

ESTTA Tracking number: **ESTTA368607**

Filing date: **09/16/2010**

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	Synchron International AB		
Entity	Corporation	Citizenship	Sweden
Address	P.O. Box 362 Malmö, 20123 SWEDEN		

Attorney information	Timothy D. Pecsénye Blank Rome LLP One Logan Square Philadelphia, PA 19103-6998 UNITED STATES pecseny@blankrome.com, oleksiuk@blankrome.com Phone: 2155695619		
----------------------	--	--	--

Applicant Information

Application No	85001358	Publication date	08/31/2010
Opposition Filing Date	09/16/2010	Opposition Period Ends	09/30/2010
Applicant	Evans, Jay A Jr PO Box 1501 Dunedin, FL 346971501 UNITED STATES		

Goods/Services Affected by Opposition

Class 042. First Use: 2004/09/16 First Use In Commerce: 2004/09/16
All goods and services in the class are opposed, namely: Computer software installation, maintenance and repair

Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Other	Lanham Act 1(a), Applicant is not (and was not, at the time of the filing of its application for registration) the rightful owner of the applied-for mark

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2500310	Application Date	10/30/2000
Registration Date	10/23/2001	Foreign Priority Date	NONE

Word Mark	SYNCRON
Design Mark	SYNCRON
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 1999/04/00 First Use In Commerce: 1999/04/00 BUSINESS MANAGEMENT SERVICES, NAMELY, MANAGING SUPPLY FLOW LOGISTICS

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	SYNCRON		
Goods/Services	computer software installation, maintenance and repair		

Attachments	76156170#TMSN.gif (1 page)(bytes) SYNCRON Notice of Opposition.pdf (7 pages)(15724 bytes)
-------------	---

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	/Timothy D. Pecsénye/
Name	Timothy D. Pecsénye
Date	09/16/2010

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

Synchron International AB,	:	
a Swedish corporation,	:	
	:	
Opposer,	:	Serial No.: 85/001,358
	:	
v.	:	Opposition No.: _____
	:	
Jay A. Evans D/B/A Synchron Technologies,	:	
an individual,	:	
	:	
Applicant.	:	

Hon. Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Attn.: Trademark Trial and Appeal Board

Madam:

Pursuant to 15 U.S.C. § 1063 and 37 C.F.R. § 2.101 et seq.,
Opposer respectfully requests that the Board accept the enclosed
Notice of Opposition against the following mark:

SYNCRON TECHNOLOGIES INC. (Stylized)

We respectfully request that the above-indicated Notice of
Opposition be instituted and that, in due course, notification
be sent regarding answer dates and testimony periods. Please
charge our Deposit Account No. 02-2555 for fees due in
connection with the filing of this Notice of Opposition.

Respectfully submitted,

SYNCRON INTERNATIONAL AB

Date: September 16, 2010 By: /Timothy D. Pecsénye/
Timothy D. Pecsénye
John Paul Oleksiuk
Its Attorneys

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

In re Application of Jay A. Evans D/B/A Synchron Technologies

Application No.: 85/001,358

Filed: March 29, 2010

Mark: SYNCRON TECHNOLOGIES INC. (Stylized)

Synchron International AB,	:
a Swedish corporation,	:
	:
Opposer,	: Serial No.: 85/001,358
	:
v.	: Opposition No.: _____
	:
Jay A. Evans D/B/A Synchron Technologies,	:
an individual,	:
	:
Applicant.	:

Hon. Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Attn.: Trademark Trial and Appeal Board

NOTICE OF OPPOSITION

Madam:

Opposer Synchron International AB, a Swedish corporation having an address of P.O. Box 362, Malmo Sweden 20123, believes that it would be damaged by the registration of the mark shown in Application Serial No. 85/001,358 and hereby opposes the same under the provision of Section 13 of the Trademark Act of July 5, 1946, as amended, 15 U.S.C. § 1063.

As grounds of opposition, it is alleged that:

1. Opposer is the owner of all right, title and interest in and to the SYNCRON mark, as evidenced by the incontestable U.S. Registration No. 2,500,310, a trademark registration having a priority date of April 1999. Opposer's registration for SYNCRON is in connection with "business management services, namely, managing supply flow logistics."

2. In addition to Opposer's incontestable registered rights in the SYNCRON mark, Opposer is the owner of all right, title and interest in and to common law rights in the SYNCRON mark, based on Opposer's use of the SYNCRON mark in connection with computer software installation, maintenance and repair since at least as early as April 1999.

3. Opposer has made continuous and extensive use of the SYNCRON mark since at least as early as April 1999.

4. Through extensive and continuous use of the SYNCRON mark, Opposer has established substantial goodwill in the SYNCRON mark in connection with its services.

