

ESTTA Tracking number: **ESTTA383264**

Filing date: **12/13/2010**

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	I-Cut, Inc.		
Entity	Corporation	Citizenship	Wisconsin
Address	801 Geneva Parkway Lake Geneva, WI 53147 UNITED STATES		

Attorney information	Julie F. Kirby Jansson Shupe & Munger Ltd. 245 Main Street Racine, WI 53403 UNITED STATES jkirby@janlaw.com, kfinder@janlaw.com, emartinez@janlaw.com, dwofff@janlaw.com Phone:262/632-6900
----------------------	---

### Applicant Information

Application No	85092211	Publication date	11/16/2010
Opposition Filing Date	12/13/2010	Opposition Period Ends	12/16/2010
Applicant	UltraConcurrent, Inc. Box 2019 Aptos, CA 95001 UNITED STATES		

### Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Computer operating programs and computer operating systems
---

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

### Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	3249614	Application Date	08/07/2006
Registration Date	06/05/2007	Foreign Priority Date	NONE
Word Mark	I-SCRIPT		

Design Mark	<h1>I-SCRIPT</h1>
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2003/01/31 First Use In Commerce: 2003/01/31 Digital finishing system composed of software responsive to data in a specified workflow protocol to control automated finishing of digitally-printed graphics; specified work flow protocol for data on digitally-printed graphics to facilitate automated digital finishing of the graphics

Attachments	78946473#TMSN.jpeg ( 1 page )( bytes ) 2010-12-13 OP.pdf ( 5 pages )(671281 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	/julie f kirby/
Name	Julie F. Kirby
Date	12/13/2010

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

In re Trademark Application of:

Applicant: UltraConcurrent, Inc.  
Serial No: 85/092,211  
Filed: July 24, 2010  
Mark: ISCRIPT

---

I-CUT, INC.	)	
	)	
Opposer,	)	
	)	
vs.	)	Opposition No. _____
	)	
ULTRACONCURRENT, INC.	)	
	)	
Applicant.	)	

---

**NOTICE OF OPPOSITION**

On July 24, 2010, UltraConcurrent, Inc. (“Applicant”) in its trademark application states that it is a Corporation of the State of Delaware, with address of P.O. Box 2019, Aptos, California 95001, filed an application (“the Application”) for registration of the mark ISCRIPT (“Applicant’s Mark”) in the United States Patent & Trademark Office (“USPTO”), under 15 USC §1051(b), for the following goods:

Computer operating programs and computer operating systems, in International Class 009.

Collectively referred to herein as “Applicant’s Goods.” The application, which was assigned Serial No. 85/092,211, was published for opposition in the USPTO *Official Gazette* on November 16, 2010.

I-Cut, Inc. (“Opposer”), a corporation of the State of Wisconsin, having offices at 801

Geneva Parkway, Lake Geneva, Wisconsin 53147, believes it will be damaged by registration of Applicant's Mark and therefore hereby opposes registration thereof. The grounds of this Opposition are as follows:

1. From dates well prior to July 24, 2010, Applicant's filing date, Opposer, itself and through its predecessor in interest, Mikkelsen Graphic Engineering, Inc., has used in interstate commerce, and continues to use, the mark I-SCRIPT as a trademark for digital finishing software and related products.

2. Registrant has long provided in the United States market and elsewhere, and continues to provide, under the I-SCRIPT trademark, digital finishing systems composed of software responsive to data in a specified workflow protocol to control automated finishing of digitally-printed graphics; specified work flow protocol for data on digitally-printed graphics to facilitate automated digital finishing of graphics.

**Opposer's Registration**

3. On August 7, 2006, Mikkelsen Graphic Engineering, the predecessor in interest of Opposer, filed an application for registration of its trademark I-SCRIPT for "digital finishing systems composed of software responsive to data in a specified workflow protocol to control automated finishing of digitally-printed graphics; specified work flow protocol for data on digitally-printed graphics to facilitate automated digital finishing of graphics, in International Class 009" ("Opposer's Goods"). Registration of the mark was issued on June 5, 2007 as United States Trademark Registration No. 3,249,614 ("Opposer's Registration"). A copy of United States Trademark Registration No. 3,249,614, which is in full force and effect, is attached hereto

as Exhibit A and incorporated herein by reference.

