

ESTTA Tracking number: **ESTTA457291**

Filing date: **02/17/2012**

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	Innova Electronics Corporation		
Entity	Corporation	Citizenship	Nevada
Address	17291 Mt. Herrmann Street Fountain Valley, CA 92708 UNITED STATES		

Attorney information	Bruce B. Brunda Stetina Brunda Garred & Brucker 75 Enterprise Suite 250 Aliso Viejo, CA 92656 UNITED STATES opposition@stetinalaw.com Phone:949-855-1246
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Applicant Information

Application No	77676136	Publication date	02/14/2012
Opposition Filing Date	02/17/2012	Opposition Period Ends	03/15/2012
Applicant	EQUUS WORLD, INC. 39555 ORCHARD HILL PLACE, STE. 370 NOVI, MI 48375 UNITED STATES		

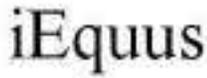
Goods/Services Affected by Opposition

Class 012. All goods and services in the class are opposed, namely: automobiles
Class 035. All goods and services in the class are opposed, namely: import and export agency services in the field of automobiles; retail store services and online retail store services featuring automobiles
Class 041. All goods and services in the class are opposed, namely: services of organization of sports events, namely, automobile events, motor races and rallies; services of providing entertainment and sporting event information in the field of automobile events, motor races and rallies; services of a social club, namely, providing information to the members about entertainment and sport automobile events; editing of magazines and other written printed matter and publishing of magazines, for members of a club; social club services, namely, organizing and arranging of social events and activities for members of a club

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. Registration No.	3134023	Application Date	08/23/2004
Registration Date	08/22/2006	Foreign Priority Date	NONE
Word Mark	IEQUUS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2005/08/01 First Use In Commerce: 2005/08/01 Automotive equipment and scan tools, namely, scan tools for use in diagnostic testing and live data retrieval for computerized automobile systems; Automotive diagnostic tools, namely, engine analyzers, ignition analyzers, temperature probes, timing lights, digital multimeters, battery and charging system monitors, ignition module testers, remote starter switches, volt meters, vacuum pumps; Automotive data gauges, namely, water temperature gauges, exhaust temperature gauges, oil temperature gauges, oil pressure gauges, compression gauges, vacuum gauges, pressure gauges, fuel gauges, dwell gauges; tachometers; and Code readers, namely, code readers used to retrieve and clear diagnostic trouble codes		

Attachments	78472159#TMSN.jpeg (1 page)(bytes) NoticeOfOpposition.pdf (7 pages)(716918 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	/Bruce B. Brunda/
Name	Bruce B. Brunda
Date	02/17/2012

Case: EQUUS-282M

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

IN RE SERIAL NO. 77/676,136

Innova Electronics Corporation)	Opposition No.:
)	
Opposer,)	
)	
vs.)	
)	
Equus World, Inc.)	
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

Box TTAB - Fee
Commissioner for Trademark
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir or Madam:

In the matter of the application of Equus World, Inc. of Novi, Michigan (hereinafter “Applicant”) for registration of the trademark MR-EQUUS, Application Serial No. **77/676,136**, published in the Official Gazette of February 14, 2012, at TM 15, Innova Electronics Corporation., a Nevada corporation, with offices at 17291 Mount Herrmann, Fountain Valley, California 92708 (hereinafter “Opposer”), believes that it will be damaged by registration of the mark shown in Serial No. **77/676,136**, and hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer has obtained United States Trademark Registration No. 3,134,023, registered August 22, 2006, for the mark IEQUUS for the goods set forth in that registration. A copy of that registration is attached hereto as **Exhibit 1**.

2. Opposer is and has been for many years engaged in the extensive design, development, advertising, marketing and commercialization of a variety of automotive diagnostic services and automotive equipment under the marks EQUUS and IEQUUS, including but not limited to the goods set forth in United States Trademark Registration No. 3,134,023, (collectively the INNOVA Goods and Services). In connection therewith, Opposer has used, in interstate commerce, the marks EQUUS and IEQUUS, for the INNOVA Goods and Services since long prior to Applicant's filing date of the application of Serial No. **77/676,136** for the mark MR-EQUUS.

3. Since at least as early as 2005, Opposer has made use of its EQUUS and IEQUUS trademarks throughout the United States in interstate commerce.

4. Opposer has expended considerable sums in exerting every effort to maintain the highest standard of quality for its products and services, and has created valuable goodwill among the purchasing public under its EQUUS and IEQUUS trademarks.

5. As a result of the continuous and extensive use of the EQUUS and IEQUUS trademarks by Opposer, those trademarks and trade name have become and continue to function as a valuable business and marketing asset of Opposer, and serve to indicate to the trade and consuming public the products and services originating from Opposer.

6. Notwithstanding Opposer's rights in and to said EQUUS AND IEQUUS trademarks Applicant, on information and belief, filed an application for registration of MR-EQUUS on February 23, 2009 in International Class 012 for automobiles, in International Class

035 for import and export agency services in the field of automobiles; retail services and online retail store services featuring automobiles, and in International Class 042 for services of organization of sports events, namely, automobile events, motor races and rallies; services of a social club, namely, providing information to the members about entertainment and sport automobile events; editing of magazines and other written printed matter and publishing of magazines, for members of a club; social club services, namely, organizing and arranging of social events and activities for members of a club. Said application was published for opposition in the Official Gazette of February 14, 2012 at TM 15.

