

ESTTA Tracking number: **ESTTA385623**

Filing date: **12/24/2010**

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	SportsMEDIA Technology Corporation
Granted to Date of previous extension	12/26/2010
Address	3511 University Drive Durham, NC 27707 UNITED STATES
Correspondence information	Mickey A. Herrin, Jr. Vice President, Legal Affairs SportsMEDIA Technology Corporation 3511 University Drive Durham, NC 27707 UNITED STATES m.herrin@sportsmedia.com Phone:919-493-9390, ext. 266

Applicant Information

Application No	77774087	Publication date	06/29/2010
Opposition Filing Date	12/24/2010	Opposition Period Ends	12/26/2010
Applicant	Sales & Marketing Technologies, Ltd. 220 East Central Parkway Suite 1010 Altamonte Springs, FL 32701 UNITED STATES		

Goods/Services Affected by Opposition

Class 042. First Use: 2009/08/10 First Use In Commerce: 2009/08/10
All goods and services in the class are opposed, namely: Web site design; development of standardized web sites for others; Computer services, namely, search engine optimization, computer programming, web site hosting, and computer project management

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.	85090678	Application Date	07/22/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SMT		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 042. First use: First Use: 1992/04/01 First Use In Commerce: 1992/04/01 Designing and developing computer software, hardware and computer systems for others, maintenance of computer software, and related services, namely computer graphics and data interface services and display integration services

Attachments	85090678#TMSN.jpeg (1 page)(bytes) SMT- Notice of Opposition re SMT Conversion Site 12-24-2010.pdf (3 pages)(10469 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	/mickey herrin jr./
Name	Mickey A. Herrin, Jr.
Date	12/24/2010

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

Serial No:	77774087)	NOTICE OF OPPOSITION BY
)	SPORTSMEDIA TECHNOLOGY
Filed:	July 3, 2009)	CORPORATION
)	
Mark:	SMT CONVERSION SITE)	
)	
Class:	42)	
)	
Published:	June 29, 2010)	
)	
Applicant:	SALES & MARKETING)	
	TECHNOLOGIES, LTD.)	
)	

Commissioner for Trademarks
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

A. SALES & MARKETING TECHNOLOGIES, LTD. (hereinafter “Applicant”) has applied for registration of the mark “SMT CONVERSION SITE” in connection with services in International Class 42, Serial No. 77774087 published in the Official Gazette on June 29, 2010.

B. SPORTSMEDIA TECHNOLOGY CORPORATION (“Opposer”), a Delaware corporation based in Durham, North Carolina, believes that it will be damaged by registration of Applicant’s proposed “SMT CONVERSION SITE” mark and hereby opposes it.

C. Opposer has applied for registration of the mark “SMT”, Serial No. 85090678, in International Class 42 in the United States Patent and Trademark Office.

D. Opposer alleges that it will be damaged by registration of Applicant’s proposed mark because it is confusingly similar to Opposer’s “SMT” mark.

E. Applicant is not entitled to registration of the “SMT CONVERSION SITE” mark because:

1. Opposer has rights prior to the Applicant; and
2. Applicant's proposed "SMT CONVERSION SITE" mark consists of or comprises a mark which so resembles Opposer's "SMT" mark so as to be likely to cause confusion, mistake or to deceive (15 U.S.C. § 1052(d)); and

Therefore, Opposer requests that registration of the Applicant's proposed "SMT CONVERSION SITE" mark be refused.

Respectfully submitted,

SportsMEDIA Technology Corporation

Date: December 24, 2010

By: /mickeyherrin/
Mickey A. Herrin, Jr.
Vice President, Legal Affairs

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing NOTICE OF OPPOSITION was served on counsel for Applicant, this 24th day of December, 2010, by sending same via First Class Mail, postage prepaid, to:

David P. Hathaway
Dean, Mead, Egerton, Bloodworth, Capouano & Bozarth, P.A.
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Suite 1500
Orlando, Florida 32803

By: /mickeyherrin/
Mickey A. Herrin, Jr.
Vice President, Legal Affairs
SportsMEDIA Technology Corporation