

ESTTA Tracking number: **ESTTA439819**

Filing date: **11/07/2011**

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	The Whitaker LLC
Granted to Date of previous extension	11/06/2011
Address	4550 New Linden Hill Road Wilmington, DE 19808 UNITED STATES

Attorney information	Kevin J. McDevitt Neal & McDevitt, LLC 1776 Ash Street Northfield, IL 60093 UNITED STATES pto@nealmcdevitt.com, alenz@nealmcdevitt.com, kmcdevitt@nealmcdevitt.com, jroe@nealmcdevitt.com
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Applicant Information

Application No	85190177	Publication date	05/10/2011
Opposition Filing Date	11/07/2011	Opposition Period Ends	11/06/2011
Applicant	AMP Electric Vehicles Inc. 4540 Alpine Avenue Cincinnati, OH 45236 UNITED STATES		

Goods/Services Affected by Opposition

Class 012. First Use: 2007/05/10 First Use In Commerce: 2007/05/10 All goods and services in the class are opposed, namely: (Based on Use in Commerce) Electric vehicles, namely, land vehicles (Based on Intent to Use) Electric drives for vehicles
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Applicant Information

Application No	85190156	Publication date	05/10/2011
Opposition Filing Date	11/07/2011	Opposition Period Ends	
Applicant	AMP Electric Vehicles Inc. 4540 Alpine Avenue Cincinnati, OH 45236 UNITED STATES		

Goods/Services Affected by Opposition

Class 012.

All goods and services in the class are opposed, namely: Electric drives for vehicles; Electric vehicles, namely, land vehicles

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.	405714	Application Date	06/08/1942
Registration Date	02/15/1944	Foreign Priority Date	NONE
Word Mark	AMP		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U021 (International Class 009). First use: First Use: 1942/02/28 First Use In Commerce: 1942/02/28 ELECTRICAL TERMINALS AND WIRING DEVICES		

U.S. Registration No.	559403	Application Date	07/07/1951
Registration Date	05/27/1952	Foreign Priority Date	NONE
Word Mark	AMP		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U023 (International Class 007, 008). First use: First Use: 1941/00/00 First Use In Commerce: 1942/02/28 HAND TOOLS OF THE PLIERS TYPE AND OF THE COMPOUND LEVERAGE TYPE, AND PNEUMATICALLY AND HYDRAULICALLY OPERATED PORTABLE TOOLS AND POWER OPERATED MACHINE TOOLS FOR PRESSURE APPLICATION OF ELECTRICAL CONNECTORS AND THE LIKE, FOR CUTTING WIRE, FOR STRIPPING INSULATION FROM WIRE, FOR SHEARING THREADED BOLTS, STUDS, AND THE LIKE, AND FOR EMBOSsing WIRE, AND DIES FOR THE SAID VARIOUS PURPOSES FOR USE IN HAND AND POWER OPERATED TOOLS AND MACHINES		

U.S. Registration No.	624890	Application Date	08/19/1955
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Registration Date	04/10/1956	Foreign Priority Date	NONE
Word Mark	AMP		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U021 (International Class 017, 019). First use: First Use: 1943/12/15 First Use In Commerce: 1943/12/15 ELECTRICAL INSULATING PLASTIC FILM AND MOLDED PLASTIC ELECTRICAL INSULATING PARTS		

U.S. Registration No.	631084	Application Date	08/19/1955
Registration Date	07/24/1956	Foreign Priority Date	NONE
Word Mark	A-MP		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U001 (International Class 017). First use: First Use: 1943/05/14 First Use In Commerce: 1943/05/14 EXTRUDED PLASTIC TUBING FOR FURTHER FABRICATION AND CAST FILM FOR FURTHER FABRICATION		

U.S. Registration No.	644586	Application Date	08/19/1955
Registration Date	04/30/1957	Foreign Priority Date	NONE
Word Mark	A-MP		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class U006 (International Class 001). First use: First Use: 1951/08/27 First Use In Commerce: 1951/08/27 THERMO-PLASTIC SYNTHETIC RESINS AND MOLDING POWDER COMPOSED OF SYNTHETIC RESIN AND A REFRACTORY FILLER		