7. Automobile diagnostic services and automobiles are related fields.

8. Automotive equipment and scan tools (as listed in Exhibit 1) and automobiles are related products.

9. Automotive equipment and scan tools (as listed in Exhibit 1) and retail store services featuring automobiles are related fields.

10. Upon information and belief, consumers of automobile diagnostic products and services are likely to also be consumers of retail store services featuring automobiles.

11. Upon information and belief, consumers of automobile diagnostic products and services are likely to also be consumers of automobiles and retail store services featuring automobiles.

12. Applicant's MR-EQUUS mark is confusingly similar to Opposer's EQUUS and IEQUUS trademarks, and registration and use of the MR-EQUUS mark by Applicant for Applicant's Goods is likely to cause confusion, deception and mistake as to the source of Applicant's Goods and Services.

13. Consumers encountering Opposer's EQUUS and IEQUUS trademarks are likely to falsely assume that Opposer is the source of Applicant's Goods and Services, sold under the MR-EQUUS mark, or otherwise affiliated with Applicant.

14. Applicant's use of the mark MR-EQUUS interferes with Opposer's use of its EQUUS and IEQUUS trademarks and use of, or registration of, the mark MR-EQUUS by Applicant will seriously damage Opposer.

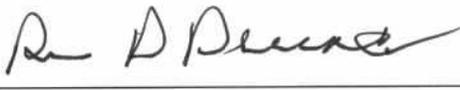
WHEREFORE, Opposer prays that registration of the mark MR-EQUUS to Applicant be denied.

Opposer authorizes the filing fee for this Opposition in the amount of \$900 (three international classes) to be charged to Opposer's Deposit Account.

Respectfully submitted,

Dated: February 17, 2012

STETINA BRUNDA GARRED & BRUCKER

By:  _____

Bruce B. Brunda, Reg. No. 28,497
75 Enterprise, Suite 250
Aliso Viejo, CA 92656
(949) 855-1246
Counsel for Opposer

EXHIBIT 1

Int. Cl.: 9

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

Reg. No. 3,134,023

United States Patent and Trademark Office

Registered Aug. 22, 2006

TRADEMARK
PRINCIPAL REGISTER

iEquus

INNOVA ELECTRONICS CORPORATION (NEVADA CORPORATION)
17291 MT. HERRMANN STREET
FOUNTAIN VALLEY, CA 92708

FOR: AUTOMOTIVE EQUIPMENT AND SCAN TOOLS, NAMELY, SCAN TOOLS FOR USE IN DIAGNOSTIC TESTING AND LIVE DATA RETRIEVAL FOR COMPUTERIZED AUTOMOBILE SYSTEMS; AUTOMOTIVE DIAGNOSTIC TOOLS, NAMELY, ENGINE ANALYZERS, IGNITION ANALYZERS, TEMPERATURE PROBES, TIMING LIGHTS, DIGITAL MULTIMETERS, BATTERY AND CHARGING SYSTEM MONITORS, IGNITION MODULE TESTERS, REMOTE STARTER SWITCHES, VOLT METERS, VACUUM PUMPS; AUTOMOTIVE DATA GAUGES, NAMELY, WATER TEMPERATURE GAUGES, EXHAUST TEMPERATURE GAUGES, OIL TEMPERATURE GAUGES,

OIL PRESSURE GAUGES, COMPRESSION GAUGES, VACUUM GAUGES, PRESSURE GAUGES, FUEL GAUGES, DWELL GAUGES; TACHOMETERS; AND CODE READERS, NAMELY, CODE READERS USED TO RETRIEVE AND CLEAR DIAGNOSTIC TROUBLE CODES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 8-1-2005; IN COMMERCE 8-1-2005.

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

SN 78-472,159, FILED 8-23-2004.

MARGERY A. TIERNEY, EXAMINING ATTORNEY

PROOF OF SERVICE

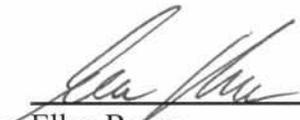
State of California)
) ss.
County of Orange)

I am over the age of 18 and not a party to the within action; my business address is 75 Enterprise, Suite 250, Aliso Viejo, California 92656. On **February 17, 2012**, the attached **NOTICE OF OPPOSITION** was served on all interested parties in this action by U.S. Mail, postage prepaid, at the address as follows:

Equus World, Inc.
39555 Orchard Hill Place, Suite 370
Novi, MI 48375

James Ziety
Borda & Lorenz P.C.
Suite 370
39555 Orchard Hill Place
Novi, MI 48329

Executed on **February 17, 2012** at Aliso Viejo, California. I declare under penalty of perjury that the above is true and correct. I declare that I am employed in the office of STETINA BRUNDA GARRED & BRUCKER at whose direction service was made.



Ellen Bufns