4. The I-SCRIPT trademark of Opposer's Registration was first used in commerce on Opposer's Goods on January 31, 2003 and continues to be used by Opposer.

5. Because of the high quality of goods provided by Opposer under the I-SCRIPT trademark of Opposer's Registration, and through Opposer's extensive advertising and promotion of such mark in connection with such goods, Opposer has developed substantial additional goodwill in such I-SCRIPT mark.

**Applicant's Confusingly-Similar Mark**

6. Applicant's Mark and Opposer's registered I-SCRIPT mark have obvious similarities phonetically and visually. Applicant's Goods which Applicant intends to provide under the I-SCRIPT trademark are related to the goods sold by Opposer under Opposer's I-SCRIPT mark. Sales would be through the same or similar channels of trade.

7. Purchasers of Applicant's Goods intended to be sold under Applicant's Mark would be likely to believe that Applicant's Goods originate from the same source as the goods sold by Opposer under Opposer's I-SCRIPT mark. Consequently, use and registration of Applicant's Mark is likely to cause public confusion with Opposer's registered I-SCRIPT mark.

8. Use and registration of Applicant's Mark are likely to cause public confusion, mistake and deception not only as to source of the goods but also public confusion, mistake and deception as to whether the goods offered by Applicant under Applicant's Mark are at least endorsed by or in some way sponsored by or associated with Opposer.

9. If Applicant succeeds in registering Applicant's Mark, statutory rights would be

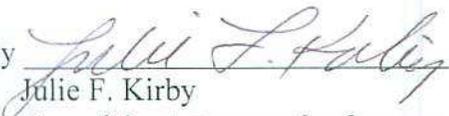
created which will be in violation of the earlier established rights of Opposer, all to the harm of Opposer's goodwill and with resultant diminution of Opposer's rights in its aforesaid registration. Hence, registration of Applicant's Mark would result in damage and injury to Opposer and to the public. Therefore, registration of Applicant's Mark should be denied under Section 2(d) of the Lanham Act (15 USC § 1052(d)).

WHEREFORE, Opposer files this Notice of Opposition and prays that this Opposition be sustained and the Application rejected; Opposer requests such other and further relief as may be deemed just and proper.

Dated: December 13, 2010.

Respectfully submitted,

I-CUT, INC.

By   
Julie F. Kirby  
One of the Attorneys for Opposer

Peter N. Jansson  
Julie F. Kirby  
JANSSON SHUPE & MUNGER LTD.  
245 Main Street  
Racine, Wisconsin 53403  
Phone: (262) 632-6900  
Fax: (262) 632-2257  
Email: pjansson@janlaw.com  
jkirby@janlaw.com

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 3,249,614

United States Patent and Trademark Office

Registered June 5, 2007

TRADEMARK  
PRINCIPAL REGISTER

# I-SCRIPT

MIKKELSEN GRAPHIC ENGINEERING, INC.  
(WISCONSIN CORPORATION)

801 GENEVA PARKWAY  
LAKE GENEVA, WI 531470850

FOR: DIGITAL FINISHING SYSTEM COMPOSED OF SOFTWARE RESPONSIVE TO DATA IN A SPECIFIED WORKFLOW PROTOCOL TO CONTROL AUTOMATED FINISHING OF DIGITALLY-PRINTED GRAPHICS; SPECIFIED WORK FLOW PROTOCOL FOR DATA ON DIGITALLY-PRINTED GRAPHICS TO FACILITATE AUTOMATED DIGI-

TAL FINISHING OF THE GRAPHICS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-31-2003; IN COMMERCE 1-31-2003.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-946,473, FILED 8-7-2006.

PAULA MAYS, EXAMINING ATTORNEY