U.S. Registration No.	690489	Application Date	08/14/1958
Registration Date	12/29/1959	Foreign Priority Date	NONE
Word Mark	AMP		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U021 (International Class 009). First use: First Use: 1941/00/00 First Use In Commerce: 1942/02/28 ELECTRICAL CONNECTORS		

U.S. Registration No.	693115	Application Date	06/17/1959
Registration Date	02/16/1960	Foreign Priority Date	NONE
Word Mark	AMP		
Design Mark			

Description of Mark	NONE
Goods/Services	Class U021 (International Class 009). First use: First Use: 1956/11/11 First Use In Commerce: 1956/11/11 WIRING CIRCUITS FOR ELECTRICAL EQUIPMENT

U.S. Registration No.	717821	Application Date	11/25/1960
Registration Date	07/04/1961	Foreign Priority Date	NONE

Word Mark	AMP
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class U021 (International Class 009). First use: First Use: 1954/02/15 First Use In Commerce: 1954/02/15 Patchcord Programming Systems, Patchcords, Patchboards, Patchcord Permanent Rear Boards, Patchcord Contact Springs, and Patchcord Programming Panels
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U.S. Registration No.	717823	Application Date	01/11/1961
Registration Date	07/04/1961	Foreign Priority Date	NONE

Word Mark	AMP
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class U021 (International Class 009). First use: First Use: 1960/01/22 First Use In Commerce: 1960/01/22 Electronic Module Circuit Assemblies
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U.S. Registration No.	788360	Application Date	04/17/1964
Registration Date	04/20/1965	Foreign Priority Date	NONE

Word Mark	AMP
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Design Mark			
Description of Mark	NONE		
Goods/Services	Class U009 (International Class 013). First use: First Use: 1964/04/10 First Use In Commerce: 1964/04/10 EXPLOSIVE CARTRIDGES FOR USE WITH POWDER-ACTUATED TOOLS		

U.S. Registration No.	812073	Application Date	08/12/1965
Registration Date	08/02/1966	Foreign Priority Date	NONE
Word Mark	A-MP		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U021 (International Class 009). First use: First Use: 1954/02/15 First Use In Commerce: 1954/02/15 ELECTRICAL PROGRAMMING SYSTEMS		

U.S. Registration No.	1091735	Application Date	12/02/1976
Registration Date	05/23/1978	Foreign Priority Date	NONE
Word Mark	AMP		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1959/00/00 First Use In Commerce: 1959/00/00 [BADGE READERS, CARD READERS, CARD READER/WRITERS,] MATRIX PINBOARDS, UNIVERSAL PINBOARDS, MATRIX ROTARY SWITCHES, MULTI-LAYER ROTARY SWITCHES, MATRIX SLIDE SWITCHES, THUMBWHEEL SWITCHES, PRINTED CIRCUIT BOARD ROTARY		

	SWITCHES, DUAL-IN-LINE PACKAGE SWITCHES, HEXADECIMAL ROTARY SWITCHES, DIP HEADERS, DIP STRIP RECEPTACLES, DUPLEX RECEPTACLES, SWITCH WIRING SYSTEMS-NAMELY, ELECTRICAL TERMINALS, CONNECTORS AND COMPONENTS USED FOR OBTAINING A NUMBER OF SWITCHING COMBINATIONS, ELECTRICAL CIRCUIT ANALYZERS, SPRING SOCKETS FOR PRINTED CIRCUIT BOARDS, TEST PROBE RECEPTACLES FOR PRINTED CIRCUIT BOARDS, TERMINAL BLOCKS AND HOUSINGS, IGNITION TERMINALS, SPARK PLUG TERMINALS, BATTERY TERMINALS, DROP-WIRE SPLICES, ELECTRICAL TAPER PINS AND BLOCKS, CIRCULAR ELECTRICAL CONNECTORS, SPRING SOCKET MOUNTING WAFERS, TERMINALS FOR TERMINATING ANTENNA WIRES, REUSABLE PRINTED CIRCUIT BOARD COMPONENT TEST RECEPTACLES AND TELEPHONE CROSS CONNECTING SYSTEMS-NAMELY, TERMINALS, CONNECTORS AND COMPONENTS USED FOR OBTAINING A NUMBER OF CONNECTING COMBINATIONS
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U.S. Registration No.	1108658	Application Date	10/06/1977
Registration Date	12/12/1978	Foreign Priority Date	NONE
Word Mark	AMP		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 017. First use: First Use: 1968/05/22 First Use In Commerce: 1968/05/22 SEALANT AND DIELECTRIC COMPOUND		

