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

In The Matter of Application Serial No. 85/059,408: A-CER

Published in the *Official Gazette* on November 9, 2010

ACER INCORPORATED,	)	
	)	
Opposer,	)	
v.	)	Opposition No.: 91198126
	)	
MINNTECH CORPORATION,	)	
	)	
Applicant.	)	

AMENDED NOTICE OF OPPOSITION

Acer Incorporated, ("Opposer"), a Taiwanese corporation, having its principal place of business at 7F, No. 137, Sec. 2, Chien Kuo North Road, Taipei, Taiwan, R.O.C., believes it will be damaged by registration of the mark shown in Application Serial No. 85/059,408, and opposes the same.

The grounds for opposition are as follows:

1. Since long prior to Applicant's filing date of June 10, 2010, Opposer has continuously used and promoted its ACER trademark in interstate commerce in connection with the manufacture, distribution, advertising, and sale of personal computers, related hardware, and electronics. Opposer also offers a variety of online services and publications relating to computer hardware and software.

2. Since 1987, Opposer has continuously sold its computer and electronic goods and under the ACER trademark.

3. Opposer owns the following United States Trademark Registrations of its ACER trademark:

Reg. No.	Mark	Reg. Date	Class/Goods
1,475,746	ACER	02/09/1988	IC 009: Personal and business computers and computer programs, including local are networking programs, computer peripherals, namely, modems, printers, keyboards, disk drives, computer circuit boards, power supplies, monitors, terminals, diskette storage and maintenance cases, data processors and voice processors.
1,486,012		04/26/1988	IC 009: Personal and business computers and computer programs, including local area networking programs, computer peripherals, namely, modems, printers, keyboards, disk drives, computer circuit boards, power supplies, monitors, terminals, diskette storage and maintenance cases, and data and voice processors.
2,193,224		10/06/1998	IC: 016: Printed products, namely, printed materials for the use of computer programs; user's manuals for computer hardware; technical bulletins, brochures, pamphlets, newsletters, magazines and books, all in the field of computers. IC 042: Providing online information in the field of computers.
2,197,236		10/20/1998	IC: 016: Printed products, namely, printed materials for the use of computer programs; user's manuals for computer hardware; technical bulletins, brochures, pamphlets, newsletters, magazines and books, all in the field of computers. IC 042: Providing online information in the field of computers; services relating to computer software, namely, computer software design, research and development for others.
3,290,412		09/11/2007	IC 009: LCD television; DVD players; DVD recorders; stereo tuner; home slide, movie, video, and LCD projectors; gateway router in the nature of computer control hardware; smart digital phones; personal digital assistants; video game machine for use with televisions; cable television converters; internet phones; video phones; digital television sets; personal computers for use in automobiles; liquid crystal display computer monitors; computer hardware, namely, wireless access point devices; handheld computers; pc camera; digital still camera; dual mode digital camera; computer workstations comprising computers, computer monitors, computer keyboards, computer hardware, computer peripherals, and computer operating software; computer accessories namely, storage boxes; server appliance for storage area networks; computer hardware; computer software and computer programs for management and

Reg. No.	Mark	Reg. Date	Class/Goods
			operation of wireless telecommunications devices, computer software for accessing, searching, indexing, and retrieving information and data from global computer networks and global communication networks, and for browsing and navigating through web sites on said networks, and computer software for sending and receiving short messages and electronic mail and for filtering non-text information from the data; personal computers; desktop computers; notebook computers; handheld computers; portable computers; laptop computers; personal computer televisions, namely, personal computers for reception and playing of television programs; mobile computers; network access server hardware; rack-mount servers; video-on-demand servers; voice over internet protocol communication servers; computer mother board; set-top boxes for use with computers; computer peripherals; computer keyboards; computer mouse; computer wireless keyboards; modems; computer fax and wireless modem cards; PCMCIA cards; computer peripheral cards, namely, Ethernet network cards; wireless network cards; computer hardware wireless devices, namely, electronic hand held units for the wireless receipt of transmission of data that may also have the capacity to transmit and receive voice communications; telecommunication devices, namely, telephones, mobile telephones and personal digital assistants; telephones; internet phones; mobile phones; wireless internet phones; low-power mobile phones; power supplies; switching power supplies; integrated circuits; computer disk drives; optical computer disk drives; computer memories; data storage equipment, namely, blank floppy disks, magnetic disks and optical disks, all featuring memory for computers; printed circuit boards; computer interface boards; video display cards; VGA cards; cathode ray tube computer monitors; computer chips; network access server operating software; optical CD recorders; CD rewritable recorder; wireless devices, namely, electronic handled units for the wireless receipt of transmission of data that may also have the capacity to transmit and receive voice communications, scanners, printers, and communication servers.

