively promoted and continuously used its marks throughout the United States, and has made significant sales of products under each of its marks and, as a result, Opposer's marks have developed valuable goodwill.

8. The **TRUE**-based marks are distinctive and valuable assets of Opposer.

9. Opposer used the mark **TRUEPRINT** in commerce prior to Applicant's filing of its application and, on information and belief, before Applicant's first use of its mark in connection with its goods within the United States.

10. Applicant's mark **TRUEOFFICE** is confusingly and deceptively similar to Opposer's marks **TRUPRINT**, as well as Opposer's other **TRUE**-based applications. Applicant's mark is very similar in sight, sound, connotation, and commercial impression to Opposer's **TRUE**-based marks.

11. Applicant's goods, "computer software that provides a secure remote access connection service, delivered through any Internet Protocol enabled network" in International Class 9, are very similar and closely related to Opposer's authentication and identification products, which are also in International Class 9.

12. Upon information and belief, Applicant's channels of trade and class of purchasers are likely to be very similar to those of Opposer.

13. Due to the similarity between Applicant's mark and goods and Opposer's marks and goods, and the likely similarity of the respective channels of trade and classes of purchasers, the registration of Applicant's mark will cause great damage and injury to Opposer. Persons familiar with Opposer's **TRUEPRINT** mark and goods would likely confuse Applicant's

services with those provided by Opposer. Any defect, objection or fault found with Applicant's goods offered under the mark **TRUOFFICE** may reflect upon and expose Opposer to liability, and seriously injure the reputation that Opposer has established for its goods.

14. If Applicant is granted the registration herein opposed, it would obtain at least a *prima facie* exclusive right to use the mark **TRUOFFICE** in the United States, thereby causing damage and injury to Opposer.

15. Registration of Applicant's mark is likely to dilute the ability of Opposer's marks to identify and distinguish Opposer as the source of its goods in the United States and worldwide.

WHEREFORE, Opposer prays that Application Serial No. 77/163,242 be rejected, that this opposition be sustained, that the registration sought by Applicant be refused, and that Opposer be granted such additional relief as the Board deems just and proper.

Respectfully submitted,

/David L. Sigalow/

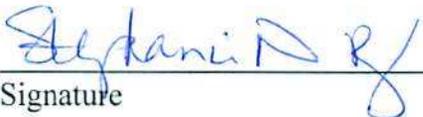
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**Attorneys for Opposer
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served by First Class Mail on April 15, 2009 to:

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Signature