U.S. Registration No.	1442736	Application Date	04/10/1986
Registration Date	06/16/1987	Foreign Priority Date	NONE
Word Mark	AMP		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 007. First use: First Use: 1985/02/18 First Use In Commerce: 1985/02/18 POLISHING MACHINES FOR POLISHING OPTICAL FIBER ENDS Class 008. First use: First Use: 1978/12/00 First Use In Commerce: 1978/12/00 HAND CRIMPING TOOLS		

U.S. Registration No.	1467087	Application Date	12/18/1986
Registration Date	12/01/1987	Foreign Priority Date	NONE
Word Mark	AMP		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1978/12/31 First Use In Commerce: 1978/12/31 FIBER OPTIC CONNECTORS, COMPRISING FERRULES, LENSES, COUPLERS, SWITCHES, COUPLING BUSHINGS, RECEPTACLE BUSHINGS, TUBULAR SLEEVE COVERS, RETAINERS, HOUSINGS, PROTECTIVE		

	CAPS, POLISHING BUSHINGS FOR POLISHING OPTICAL FIBERS, SPRING CLIPS FOR MOUNTING OF FIBER OPTIC CONNECTORS THEREIN; MOUNTS AND RETAINER CLIPS FOR PHOTOACTIVE MEMBERS OF FIBER OPTIC CONNECTORS; SIGNAL SPLITTERS AND COMBINERS FOR FIBER OPTIC CABLES; FIBER OPTIC CABLES COMPRISING FIBER OPTIC CONNECTORS AND/OR SPLICES AND ORGANIZERS FOR THE ORGANIZING AND PROTECTION OF FIBER OPTIC CONNECTORS AND/OR SPLICES AND FOR MAINTENANCE OF THE UNINTERRUPTED TRANSMISSION OF LIGHT; TRANSCEIVERS AND DATALINKS; FIBER OPTIC CABLE ASSEMBLIES HAVING CONNECTORS AND/OR SPLICES THEREON; CLOSURE AND ENCLOSURE STRUCTURES FOR THE SUPPORT AND PROTECTION OF FIBER OPTIC CABLE CONNECTORS AND/OR SPLICES; WALL AND FLOOR OUTLETS, TRANSITION BOXES AND PATCH PANELS FOR TERMINATED FIBER OPTIC CABLES; AND PARTS FOR THE ABOVE
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U.S. Registration No.	1606251	Application Date	11/01/1989
Registration Date	07/17/1990	Foreign Priority Date	NONE
Word Mark	AMP		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1959/00/00 First Use In Commerce: 1959/00/00 ELECTRICAL TERMINALS AND CONNECTORS		

Attachments	71453528#TMSN.gif (1 page)(bytes) 71693351#TMSN.gif (1 page)(bytes) 71693350#TMSN.gif (1 page)(bytes) 71693349#TMSN.gif (1 page)(bytes) 72057177#TMSN.gif (1 page)(bytes) 72075897#TMSN.gif (1 page)(bytes) 72109017#TMSN.gif (1 page)(bytes) 72111633#TMSN.gif (1 page)(bytes) 72191346#TMSN.gif (1 page)(bytes) 72225525#TMSN.gif (1 page)(bytes) 20111107 Whitaker Notice of Opp AMP.pdf (7 pages)(29228 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	/Kevin J. McDevitt/
Name	Kevin J. McDevitt
Date	11/07/2011

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

THE WHITAKER LLC,

Opposer,

v.

AMP ELECTRIC VEHICLES INC.,

Applicant.