(hereinafter referred to as the "ACER Marks"). Attached hereto as **Exhibit A** are print-outs from the United States Patent and Trademark Office online database showing the current status of these registrations. All of Opposer's above registrations are valid, subsisting and incontestable,

and constitute conclusive evidence of Opposer's exclusive right to use the ACER Marks, pursuant to 15 U.S.C. §§ 1065 and 1115(b).

4. Opposer has sold many millions of dollars worth of goods and services under its ACER Marks in the United States, and substantial sums of money have been spent on advertising and promoting its ACER Marks throughout the United States.

5. As a result of its extensive advertising, promotion, marketing and sales, Opposer's ACER Marks have become famous throughout the United States, and represent an extraordinarily valuable goodwill owned by Opposer. Opposer's ACER Marks became famous before Applicant filed its intent-to-use application.

6. On June 10, 2010, Applicant filed an intent-to-use application to register the trademark A-CER for:

> "Medical device, namely, an automated endoscope reprocessor for high-level disinfection of endoscopes," in Class 10.

United States Application Serial No. 85/059,408.

7. Upon information and belief, neither Applicant nor any predecessor or related company of Applicant has any basis for claiming rights in the A-CER mark prior to June 10, 2010, the date of the application opposed herein for the above-stated goods in Class 10, or prior to Opposer's rights as alleged herein.

8. Applicant's proposed use and application to register the A-CER mark are without Opposer's consent.

9. Applicant's proposed use of and application to register the A-CER mark is likely to result in confusion, mistake or deception with Opposer or its ACER Marks, or in the belief that Applicant or its identified goods and services sold under the ACER Marks are in some way

connected with, licensed or approved by Opposer, or that Applicant is a business partner of or otherwise affiliated with Opposer.

10. Applicant's proposed use and application to register the A-CER mark is likely to dilute the distinctiveness of Opposer's famous ACER Marks.

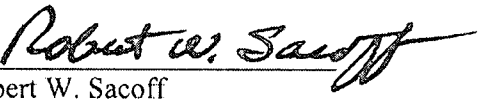
11. Accordingly, Applicant's registration of the A-CER mark would be damaging to Opposer.

WHEREFORE, Opposer prays that its opposition be sustained and registration of Application Serial No. 85/059,408 be refused.

Opposer submits the requisite filing fee of $300. Please debit any deficiency or credit any overpayment to Account No. 16-0650. Please address all correspondence to Robert W. Sacoff, Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP, 311 South Wacker Drive, Suite 5000, Chicago, Illinois 60606.

PATTISHALL, McAULIFFE, NEWBURY,
HILLIARD & GERALDSON LLP

Dated: January 10, 2011

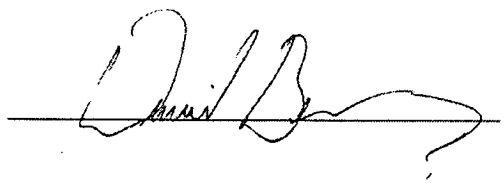
By: 

Robert W. Sacoff
David Beeman
311 South Wacker Drive
Suite 5000
Chicago, Illinois 60606
(312) 554-8000

Attorneys for Opposer, Acer Incorporated

CERTIFICATE OF ELECTRONIC TRANSMISSION

I, David Beeman, hereby certify that this **AMENDED NOTICE OF OPPOSITION** is being electronically transmitted to the United States Patent and Trademark Office on this 10th day of January, 2011.



