

ESTTA Tracking number: **ESTTA283332**

Filing date: **05/12/2009**

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	Wilocity Ltd.		
Entity	Limited Company	Citizenship	Israel
Address	21 Bareket St. Northern Industrial Park Caesarea, 38900 ISRAEL		

Attorney information	Harris A. Wolin Myers Wolin, LLC 100 Headquarters Plaza North Tower, 6th Floor Morristown, NJ 07960 UNITED STATES tm@myerswolin.com Phone:973-401-7157
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Applicant Information

Application No	77628622	Publication date	04/14/2009
Opposition Filing Date	05/12/2009	Opposition Period Ends	05/14/2009
Applicant	SBSV Capital Group LLC P.O. Box 25 Great Falls, VA 22066 UNITED STATES		

Goods/Services Affected by Opposition

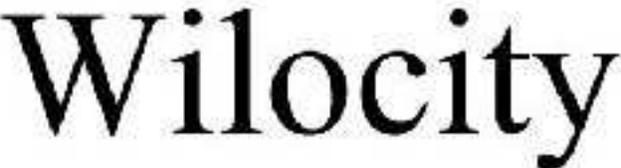
Class 009. All goods and services in the class are opposed, namely: Cellular telephones; MP3 players; Pagers; Carrying cases, holsters and covers for cellular telephones, pagers and MP3 players; Cellular telephone and MP3 chargers; Earphones and headphones; Pre-paid telephone calling cards, magnetically encoded

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.	77202095	Application Date	06/09/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	WILOCITY		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: Computer chipset for use in transmitting data to and from a central processing unit; Computer hardware, namely, wireless access point (WAP) devices; Computer software for wireless content delivery; Devices for wireless radio transmission; Home and office automation systems comprising wireless and wired controllers, controlled devices, and software for lighting, HVAC, security, safety and other home and office monitoring and control applications; Integrated circuits and integrated circuit cores for use in wireless communications and wireless communication equipment and apparatus and digital signal processors (DSP); Wireless computer peripherals; Electronic integrated circuits; Cards with integrated circuits; Communication hubs; Computer network hubs, switches and routers; Gateway routers in the nature of computer control hardware; Wireless Chipset including Baseband, MAC and Radio IC solutions for wireless access to computer peripherals; Wireless add-on or embedded cards used for fast (Giga bits per second) cables replacement</p> <p>Class 042. First use: Design for others of integrated circuits and integrated circuit cores for use in wireless communications and wireless communication equipment and apparatus and digital signal processors (DSP); Development of technologies for the fabrication of circuits for wireless communication, electronic data processing, consumer electronic, automotive electronics</p>

Attachments	77202095#TMSN.jpeg (1 page)(bytes) WILO 1278 - WIROCITY - Notice of Opposition with Exhibit A.pdf (9 pages)(92028 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	/Harris A. Wolin/
Name	Harris A. Wolin
Date	05/12/2009

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

WILOCITY, LTD.)
)
 Opposer,) Serial No. 77/628,622
)
 v.) Opposition No. _____
)
 SBSV CAPITAL GROUP LLC) **NOTICE OF OPPOSITION**
)
 Applicant.)
)
)

NOTICE OF OPPOSITION

Wilocity, Ltd., a limited company organized and existing under the laws of Israel, whose principal address is 21 Bareket St., Northern Industrial Park, Caesarea, Israel 38900, (hereinafter “Opposer”) believes it will be damaged by registration of the mark WIROCITY identified in Application Serial No. 77/628,622 (hereinafter “Applicant’s Mark”), and hereby opposes the registration of said mark. As grounds for the opposition, it is hereby alleged as follows:

1. Opposer is the owner of Application Serial No. 77/202,095 for the mark WILOCITY (hereinafter “Opposer’s Mark”) in the United States Patent and Trademark Office.
2. Opposer’s Mark has been allowed by the United States Patent and Trademark Office for use on or in connection with “Computer chipset for use in transmitting data to and from a central processing unit; Computer hardware, namely, wireless access point (WAP) devices; Computer software for wireless content delivery; Devices for wireless radio transmission; Home and office automation systems comprising wireless and wired controllers, controlled devices, and software for lighting, HVAC, security, safety and other home and office monitoring and control applications; Integrated circuits and integrated circuit cores for use in

wireless communications and wireless communication equipment and apparatus and digital signal processors (DSP); Wireless computer peripherals; Electronic integrated circuits; Cards with integrated circuits; Communication hubs; Computer network hubs, switches and routers; Gateway routers in the nature of computer control hardware; Wireless Chipset including Baseband, MAC and Radio IC solutions for wireless access to computer peripherals; Wireless add-on or embedded cards used for fast (Giga bits per second) cables replacement” in International Class 009, and for use on or in connection with “Design for others of integrated circuits and integrated circuit cores for use in wireless communications and wireless communication equipment and apparatus and digital signal processors (DSP); Development of technologies for the fabrication of circuits for wireless communication, electronic data processing, consumer electronic, automotive electronics” in International Class 042.

3. Attached as Exhibit A is a true and accurate printout from the TARR database of the United States Patent and Trademark Office of Opposer’s Mark.

4. Opposer filed its trademark application on June 9, 2007. Applicant filed the subject application for Applicant’s Mark on April 14, 2009. Both applications are currently intent-to-use applications, and therefore, there is no issue as to priority as Opposer’s filing date precedes Applicant’s filing date.

5. Opposer has a bona fide intent to use Opposer’s Mark in commerce and has been diligently and extensively developing the goods and services associated with Opposer’s Mark.