Opposition No. _____

Trademark Application Serial Nos.
85/190,177, 85/190,156

Marks: AMP, AMPd

CONSOLIDATED NOTICE OF OPPOSITION

THE WHITAKER LLC, a Delaware limited liability company with its principal place of business at 4550 New Linden Hill Road, Wilmington, Delaware 19808 (“Opposer”), believes it will be damaged by registration of the above-identified applications owned by Applicant AMP ELECTRIC VEHICLES INC.’s (“Applicant”) and hereby opposes same.

Grounds for Opposer’s opposition to registration of the marks AMP and AMPd, Application Serial Nos. 85/190,177 and 85/190,156 respectively, are as follows:

1. Opposer, via its Licensee Tyco Electronics Corporation (“Licensee”), related companies, and predecessors-in-interest, is using and has used the mark AMP and various AMP formative marks worldwide for decades for a wide variety of products and services including, but not limited to, connectors, cables, terminals, and other electrical, communications, telecommunications, computer and networking related products and services since long prior to Applicant’s filing of its application to register the marks AMP and AMPd (Serial Nos. 85/190,177 and 85/190,156 respectively). These products and services are marketed and sold through various distribution channels. Opposer’s AMP and AMP formative marks are well known throughout the U.S. and the world.

2. Opposer, via its Licensee, related companies, and predecessors-in-interest, has expended substantial resources to advertise and promote its goods and services under its AMP and AMP formative marks.

3. Since long prior to Applicant’s filing of its applications to register the marks AMP and AMPd, Opposer, via its Licensee, related companies, and predecessors-in-interest, has used in interstate commerce its AMP and AMP formative trademarks in connection with Opposer’s and its Licensee’s broad range of goods and services including, but not limited to, connectors, cables, terminals, and other electrical, communications, telecommunications, computer and networking related goods and services including, but not limited to, those referenced in paragraph 4 (hereinafter “Opposer’s products and services”).

4. Opposer owns, among other registrations and applications, the following registrations for the mark AMP and various other AMP formative marks:

<i>Mark</i>	<i>U.S. Reg. No.</i>	<i>Goods/Services</i>
AMP (Stylized)	405,714	Electrical terminals and wiring devices
AMP	559,403	Hand tools of the pliers type and of the compound leverage type, and pneumatically and hydraulically operated portable tools and power operated machine tools for pressure application of electrical connectors and the like, for cutting wire, for stripping insulation from wire, for shearing threaded bolts, studs, and the like, and for embossing wire, and dies for the said various purposes for use in hand and power operated tools and machines
AMP (Stylized)	624,890	Electrical insulating plastic film and molded plastic electrical insulating parts
A-MP (Stylized)	631,084	Extruded plastic tubing for further fabrication and cast film for further fabrication
A-MP (Stylized)	644,586	Thermo-plastic synthetic resins and molding powder composed of syntheticresin and a refractory filler
AMP (Stylized)	690,489	Electrical connectors
AMP (Stylized)	693,115	Wiring circuits for electrical equipment
AMP (Stylized)	717,821	Patchcord programming systems, patchcords, patchboards, patchcord permanent rear boards, patchcord contact springs, and patchcord programming panels