CERTIFICATE OF SERVICE

I, David Beeman, hereby certify that a copy of the foregoing **AMENDED NOTICE OF OPPOSITION** was served upon Trademark Manager, Minntech Corporation, 14605 28th Avenue North, Minneapolis, Minnesota 55447, via first class mail, postage pre-paid, on this 10th day of January, 2011.

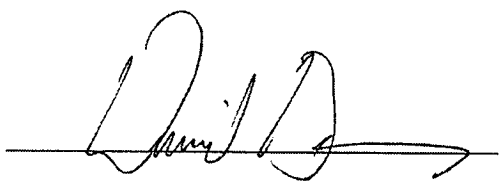


EXHIBIT A

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-01-10 18:04:18 ET

Serial Number: 73661739 Assignment Information Trademark Document Retrieval

Registration Number: 1475746

Mark (words only): ACER

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2007-12-13

Filing Date: 1987-05-19

Transformed into a National Application: No

Registration Date: 1988-02-09

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2007-12-13

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

---

1. ACER INCORPORATED

Address:
ACER INCORPORATED
7F, No. 137, SEC. 2, Chien Kuo North Rd.
TAIPEI

Taiwan
Legal Entity Type: Corporation
State or Country of Incorporation: Taiwan

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
PERSONAL AND BUSINESS COMPUTERS AND COMPUTER PROGRAMS, INCLUDING LOCAL AREA NETWORKING PROGRAMS, COMPUTER PERIPHERALS, NAMELY, MODEMS, PRINTERS, KEYBOARDS, DISK DRIVES, COMPUTER CIRCUIT BOARDS, POWER SUPPLIES, MONITORS, TERMINALS, DISKETTE STORAGE AND MAINTENANCE CASES, DATA PROCESSORS AND VOICE PROCESSORS
Basis: 1(a)
First Use Date: 1987-02-18
First Use in Commerce Date: 1987-02-18

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.

2009-08-19 - Attorney Revoked And/Or Appointed

2009-08-19 - TEAS Revoke/Appoint Attorney Received

2007-12-13 - First renewal 10 year

2007-12-13 - Section 8 (10-year) accepted/ Section 9 granted

2007-12-06 - TEAS Section 8 & 9 Received

2007-04-30 - Case File In TICRS

1994-05-03 - Section 8 (6-year) accepted & Section 15 acknowledged

1994-01-26 - Section 8 (6-year) and Section 15 Filed

1990-04-03 - Counter claim opp. for Proceeding No.

1988-02-09 - Registered - Principal Register

1987-11-17 - Published for opposition

1987-10-16 - Notice of publication

1987-09-17 - Approved for Pub - Principal Register (Initial exam)

1987-08-12 - Examiner's amendment mailed

1987-08-07 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Robert W. Sacoff

Correspondent
Robert W. Sacoff
Pattishall. McAuliffe, Newbury, Hilliard
311 S. Wacker Drive, Suite 5000
Chicago IL 60606
Phone Number: 312 554-8000
Fax Number: 312 554-8015

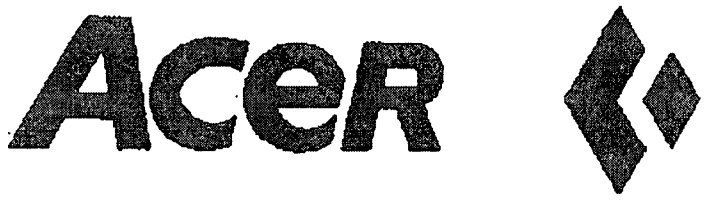
Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-01-10 18:06:02 ET

