

ESTTA Tracking number: **ESTTA357487**

Filing date: **07/12/2010**

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	Lantronix, Inc.
Granted to Date of previous extension	07/11/2010
Address	167 Technology Drive Irvine, CA 92618 UNITED STATES
Correspondence information	William J. Brucker Stetina Brunda Garred & Brucker 75 Enterprise, Suite 250 Aliso Viejo, CA 92656 UNITED STATES opposition@stetinalaw.com, wbrucker@stetinalaw.com Phone:(949) 855-1246

Applicant Information

Application No	79067374	Publication date	01/12/2010
Opposition Filing Date	07/12/2010	Opposition Period Ends	07/11/2010
International Registration No.	0998986	International Registration Date	02/25/2009
Applicant	Lemtronics Sdn. Bhd Phase 2, Bayan Lepas Free Industrial Zone11900 Penang MALAYSIA		

Goods/Services Affected by Opposition

<p>Class 009. All goods and services in the class are opposed, namely: Audio electronic devices, namely, public address systems; audiovisual devices, namely, multimedia systems comprising video processing units with flexible input and output connections with tv tuner boards, audio visual input and output boards and PC input boards; circuit boards for electronic engineering; electric and electronic circuits; electronic components for electronic circuits; electronic components, namely, intermedia frequency coils, assemblies for read heads in computers, radio frequency modules, heater control modules and electronic card readers; electronic components for security installations; security control devices, namely, optical smoke detectors, aspiration smoke detectors, security alarm systems comprising control panels which receive signals from detectors, passive infra-red detectors, magnetic contract detectors and sirens; home intruder alarm systems comprising control panels which receive signals from detectors, passive infra-red detectors, magnetic contract detectors and sirens, garage door burglar alarms, iris recognition security devices; electronic control devices, namely, electronic controls for garage doors, parking meters and power tools; electronic controllers, namely, electronic auto pilot controller for boats, irrigation sprinkler systems, DC motor controls, watering controllers for gardening and speed controllers for power tools; electronic speed controllers; electronic speed</p>
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regulators; electronic regulators for regulating speed of power tools; electronic switches; electronic signal transmitters; electronic units for transmitting audio signals; electronic digital building automation systems comprised of digital switches for lighting, fans and heaters; electronic power regulating devices, namely, a microchip microcontroller and integrated circuits for use in cell management for lithium ion batteries; regulated power supply devices, namely, AC input panels with surge arrestors and rectifiers, DC distribution panels with DC output terminal blocks and shunts for battery current measurement and controller units for telecommunication use; automotive electrical components, namely, car and truck heater electronic controls, steering lock electronic controls, electronic fuel level indicators and wiper motor controllers; active infra-red sensors; levelling instruments, namely, digital levelling tools in the nature of, plumb levels, surveyors' levels and carpenter's levels; level indicators; devices for displaying measurements, namely, angle measuring tools, lasers for digital levelling purposes, electronic distance measurement tools, rotating lasers for levelling purposes; measurement devices, namely, angle measuring tools, laser for digital levelling purposes, electronic distance measurement tools, rotating lasers for levelling purposes; wireless devices, namely, wireless telecommunications protocol base stations and telephones; wireless instruments, namely, telephones; wireless transmitters for use with garage door radio frequency remote control units

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. Registration No.	1835323	Application Date	08/16/1993
Registration Date	05/10/1994	Foreign Priority Date	NONE
Word Mark	LANTRONIX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1989/07/00 First Use In Commerce: 1989/07/00 ethernet networking products; namely, multi protocol print servers, terminal/ printer servers, repeaters, and transceivers		

Attachments	NoticeOfOpposition.pdf (8 pages)(139271 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	/William J. Brucker/
Name	William J. Brucker
Date	07/12/2010

Case: LANTR-213M

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

In the Matter of Trademark Application Serial No. 79/067,374

Lantronix, Inc.,)	Opposition No.:
)	
Opposer)	
)	
vs.)	
)	
Lemtronics Sdn. Bhd,)	
)	
Applicant)	

NOTICE OF OPPOSITION

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

Dear Sir/Madam:

In the matter of the application of Lemtronics Sdn. Bhd of Penang, Malaysia (hereinafter “Applicant”) for registration of the mark LEMTRONICS, Application Serial No. 79/067,374 published in the Official Gazette on January 12, 2010, Lantronix, Inc., a Delaware Corporation, with offices at 167 Technology, Irvine, California 92618 (hereinafter “Opposer”), believes that it will be damaged by registration of the mark shown in Serial No. 79/067,374, and hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer is and has been for many years engaged in, among other things, the extensive development, advertising, and marketing of networking computer hardware

products, computer management equipment, and other computer related and electronic products. In connection therewith, Opposer has used the mark LANTRONIX, (hereinafter referred to as the LANTRONIX Mark) for the aforementioned goods since long prior to Applicant's filing date of the application of Serial No. 79/067,374 for the mark LEMTRONICS.

2. Since at least as early as July 1989, Opposer has made use of its LANTRONIX Mark throughout the United States in interstate commerce. Since adoption of its LANTRONIX Mark, Opposer has continuously used that mark throughout the United States in interstate commerce.

3. Opposer has expended considerable sums in exerting every effort to maintain the highest standard of quality for its products, and has created valuable goodwill among the purchasing public under its LANTRONIX Mark.

4. As a result of the continuous and extensive use of the LANTRONIX Mark by Opposer, this mark has become and continues to function as a valuable business and marketing asset of Opposer, and serve to indicate to the trade and consuming public the products originating from Opposer and its authorized representatives.