**APPLICANT'S MARK IS CONFUSINGLY
SIMILAR TO THE MARK OWNED BY OPPOSER**

[Lanham Act Section 2(d)]

5. Opposer's extensive promotion and use of the SYNCRON mark since at least as early as April 1999 has caused customers, prospective purchasers, and the public generally to immediately associate the SYNCRON mark with Opposer and to expect a variety of services under the SYNCRON mark to have a connection with, or association with, Opposer, including, but not limited to the following: computer software installation, maintenance and repair; business management services, namely managing supply flow logistics.

6. On March 29, 2010, Applicant filed an application for registration of the nearly identical mark, SYNCRON TECHNOLOGIES INC. (Stylized) (hereinafter "Applicant's Mark"), used to identify "computer software installation, maintenance and repair." Applicant's Mark was published for opposition in the Official Gazette of August 31, 2010.

7. The services offered under Applicant's Mark and Opposer's SYNCRON mark are identical or closely related.

8. Applicant's basis for filing was use in commerce, pursuant to Section 1(a) of the Lanham Act. Applicant has alleged a date of first use in commerce of September 16, 2004.

9. Opposer's priority date of April 1999 for the SYNCRON mark predates both Applicant's filing date of March 29, 2010 and Applicant's alleged date of first use of September 16, 2004.

10. The only difference between Applicant's Mark and Opposer's Mark is that Applicant has added the merely generic wording "Technologies Inc." and the use of the color red to Opposer's Mark.

11. Applicant's Mark is identical in every other respect, including phonetically and in appearance and commercial impression, to Opposer's mark.

12. The use and registration of Applicant's Mark to identify its services is likely to cause confusion, mistake and deception as to the source, origin, sponsorship or association of Applicant's goods, and will injure Opposer.

13. Any defects, objections or faults found with the goods sold and rendered by Applicant under Applicant's Mark, because of the false association with Opposer, would inflict upon and seriously injure the reputation of Opposer.

14. The grant of a Certificate of Registration to Applicant for the subject mark would be inconsistent with and in derogation of Opposer's prior rights and would therefore cause

damage and injury to Opposer and deception of and confusion to the public.

APPLICANT'S MARK IS DECEPTIVE

[Lanham Act Section 2(a)]

15. The owner listed on the presently opposed Application is Jay A. Evans, Jr., an individual, D/B/A Synchron Technologies.

16. Applicant has applied to register the mark SYNCRON TECHNOLOGIES INC. (Stylized).

17. Upon information and belief, while Applicant's Mark indicates that Applicant is a corporation having limited liability, Applicant is in fact an individual.

18. Because Applicant's Mark consists of or comprises deceptive matter, the grant of a Certificate of Registration to Applicant for the subject mark would cause damage and injury to Opposer and deception of and confusion to the public.

**APPLICANT IS NOT (AND WAS NOT, AT THE TIME OF
THE FILING OF ITS APPLICATION FOR REGISTRATION)
THE RIGHTFUL OWNER OF THE APPLIED-FOR MARK**

[Lanham Act Section 1(a)]

19. The owner listed on the presently opposed Application is Jay A. Evans, Jr., an individual, D/B/A Synchron Technologies.

20. Upon information and belief, the owner of Applicant's Mark is Synchron Technologies, Inc., a Florida corporation having a principal address of 455 Alt 19 S, Apt 126, Palm Harbor, FL 34683.

21. Because Applicant is not (and was not, at the time of the filing of the Application for registration) the rightful owner of Applicant's Mark, the grant of a Certificate of Registration to Applicant for the subject mark would cause damage and injury to Opposer and deception of and confusion to the public.

For the reasons set forth in the foregoing paragraphs one through twenty-one, Opposer believes that it would be damaged by the registration of Applicant's Mark, and thus Applicant should be denied registration of the mark.

WHEREFORE, Opposer prays that this opposition be sustained and that Application Serial No. 85/001,358 be refused registration.

Respectfully submitted,

SYNCRON INTERNATIONAL AB

Date: September 16, 2010

By: _/Timothy D. Pecsénye/____
Timothy D. Pecsénye
John Paul Oleksiuk
Its Attorneys

BLANK ROME LLP
ONE LOGAN SQUARE
PHILADELPHIA, PA 19103
(215) 569-5619

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is addressed to the Trademark Trial and Appeal Board, Hon. Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451, and is being deposited via the Electronic System for Trademark Trials and Appeals (ESTTA) on September 16, 2010.

_/John Paul Oleksiuk/____
John Paul Oleksiuk