Serial Number: 73680445 Assignment Information Trademark Document Retrieval

Registration Number: 1486012

Mark



(words only): ACER

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2007-12-13

Filing Date: 1987-08-24

Transformed into a National Application: No

Registration Date: 1988-04-26

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2007-12-13

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

1. ACER INCORPORATED

Address:
ACER INCORPORATED
7F, No.137, Sec. 2, Chien Kuo North Rd
TAIPEI
Taiwan
Legal Entity Type: Corporation
State or Country of Incorporation: Taiwan

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
PERSONAL AND BUSINESS COMPUTERS AND COMPUTER PROGRAMS, INCLUDING LOCAL AREA NETWORKING PROGRAMS, COMPUTER PERIPHERALS, NAMELY, MODEMS, PRINTERS, KEYBOARDS, DISK DRIVES, COMPUTER CIRCUIT BOARDS, POWER SUPPLIES, MONITORS, TERMINALS, DISKETTE STORAGE AND MAINTENANCE CASES, AND DATA AND VOICE PROCESSORS
Basis: 1(a)
First Use Date: 1987-02-18
First Use in Commerce Date: 1987-06-19

ADDITIONAL INFORMATION

Description of Mark: THE MARK CONSISTS OF THE WORD "ACER" AND A DESIGN.

Design Search Code(s):
26.07.03 - Diamonds, incomplete or divided in the middle; Incomplete diamonds or divided in the middle
26.07.13 - Diamonds, exactly two diamonds; Two diamonds
26.07.21 - Diamonds that are completely or partially shaded

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.

2009-08-19 - Attorney Revoked And/Or Appointed

2009-08-19 - TEAS Revoke/Appoint Attorney Received

2007-12-13 - First renewal 10 year

2007-12-13 - Section 8 (10-year) accepted/ Section 9 granted

2007-12-06 - TEAS Section 8 & 9 Received

2007-06-08 - Case File In TICRS

1994-11-21 - Section 8 (6-year) accepted & Section 15 acknowledged

1994-10-24 - Response received for Post Registration action

1994-06-02 - Post Registration action mailed Section 8 & 15

1994-01-26 - Section 8 (6-year) and Section 15 Filed

1990-04-03 - Counter claim opp. for Proceeding No.

1988-04-26 - Registered - Principal Register

1988-02-02 - Published for opposition

1988-01-03 - Notice of publication

1987-11-25 - Approved for Pub - Principal Register (Initial exam)

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
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Correspondent
Robert W. Sacoff
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Phone Number: 312 554-8000

Fax Number: 312 554-8015

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-01-10 18:06:52 ET

Serial Number: 75253598 Assignment Information Trademark Document Retrieval

Registration Number: 2193224

Mark

(words only): ACER

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2007-12-13

Filing Date: 1997-03-07

Transformed into a National Application: No

Registration Date: 1998-10-06

Register: Principal

Law Office Assigned: LAW OFFICE 103

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2007-12-13

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

1. Acer Incorporated

Address:
Acer Incorporated
7F, No.137, Sec. 2, Chien Kuo North Rd.
Taipei
Taiwan
Legal Entity Type: Corporation
State or Country of Incorporation: Taiwan

GOODS AND/OR SERVICES

International Class: 016
Class Status: Active
printed products, namely, printed materials for the use of computer programs; user's manuals for computer hardware; technical bulletins, brochures, pamphlets, newsletters, magazines and books, all in the field of computers
Basis: 1(a)
First Use Date: 1987-02-18
First Use in Commerce Date: 1987-02-18

International Class: 042
Class Status: Active
providing online information in the field of computers
Basis: 1(a)
First Use Date: 1987-02-18
First Use in Commerce Date: 1987-02-18

ADDITIONAL INFORMATION

Prior Registration Number(s):
1475746
1486012

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.