<i>Mark</i>	<i>U.S. Reg. No.</i>	<i>Goods/Services</i>
AMP (Stylized)	717,823	Electronic module circuit assemblies
AMP (Stylized)	788,360	Explosive cartridges for use with powder-actuated tools
A-MP (Stylized)	812,073	Electrical programming systems
AMP	1,091,735	Matrix pinboards, universal pinboards, matrix rotary switches, multi-layer rotary switches, matrix slide switches, thumbwheel switches, printed circuit board rotary switches, dual-in-line package switches, hexadecimal rotary switches, dip headers, dip strip receptacles, duplex receptacles, switch wiring systems - namely, electrical terminals, connectors and components used for obtaining a number of switching combinations, electrical circuit analyzers, spring sockets for printed circuit boards, test probe receptacles for printed circuit boards, terminal blocks and housings, ignition terminals, spark plug terminals, battery terminals, drop-wire slices, electrical taper pins and blocks, circular electrical connectors, spring socket mounting wafers, terminals for terminating antenna wires, reusable printed circuit board component test receptacles and telephone cross connecting systems – namely, terminals, connectors and components used for obtaining a number of connecting combinations
AMP	1,108,658	Sealant and dielectric compound
AMP	1,442,736	Polishing machines for polishing optical fiber ends; hand crimping tools
AMP	1,467,087	Fiber optic connectors, comprising ferrules, lenses, couplers, switches, coupling bushings, receptacle bushings, tubular sleeve covers, retainers, housings, protective caps, polishing bushings for polishing optical fibers, spring clips for mounting of fiber optic connectors therein; mounts and retainer clips for photoactive members of fiber optic connectors; signal splitters and combiners for fiber optic cables; fiber optic cables comprising fiber optic connectors and/or splices and for maintenance of the uninterrupted transmission of light; transceivers and datalinks; fiber optic cable assemblies having connectors and/or splices thereon; closure and enclosure structures for the support and protection of fiber optic cable connectors and/or splices; wall and floor outlets, transition boxes and patch panels for terminated fiber optic cables; and parts for the above
AMP	1,606,251	Electrical terminals and connectors
AMP EDGE	700,442	Electrical connectors
AMP MONO-SHAPE	2,373,180	Electrical connectors
AMP NETCONNECT and Design	3,392,228	Installation, maintenance and repair of wiring systems for buildings and consultation services related thereto; technical consulting services in the field of computers, computer software, computer peripherals, telecommunications and computer networking; distributorship, retail store and mail order catalog services in the field of computers, computer software, computer peripherals, telecommunications and computer networking

<i>Mark</i>	<i>U.S. Reg. No.</i>	<i>Goods/Services</i>
AMP NETCONNECT HOME NET-WORKS	3,096,306	Technical consulting services in the field of telecommunications; electrical switch plates, wall plates and patch cord panels; electrical, optical, coaxial and patch cord cables and connectors; networking equipment consisting of transceivers, hubs, repeaters, switches, cables, cable connectors, enclosures and covers; network hubs consisting of electrical, optical and patch cord cables and connectors; connectivity systems consisting of connectivity panels, bridge/security modules and patch cords; voice and data connectivity panels; video and audio distribution components, namely, splitters, interfaces and couplers; universal equipment panels; all of the foregoing for voice, data, video, and audio distribution and networking; installation, maintenance and repair of wiring systems for residential buildings; technical consulting services in the field of installation, maintenance and repair of wiring systems for residential buildings; technical consulting services in the field of computers, computer software, computer peripherals, and computer networking
AMP PACE	1,203,424	Electrical connectors
AMP SUPERSEAL 1.5 SERIES	2,004,649	Sealed electrical connectors
AMPACT	784,380	Portable tools to apply electrical connectors
AMPACT	761,875	Electrical connectors
AMPACT	788,044	Explosive cartridges for use with powder-actuated tools
AMP-BARREL	1,129,184	Electrical connectors
AMP-BLADE	724,759	Electrical connectors
AMP-FIT	821,029	Mechanical tube fittings
AMP-HDI	1,319,045	Electrical connectors
AMP-IN	712,448	Electrical connectors
AMPINNERGY	2,197,854	Modular power distribution system comprised of power strips, junction boxes, receptacles, connectors, power transition units, power distribution modules, cable assemblies, faceplates, access floor workstation modules; electrical connectors, contacts, terminals and housings; electric meters
AMPIP	782,742	Electrical insulation pods for electrical connectors
AMP-LATCH	1,144,861	Electrical connectors
AMP-LEAF	727,940	Electrical connectors
AMPLI-BOND (Stylized)	615,642	Electrical connectors
AMPLIMATE	960,306	Electrical connectors and contacts
AMPLIMITE	944,527	Electrical connectors
AMPLIVAR	659,761	Electrical connectors
AMPLIVERSAL	805,095	Hand tools to apply electrical connectors
AMPMODU	802,601	Electrical connectors
AMP-O-LECTRIC	1,751,001	Presses in which applicators are located for applying electrical terminals and connectors
AMP-O-MATIC	1,751,000	Presses in which applicators are located for applying electrical

