Trademark Trial and Appeal Board Electronic Filing System. http://estta.uspto.gov

ESTTA Tracking number: ESTTA478543

Filing date: 06/18/2012

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	SPX Corporation
Granted to Date of previous extension	06/16/2012
Address	13515 Ballantyne Corporate Place Charlotte, NC 28277 UNITED STATES
Correspondence	

Correspondence	John Weber
information	Baker & Hostetler
	Suite 1100 1050 Connecticut Avenue, N.W.
	Washington, DC 20036
	UNITED STATES
	trademarks@bakerlaw.com Phone:202.861.1500

Applicant Information

Application No	85310125	Publication date	04/17/2012
Opposition Filing Date	06/18/2012	Opposition Period Ends	06/16/2012
Applicant	Gamma Sales Inc. 25 Hunter Valley Road Orillia, Ontario, L3V6H2 CANADA		

Goods/Services Affected by Opposition

All goods and services in the class are opposed, namely: Engine oil

Class 006.

All goods and services in the class are opposed, namely: Metal billet risers and adaptors; metal hardware, namely, washers

Class 007.

All goods and services in the class are opposed, namely: Snowmobile parts, namely, engine components, namely, piston and ring assemblies, connecting rod and bearing assemblies, crankshafts, engine gaskets, engine gears, exhaust springs and joints, cylinders and cylinder sleeves; power operated snowmobile lifts; internal combustion engine parts, namely, pistons; gaskets for internal combustion engines; billet idlers being parts of vehicle engines; plastic idler wheels being parts of engines; connecting rods for machines, motors and engines

Class 009.

All goods and services in the class are opposed, namely: Batteries for motorcycles, ATVs and watercraft; electric handlebar grip heaters; and power adaptors

Class 012.

All goods and services in the class are opposed, namely: Fitted covers for snowmobiles; sled

Class 004.

caddies, namely, snowmobile dollies; shop dollies; carbides being parts of snowmobiles; dooly carbides being parts of snowmobiles; land vehicle parts, namely, tire snow chains; vehicle parts, namely, shock absorbers and drive belts

Class 025.

All goods and services in the class are opposed, namely: Clothing, namely, jackets and sweaters

Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2351520	Application Date	01/13/1999
Registration Date	05/23/2000	Foreign Priority Date	NONE
Word Mark	SPX		•
Design Mark		SPX	
Description of Mark	NONE		
Goods/Services	Class 007. First use: First Use: 1988/04/27 First Use In Commerce: 1989/06/00 power tools, namely, inflatable hydraulic jacks; [cutting and stamping dies for use with machine tools;] hydraulic presses for bending, straightening and forcing metal; hydraulic rams; power-operated gear and bearing pullers; hydraulic pumping units; grease guns; machine punches; vacuum pumps; portable cable hoists; power-operated puller for removal and installation of gears, bearings, wheels, pulleys, sleeves, shafts and other friction fitted parts; shop cranes; hydraulic transmission jacks; [crawler track presses;] hydraulically powered clamps for holding work pieces while manufacturing operations are being performed thereon, portable self-contained air/hydraulic circuit control and regulating valve unit utilized as a central power source for work clamping devices; [machine parts, namely, hydraulic load bearing valves, hydraulic check valves, hydraulic Y manifold, multiple port hydraulic manifold blocks;] hydraulic jacks; [power-operated racks for greasing and repairing vehicles;] mobile hydraulic vehicle jacks; vehicle piece supporting tools for use in the service and repair of engines, drive trains and suspensions; [brake drum and shoe finishing machine;] units for mounting vehicle wheels and tires; racks, stands and lifts; [brake service machines and tools, namely, lathes, grinders] and brake line bleeders; fluid power products, namely, manual, electric pneumatic and engine driven fluid operated pumps, motors, cylinders and linear actuators, rams, presses, jacks and structural parts for the foregoing; power-operated portable refrigerant charging station consisting of controls, gauges and valves and associated refrigerant and hoses all sold as a unit; nower-operated portable		