2007-12-13 - First renewal 10 year

2007-12-13 - Section 8 (10-year) accepted/ Section 9 granted

2007-12-10 - Assigned To Paralegal

2007-12-06 - TEAS Section 8 & 9 Received

2007-08-06 - Case File In TICRS

2006-07-20 - Section 8 (6-year) accepted & Section 15 acknowledged

2003-12-04 - Section 8 (6-year) and Section 15 Filed

2003-12-04 - TEAS Section 8 & 15 Received

1998-10-06 - Registered - Principal Register

1998-07-14 - Published for opposition

1998-06-12 - Notice of publication

1998-04-27 - Approved for Pub - Principal Register (Initial exam)

1998-04-27 - Assigned To Examiner

1998-04-27 - Assigned To Examiner

1998-04-20 - Examiner's amendment mailed

1998-03-20 - Communication received from applicant

1997-10-03 - Non-final action mailed

1997-09-18 - Assigned To Examiner

1997-09-16 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Margaret C. McHugh

Correspondent
MARGARET C. MCHUGH
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TWO EMBARCADERO CENTER, 8TH FLOOR
SAN FRANCISCO, CA 94111
Phone Number: 415-576-0200
Fax Number: 415-576-0300

Domestic Representative
TOWNSEND AND TOWNSEND AND CREW LLP

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-01-10 18:09:56 ET

Serial Number: 75253616 Assignment Information Trademark Document Retrieval

Registration Number: 2197236

Mark

(words only): ACER

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2007-12-13

Filing Date: 1997-03-07

Transformed into a National Application: No

Registration Date: 1998-10-20

Register: Principal

Law Office Assigned: LAW OFFICE 103

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2007-12-13

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

1. Acer Incorporated

Address:
Acer Incorporated
7F, No.137, Sec. 2, Chien Kuo North Rd.
Taipei
Taiwan
Legal Entity Type: Corporation
State or Country of Incorporation: Taiwan

GOODS AND/OR SERVICES

International Class: 016
Class Status: Active
printed products, namely, printed materials for the use of computer programs; user's manuals for computer hardware; technical bulletins, brochures, pamphlets, newsletters, magazines and books, all in the field of computers
Basis: 1(a)
First Use Date: 1987-02-18
First Use in Commerce Date: 1987-06-19

International Class: 042
Class Status: Active
providing online information in the field of computers; services relating to computer software, namely, computer software design, research and development for others
Basis: 1(a)
First Use Date: 1987-02-18
First Use in Commerce Date: 1987-06-19

ADDITIONAL INFORMATION

Design Search Code(s):
26.07.21 - Diamonds that are completely or partially shaded
26.17.12 - Angles (geometric); Chevrons

Prior Registration Number(s):
1475746
1486012

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.

2007-12-13 - First renewal 10 year

2007-12-13 - Section 8 (10-year) accepted/ Section 9 granted

2007-12-10 - Assigned To Paralegal

2007-12-06 - TEAS Section 8 & 9 Received

2007-08-03 - Case File In TICRS

2006-07-20 - Section 8 (6-year) accepted & Section 15 acknowledged

2003-12-04 - Section 8 (6-year) and Section 15 Filed

2003-12-04 - TEAS Section 8 & 15 Received

1998-10-20 - Registered - Principal Register

1998-07-28 - Published for opposition

1998-06-26 - Notice of publication

1998-05-15 - Approved for Pub - Principal Register (Initial exam)

1998-05-11 - Examiner's amendment mailed

1998-05-08 - Previous Allowance Count Withdrawn

1998-04-27 - Approved for Pub - Principal Register (Initial exam)

1998-04-20 - Examiner's amendment mailed

1998-03-20 - Communication received from applicant

1997-10-03 - Non-final action mailed

1997-10-02 - Assigned To Examiner

1997-09-17 - Assigned To Examiner

1997-09-16 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Margaret C. McHugh

Correspondent
MARGARET C. MCHUGH
TOWNSEND AND TOWNSEND AND CREW LLP
TWO EMBARCADERO CENTER, 8TH FLOOR
SAN FRANCISCO, CA 94111
Phone Number: 415-576-0200
Fax Number: 415-576-0300