<i>Mark</i>	<i>U.S. Reg. No.</i>	<i>Goods/Services</i>
		terminals and connectors
AMPOMATOR	682,520	Machines for applying electrical connectors
AMPOWER (Stylized)	703,903	Tools for crimping electrical connectors
AMPOWER	672,133	Electrical connectors
AMPSEAL	663,064	Electrical connectors
AMPSEAL 16	3,032,964	Electrical connectors
AMP-TAB	799,492	Hand tools to apply electrical connectors
AMP-TAB	769,452	Electrical connectors
AMP-TAPEMATIC	750,493	Tools for the pressure application of electrical connectors
AMP-TAPETRONIC	765,852	Machine tools for applying electrical connectors
AMP-TY	945,585	Cable bundling devices
AMP-ULTREX	1,483,123	Printed circuit board connectors

(Copies of the TARR and Assignment Records for Registration referenced above showing ownership by Whitaker LLC are attached as **Exhibit A.**)

5. By reason of Opposer’s, via its Licensee’s, related companies’ and predecessors-in-interest’s, advertisement, promotion and use, as well as the wide distribution of Opposer’s licensed products under the aforesaid trademarks, the mark AMP and various AMP formative marks have come to be recognized as signifying Opposer and Opposer’s Licensee and its products and services, such that Opposer’s AMP and AMP formative marks have become famous.

6. Opposer, via its Licensee, related companies, and predecessors-in-interest, has built up extensive goodwill in connection with the offering and sale of products and services under its AMP and AMP formative trademarks.

7. Notwithstanding Opposer’s prior rights in and to its AMP and AMP formative marks, on December 3, 2010, Applicant filed U.S. Trademark Application Serial No. 85/190,177 for the mark AMP, which Applicant claims to have an intention to use in commerce with “electric drives for vehicles” in International Class 12 and claims to have used in commerce since May 10, 2007 with “electric vehicles, namely, land vehicles” in International Class 12, and

filed U.S. Trademark Application Serial Nos.85/190,156 for the mark AMPd, which Applicant claims to have an intention to use in commerce with “electric drives for vehicles; electric vehicles, namely, land vehicles” in International Class 12. Each application was published in the May 10, 2011 edition of the *Trademark Official Gazette* of the United States Patent and Trademark Office and Opposer was granted a time extension until November 6, 2011 (effectively November 7, 2011) to oppose each application.

8. Applicant’s AMP and AMPd marks are confusingly similar to Opposer’s aforesaid trademarks, and the use and attempted registration of the marks AMP and AMPd in connection with goods including “electric vehicles, namely, land vehicles” and “electric drives for vehicles” are likely to cause confusion, deception, and mistake among purchasers.

9. Applicant’s use and registration of the marks AMP and AMPd are likely to cause dilution to the distinctive quality of Opposer’s famous AMP and AMP formative marks.

10. Applicant’s applications to register and use the marks AMP and AMPd has and will continue to interfere with Opposer’s aforesaid trademarks and will seriously damage Opposer, its business, its goodwill, and the business of its Licensee and related companies.

WHEREFORE, Opposer respectfully prays that this Consolidated Opposition be sustained, that U.S. Trademark Application Serial Nos. 85/190,177 and 85/190,156 for the marks AMP and AMPd, respectively, be rejected, and that registration of both applications by Applicant be denied.

Respectfully submitted,

Dated: November 7, 2011

By: s/ Jeremy M. Roe

Kevin J. McDevitt, Esq.
Richard B. Biagi, Esq.
Jeremy M. Roe, Esq.
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Attorneys for Opposer

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this **CONSOLIDATED NOTICE OF OPPOSITION** is being electronically filed with the United States Patent and Trademark Office Trademark Trial and Appeal Board today, November 7, 2011.

s/ Jeremy M. Roe

CERTIFICATE OF SERVICE

I hereby certify that one copy of the foregoing **CONSOLIDATED NOTICE OF OPPOSITION** was served upon Counsel for Applications by postage paid First Class Mail, this 7th day of November, 2011, at the address as follows:

Keith R. Haupt, Esq.
WOOD, HERRON & EVANS
441 Vine Street, Suite 2700
Cincinnati, OH 45202

s/ Jeremy M. Roe