CLAIM I

6. Applicant’s Mark is a reproduction, copy, and colorful imitation of Opposer’s Mark.

7. Applicant's use of Applicant's Mark is likely to cause confusion, mistake, or deception with respect to the origin of the goods and services, and to confuse, mislead, and deceive members of the public into believing that Applicant's goods have been produced, sold, sponsored, approved or licensed by Opposer or in some way are connected or affiliated with Opposer.

8. Any such confusion would result in injury to or have a direct impact on Opposer's reputation and its ability to market its goods and services.

9. Any defect, objection, or fault found with Applicant's goods rendered under Applicant's Mark would negatively impact and seriously injure the reputation that Opposer will establish for the goods and services it will sell under Opposer's Mark.

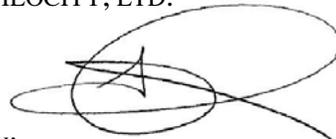
10. If Applicant is granted a registration for Applicant's Mark, then Applicant would thereby obtain at least a prima facie exclusive right to use Applicant's Mark. Such registration would be a source of damage and injury to Opposer.

WHEREFORE, WILOCITY, LTD. prays that its Opposition be sustained and that registration of Application Serial No. 77/628,622 be denied.

Dated: May 12, 2009

Respectfully submitted,

WILOCITY, LTD.



By: _____
Harris A. Wolin, Atty for Applicant
Myers Wolin, LLC
100 Headquarters Plaza
North Tower, 6th Floor
Morristown, NJ 07960-6834
Phone: 973-401-7159
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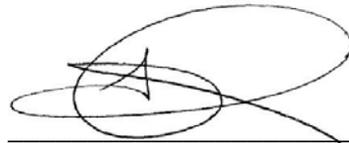
CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Notice of Opposition was served on
Opposer on the date listed below via first class mail to:

SBSV Capital Group LLC
P.O. Box 25
Great Falls, VA 22066-0025

Dated: May 12, 2009

Respectfully submitted,



Harris A. Wolin
Attorney for the Applicant
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Morristown, NJ 07960-6834
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EXHIBIT A

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2009-05-12 13:57:39 ET

Serial Number: [77202095 Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark

Wilocity

(words only): [WILOCITY](#)

Standard Character claim: [Yes](#)

Current Status: [A request for the first extension of time to file a statement of use has been granted.](#)

Date of Status: [2008-12-09](#)

Filing Date: [2007-06-09](#)

The Notice of Allowance Date is: [2008-06-17](#)

Transformed into a National Application: [No](#)

Registration Date: (DATE NOT AVAILABLE)

Register: [Principal](#)

Law Office Assigned: [LAW OFFICE 116](#)

Attorney Assigned:
[SHANAHAN WILLIAM PATRICK](#)

Current Location: [700 -Intent To Use Section](#)

Date In Location: 2008-06-17

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

1. Wilocity Ltd.

Address:

Wilocity Ltd.
21 Bareket St., Northern Industrial Park
Caesarea 38900
Israel

Legal Entity Type: LIMITED COMPANY
State or Country Where Organized: Israel
Phone Number: 972-4-6239100
Fax Number: 972-4-6271108

GOODS AND/ OR SERVICES

International Class: 009

Class Status: Active

Computer chipset for use in transmitting data to and from a central processing unit; Computer hardware, namely, wireless access point (WAP) devices; Computer software for wireless content delivery; Devices for wireless radio transmission; Home and office automation systems comprising wireless and wired controllers, controlled devices, and software for lighting, HVAC, security, safety and other home and office monitoring and control applications; Integrated circuits and integrated circuit cores for use in wireless communications and wireless communication equipment and apparatus and digital signal processors (DSP); Wireless computer peripherals; Electronic integrated circuits; Cards with integrated circuits; Communication hubs; Computer network hubs, switches and routers; Gateway routers in the nature of computer control hardware; Wireless Chipset including Baseband, MAC and Radio IC solutions for wireless access to computer peripherals; Wireless add-on or embedded cards used for fast (Giga bits per second) cables replacement

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 042

Class Status: Active

Design for others of integrated circuits and integrated circuit cores for use in wireless communications and wireless communication equipment and apparatus and digital signal processors (DSP); Development of technologies for the fabrication of circuits for wireless communication, electronic data processing, consumer electronic, automotive electronics

Basis: [1\(b\)](#)

First Use Date: [\(DATE NOT AVAILABLE\)](#)

First Use in Commerce Date: [\(DATE NOT AVAILABLE\)](#)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

[2008-12-09 - Extension 1 granted](#)

[2008-12-09 - Extension 1 filed](#)

[2008-12-09 - TEAS Extension Received](#)

[2008-06-17 - Noa Mailed - SOU Required From Applicant](#)

[2008-05-02 - Extension Of Time To Oppose Process - Terminated](#)

[2008-01-09 - Extension Of Time To Oppose Received](#)

[2007-12-26 - Applicant/Correspondence Changes \(Non-Responsive\) Entered](#)

[2007-12-26 - TEAS Change Of Owner Address Received](#)

[2007-12-18 - Published for opposition](#)

[2007-11-28 - Notice of publication](#)

[2007-11-15 - Law Office Publication Review Completed](#)

[2007-11-15 - Assigned To LIE](#)

[2007-10-12 - Approved for Pub - Principal Register \(Initial exam\)](#)

2007-10-11 - Teas/Email Correspondence Entered
2007-10-11 - Communication received from applicant
2007-10-11 - TEAS Response to Office Action Received
2007-09-21 - Notification Of Non-Final Action E-Mailed
2007-09-21 - Non-final action e-mailed
2007-09-21 - Non-Final Action Written
2007-09-16 - Assigned To Examiner
2007-06-14 - Notice Of Pseudo Mark Mailed
2007-06-13 - New Application Entered In Tram

ATTORNEY/ CORRESPONDENT INFORMATION

Attorney of Record

Harris A. Wolin

Correspondent

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