Domestic Representative
TOWNSEND AND TOWNSEND AND CREW LLP

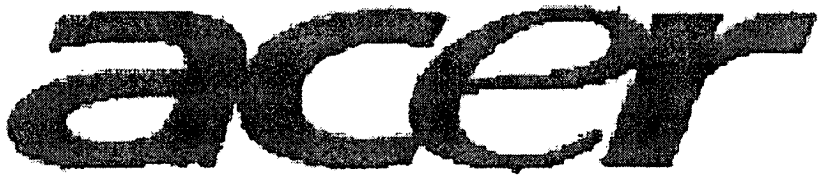
Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-01-10 18:07:21 ET

Serial Number: 78702329 Assignment Information Trademark Document Retrieval

Registration Number: 3290412

Mark



(words only): ACER

Standard Character claim: No

Current Status: Registered.

Date of Status: 2007-09-11

Filing Date: 2005-08-29

Transformed into a National Application: No

Registration Date: 2007-09-11

Register: Principal

Law Office Assigned: LAW OFFICE 106

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-09-11

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

1. Acer Incorporated

Address:
Acer Incorporated
7F, No. 137, Sec. 2, Chien Kuo Rd.
Taipei
Taiwan
Legal Entity Type: Corporation
State or Country of Incorporation: Taiwan

GOODS AND/OR SERVICES

International Class: 009
Class Status: Active
LCD television; DVD players; DVD recorders; stereo tuner; home slide, movie, video, and LCD projectors; gateway router in the nature of computer control hardware; smart digital phones; personal digital assistants; video game machine for use with televisions; cable television converters; internet phones; video phones; digital television sets; personal computers for use in automobiles; liquid crystal display computer monitors; computer hardware, namely, wireless access point devices; handheld computers; pc camera; digital still camera; dual mode digital camera; computer workstations comprising computers, computer monitors, computer keyboards, computer hardware, computer peripherals, and computer operating software; computer accessories namely, storage boxes; server appliance for storage area networks; computer hardware; computer software and computer programs for management and operation of wireless telecommunications devices, computer software for accessing, searching, indexing, and retrieving information and data from global computer networks and global communication networks, and for browsing and navigating through web sites on said networks, and computer software for sending and receiving short messages and electronic mail and for filtering non-text information from the data; personal computers; desktop computers; notebook computers; handheld computers; portable computers; laptop computers; personal computer televisions, namely, personal computers for reception and playing of television programs; mobile computers; network access server hardware; rack-mount servers; video-on-demand servers; voice over internet protocol communication servers; computer mother board; set-top boxes for use with computers; computer peripherals; computer keyboards; computer mouse; computer wireless keyboards; modems; computer fax and wireless modem cards; PCMCIA cards; computer peripheral cards, namely, Ethernet network cards; wireless network cards; computer hardware wireless devices, namely, electronic hand held units for the wireless receipt of transmission of data that may also have the capacity to transmit and receive voice communications; telecommunication devices, namely, telephones, mobile telephones and personal digital assistants; telephones; internet phones; mobile phones; wireless internet phones; low-power mobile phones; power supplies; switching power supplies; integrated circuits; computer disk drives; optical computer disk drives; computer memories; data storage equipment, namely, blank floppy disks, magnetic disks and

optical disks, all featuring memory for computers; printed circuit boards; computer interface boards; video display cards; VGA cards; cathode ray tube computer monitors; computer chips; network access server operating software; optical CD recorders; CD rewritable recorder; wireless devices, namely, electronic handled units for the wireless receipt of transmission of data that may also have the capacity to transmit and receive voice communications, scanners, printers, and communication servers
Basis: 1(a)
First Use Date: 2001-03-09
First Use in Commerce Date: 2001-03-09

ADDITIONAL INFORMATION

Color(s) Claimed: Color is not claimed as a feature of the mark.

Prior Registration Number(s):
1486012
2193224
2197236

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.