5. Opposer has obtained United States Trademark Registration No. 1,835,323, registered May 10, 1994, for the mark LANTRONIX for the goods set forth in that registration. A copy of that registration is attached hereto as **Exhibit 1**.

6. Notwithstanding Opposer's rights in and to said LANTRONIX Mark, on February 25, 2009 Applicant, on information and belief, filed an application for registration of the mark LEMTRONICS in International Class 009 for Audio electronic devices, namely, public address systems; audiovisual devices, namely, multimedia

systems comprising video processing units with flexible input and output connections with tv tuner boards, audio visual input and output boards and PC input boards; circuit boards for electronic engineering; electric and electronic circuits; electronic components for electronic circuits; electronic components, namely, intermedia frequency coils, assemblies for read heads in computers, radio frequency modules, heater control modules and electronic card readers; electronic components for security installations; security control devices, namely, optical smoke detectors, aspiration smoke detectors, security alarm systems comprising control panels which receive signals from detectors, passive infra-red detectors, magnetic contract detectors and sirens; home intruder alarm systems comprising control panels which receive signals from detectors, passive infra-red detectors, magnetic contract detectors and sirens, garage door burglar alarms, iris recognition security devices; electronic control devices, namely, electronic controls for garage doors, parking meters and power tools; electronic controllers, namely, electronic auto pilot controller for boats, irrigation sprinkler systems, DC motor controls, watering controllers for gardening and speed controllers for power tools; electronic speed controllers; electronic speed regulators; electronic regulators for regulating speed of power tools; electronic switches; electronic signal transmitters; electronic units for transmitting audio signals; electronic digital building automation systems comprised of digital switches for lighting, fans and heaters; electronic power regulating devices, namely, a microchip microcontroller and integrated circuits for use in cell management for lithium ion batteries; regulated power supply devices, namely, AC input panels with surge arrestors and rectifiers, DC distribution panels with DC output terminal blocks and shunts for battery current measurement and controller units for telecommunication use;

automotive electrical components, namely, car and truck heater electronic controls, steering lock electronic controls, electronic fuel level indicators and wiper motor controllers; active infra-red sensors; levelling instruments, namely, digital levelling tools in the nature of, plumb levels, surveyors' levels and carpenter's levels; level indicators; devices for displaying measurements, namely, angle measuring tools, lasers for digital levelling purposes, electronic distance measurement tools, rotating lasers for levelling purposes; measurement devices, namely, angle measuring tools, laser for digital levelling purposes, electronic distance measurement tools, rotating lasers for levelling purposes; wireless devices, namely, wireless telecommunications protocol base stations and telephones; wireless instruments, namely, telephones; wireless transmitters for use with garage door radio frequency remote control units.

7. Applicant's LEMTRONICS mark, with respect to goods listed in class 009 of the application, is confusingly similar to Opposer's LANTRONIX mark and its registration and use by Applicant on goods claimed in the subject application is likely to cause confusion, deception and mistake.

8. Applicant's proposed use or actual use of its LEMTRONICS mark interferes with Opposer's use of its LANTRONIX Mark and use of, or registration of Applicant's mark by Applicant will seriously damage Opposer.

WHEREFORE, Opposer believes that it will be damaged by said registration and prays that registration of Application Serial No. 79/067,374 with respect to goods listed in international class 009 to Applicant be denied.

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Opposer authorizes the filing fee for this Opposition in the amount of \$300 (one international class) to be charged to Opposer's Deposit Account.

Respectfully submitted,

STETINA BRUNDA GARRED & BRUCKER

Dated: 7/12/10

By: 

William J. Brucker, Reg. No. 35,462

75 Enterprise, Suite 250

Aliso Viejo, CA 92656

(949) 855-1246

Counsel for Opposer

Lantronix, Inc.

EXHIBIT 1

Int. Cl.: 9

Prior U.S. Cl.: 26

United States Patent and Trademark Office

Reg. No. 1,835,323

Registered May 10, 1994

**TRADEMARK
PRINCIPAL REGISTER**

LANTRONIX

LANTRONIX (CALIFORNIA CORPORATION)
15353 BARRANCA PARKWAY
IRVINE, CA 92718

REPEATERS, AND TRANSCEIVERS, IN CLASS
9 (U.S. CL. 26).

FIRST USE 7-0-1989; IN COMMERCE
7-0-1989.

FOR: ETHERNET NETWORKING PROD-
UCTS; NAMELY, MULTI PROTOCOL PRINT
SERVERS, TERMINAL/PRINTER SERVERS,

SER. NO. 74-424,849, FILED 8-16-1993.

ANDREW BAXLEY, EXAMINING ATTORNEY

PROOF OF SERVICE

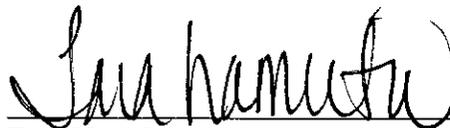
State of California)
) ss.
County of Orange)

I am over the age of 18 and not a party to the within action; my business address is 75 Enterprise, Suite 250, Aliso Viejo, California 92656. On **July 12, 2010**, the attached **NOTICE OF OPPOSITION** was served on all interested parties in this action by U.S. Mail, postage prepaid, at the address as follows:

Lemtronics Sdn. Bhd
Phase 2, Bayan Lepas Free Industrial Zone
11900 Penang
Malaysia

Antonio R. Sarabia II
IP Business Law, Inc.
3463 Tanglewood Lane
Rolling Hills Estates, CA 90274

Executed on **July 12, 2010** at Aliso Viejo, California. I declare under penalty of perjury that the above is true and correct. I declare that I am employed in the office of STETINA BRUNDA GARRED & BRUCKER at whose direction service was made.



Tara Hamilton