2007-09-11 - Registered - Principal Register

2007-06-26 - Published for opposition

2007-06-06 - Notice of publication

2007-04-25 - Law Office Publication Review Completed

2007-04-25 - Assigned To LIE

2007-04-02 - Approved for Pub - Principal Register (Initial exam)

2007-03-10 - Teas/Email Correspondence Entered

2007-03-09 - Communication received from applicant

2007-03-09 - TEAS Response to Office Action Received

2006-12-29 - TEAS Change Of Correspondence Received

2006-10-16 - Final refusal e-mailed

2006-10-16 - Final Refusal Written

2006-10-16 - Previous Allowance Count Withdrawn

2006-10-08 - Approved for Pub - Principal Register (Initial exam)

2006-09-16 - Teas/Email Correspondence Entered

2006-09-15 - Communication received from applicant

2006-09-15 - TEAS Response to Office Action Received

2006-03-17 - NON-FINAL ACTION E-MAILED

2006-03-17 - Non-Final Action Written

2006-03-17 - Non-final action e-mailed

2006-03-17 - Non-Final Action Written

2006-03-15 - Assigned To Examiner

2005-09-06 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
E. Lynn Perry

Correspondent
Marlene J. Williams
Thelen Reid Brown Raysman & Steiner LLP
P.O. Box 190187
San Francisco CA 94119-0187
Phone Number: 415-369-7368
Fax Number: 415-369-8737

Trademark Trial and Appeal Board Electronic Filing System. http://estta.uspto.gov
ESTTA Tracking number: **ESTTA387627**
Filing date: **01/10/2011**

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	Acer Incorporated
Granted to Date of previous extension	01/08/2011
Address	7F, No. 137, Sec. 2, Chien Kuo N. Rd. Taipei, TAIWAN

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Applicant Information

Application No	85059408	Publication date	11/09/2010
Opposition Filing Date	01/10/2011	Opposition Period Ends	01/08/2011
Applicant	Minntech Corporation 14605 28th Avenue North Minneapolis, MN 55447 UNITED STATES		

Goods/Services Affected by Opposition

Class 010.
All goods and services in the class are opposed, namely: Medical device, namely, an automated endoscope reprocessor for high-level disinfection of endoscopes

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1475746	Application Date	05/19/1987
Registration Date	02/09/1988	Foreign Priority Date	NONE
Word Mark	ACER		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 1987/02/18 First Use In Commerce: 1987/02/18 PERSONAL AND BUSINESS COMPUTERS AND COMPUTER PROGRAMS, INCLUDING LOCAL AREA NETWORKING PROGRAMS, COMPUTER PERIPHERALS, NAMELY, MODEMS, PRINTERS, KEYBOARDS, DISK DRIVES, COMPUTER CIRCUIT BOARDS, POWER SUPPLIES, MONITORS, TERMINALS, DISKETTE STORAGE AND MAINTENANCE CASES, DATA PROCESSORS AND VOICE PROCESSORS

U.S. Registration No.	1486012	Application Date	08/24/1987
Registration Date	04/26/1988	Foreign Priority Date	NONE
Word Mark	ACER		
Design Mark			
Description of Mark	THE MARK CONSISTS OF THE WORD "ACER" AND A DESIGN.		
Goods/Services	Class 009. First use: First Use: 1987/02/18 First Use In Commerce: 1987/06/19 PERSONAL AND BUSINESS COMPUTERS AND COMPUTER PROGRAMS, INCLUDING LOCAL AREA NETWORKING PROGRAMS, COMPUTER PERIPHERALS, NAMELY, MODEMS, PRINTERS, KEYBOARDS, DISK DRIVES, COMPUTER CIRCUIT BOARDS, POWER SUPPLIES, MONITORS, TERMINALS, DISKETTE STORAGE AND MAINTENANCE CASES, AND DATA AND VOICE PROCESSORS		

U.S. Registration No.	2193224	Application Date	03/07/1997
Registration Date	10/06/1998	Foreign Priority Date	NONE
Word Mark	ACER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1987/02/18 First Use In Commerce: 1987/02/18 printed products, namely, printed materials for the use of computer programs; user's manuals for computer hardware; technical bulletins, brochures, pamphlets, newsletters, magazines and books, all in the field of computers		

	Class 042. First use: First Use: 1987/02/18 First Use In Commerce: 1987/02/18 providing online information in the field of computers [; services relating to computer software, namely, computer software design, research and development for others]

U.S. Registration No.	2197236	Application Date	03/07/1997
Registration Date	10/20/1998	Foreign Priority Date	NONE
Word Mark	ACER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1987/02/18 First Use In Commerce: 1987/06/19 printed products, namely, printed materials for the use of computer programs; user's manuals for computer hardware; technical bulletins, brochures, pamphlets, newsletters, magazines and books, all in the field of computers Class 042. First use: First Use: 1987/02/18 First Use In Commerce: 1987/06/19 providing online information in the field of computers; services relating to computer software, namely, computer software design, research and development for others		

U.S. Registration No.	3290412	Application Date	08/29/2005
Registration Date	09/11/2007	Foreign Priority Date	NONE
Word Mark	ACER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2001/03/09 First Use In Commerce: 2001/03/09 LCD television; DVD players; DVD recorders; stereo tuner; home slide, movie, video, and LCD projectors; gateway router in the nature of computer control hardware; smart digital phones; personal digital assistants; video game machine for use with televisions; cable television converters; internet phones; video phones; digital television sets; personal computers for use in automobiles; liquid		

	crystal display computer monitors; computer hardware, namely, wireless access point devices; handheld computers; pc camera; digital still camera; dual mode digital camera; computer workstations comprising computers, computer monitors, computer keyboards, computer hardware, computer peripherals, and computer operating software; computer accessories namely, storage boxes; server appliance for storage area networks; computer hardware; computer software and computer programs for management and operation of wireless telecommunications devices, computer software for accessing, searching, indexing, and retrieving information and data from global computer networks and global communication networks, and for browsing and navigating through web sites on said networks, and computer software for sending and receiving short messages and electronic mail and for filtering non-text information from the data; personal computers; desktop computers; notebook computers; handheld computers; portable computers; laptop computers; personal computer televisions, namely, personal computers for reception and playing of television programs; mobile computers; network access server hardware; rack-mount servers; video-on-demand servers; voice over internet protocol communication servers; computer mother board; set-top boxes for use with computers; computer peripherals; computer keyboards; computer mouse; computer wireless keyboards; modems; computer fax and wireless modem cards; PCMCIA cards; computer peripheral cards, namely, Ethernet network cards; wireless network cards; computer hardware wireless devices, namely, electronic hand held units for the wireless receipt of transmission of data that may also have the capacity to transmit and receive voice communications; telecommunication devices, namely, telephones, mobile telephones and personal digital assistants; telephones; internet phones; mobile phones; wireless internet phones; low-power mobile phones; power supplies; switching power supplies; integrated circuits; computer disk drives; optical computer disk drives; computer memories; data storage equipment, namely, blank floppy disks, magnetic disks and optical disks, all featuring memory for computers; printed circuit boards; computer interface boards; video display cards; VGA cards; cathode ray tube computer monitors; computer chips; network access server operating software; optical CD recorders; CD rewritable recorder; wireless devices, namely, electronic handled units for the wireless receipt of transmission of data that may also have the capacity to transmit and receive voice communications, scanners, printers, and communication servers

Related Proceedings	91198126

Attachments	73680445#TMSN.gif (1 page)(bytes) 75253598#TMSN.gif (1 page)(bytes) 75253616#TMSN.gif (1 page)(bytes) 78702329#TMSN.jpeg (1 page)(bytes) Amended Notice of Opposition A-CER Ser No 85059408.pdf (27 pages)(6927464 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	/David Beeman/
Name	/David Beeman/
Date	01/10/2011