torque converter [and air cooler cleaning machine]
Class 008. First use: First Use: 1997/11/00 First Use In Commerce: 1997/11/00
manually operated hand tools, namely, pullers for removing gears, bearings, pulleys and wheels and other press-fit parts; vacuum pumps; oil filter crushers; nut splitters; manually operated hand tools, namely, adjustable wrenches, chain wrenches, spreaders, spanner wrenches, pry bars, jimmy bars, reversible ratchet sets, thread chasers, gear shaft and bearing pullers; o-ring seal picks and carrying cases for all of the above, sold as a unit; wire cutters; wire terminal crimpers; bending, holding, tension and compression clamp; vehicle piece supporting tools for use in the service and repair of engines, drive trains and suspensions; racks, stands and lifts; transmission hand jacks
Class 009. First use: First Use: 1988/04/27 First Use In Commerce: 1989/06/00
[Vehicle wheel, axle and frame straightening machine; vehicle headlight alignment gauges and testers; brake testers for measuring amount of brake lining; wheel alignment and testing machine; machines for road driving simulation; vehicle and industrial wheel balancers; dynamometers;] machines and gauges for testing internal combustion engines, namely, electrical, ignition, transmission, exhaust, carburetor and fuel compression testers and analyzers; pressure gauges; [vehicle wheel, tire, frame and steering alignment machines;] vehicle injection nozzle testers; OHM meters, voltmeters, capacitor analyzers, volt wattmeters, voltage continuity testers, vacuum gauges, manometers; safety goggles; hydraulic pressure gauges; pinion angle level gauges; hydraulic in-line pressure testers and connector accessories therefor; computers, keyboards and printers and related accessories for controlled diagnostic analysis of vehicle engines and drive trains and computer software and manuals for use therewith; diesel engine timing meter; vehicle charging system analyzers; electronic ignition analyzers; hydraulic flow, pressure and temperature testers and structural parts therefore. Lateral checking instruments for taperad bearings; l calencid
valves; computer database software for selecting vehicle and tool replacement parts; electronic battery testers; vacuum gauges for refrigeration systems; refrigerant identification instruments

n	1	1	7
U.S. Registration No.	2528505	Application Date	01/13/1999
Registration Date	01/08/2002	Foreign Priority Date	NONE
Word Mark	SPX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 001. First use: First Use	e: 2000/08/00 First U	se In Commerce: 2000/08/00
	[reagents, reagent mixtures, oxygen-containing hydrocarbons, diethyleneglycolmonoethylether, for use in case-forming carburization of ferrous metals, steels, and alloys; reagents, reagent mixtures, oxygen-containing hydrocarbons fusel oil, for use in carburization and prevention of decarburization of ferrous metals, steels, and alloys; composed propane gas]		
	pumps for delivering fluid und namely, valves for controlling systems consisting of a reser machine parts, namely, direct namely, fluid control valves an motor for operating rotary slip final control elements; positive motors, valves for use with po	ler pressure, fluid pre flowing fluid, and uni voir and one or more tional control valves, nd structural parts for p-stem and butterfly v e displacement pump positive displacement p	ssure motors; machines parts, tary fluid pressure power of the above named devices; fluid handling equipment, said equipment; electric alves, dampers, and other os, positive displacement pumps, hydrostatic

transmission systems consisting of a positive displacement pump and a positive displace motor and structural parts thereof; continuous in-line mixers for fluids, solids and liquids; [ladles for use in pumping molten metal from furnaces;]plunger type chemical pumps, diaphragm type chemical pumps, [lime shakers, hopper agitators, bucket elevators, belt conveyors, bulk material proportioning machines, and structural parts therefor; conveyor belts for transporting bulk material;] watersealed air compressors; [machines for feeding coal to power boilers] and machines for solidifying and reducing the volume of nuclear power plant radioactive waste; [universal motors for use in wide variety of domestic appliances; electric motors for machines;] pneumatically operated machines to vary the passage of medium through a conduit in response to a controlled pressure applied thereto; industrial dust collectors and structural parts therefor; [piston rings;] land-vehicle engine part, namely, non-metal refrigerant hoses
control panels and manually and pyrometrically and galnometrically controlled electric switches rheostats, and heating-current controllers for regulating or controlling the temperature or operating conditions of electric furnaces, electric ovens, and electric heat-treating furnaces; electric flow meters and pressure or rate of flow controllers, and telemeters; mechanical flow meters for recording and totalizing with or without indicating means; pneumatically operated regulator to vary the passage of a medium through a conduit in response to a controlled pressure applied thereto; voltage and current regulators and compensators, ballasts and reactors; rotary type integrating flow meters for steam, air and gas,
and accessories therefor, namely, liquid gauge glass, transmitters, remote
totalizer, flow rate indicator, flow rate recorder, flow demand indicator and flow demand recorder; [measuring and scientific appliances, namely, liquid baths, temperature controllers, pyrometers, thermostats, incubators for scientific and
laboratory use, namely, liquid level controllers;] thermal relays, namely, time
delay relays, voltage sensing relays, and current sensing relays; laboratory
mixers; data processing and control switches and relays; [moisture detecting
devices for oil quench tanks;] electric line voltage regulators; electrical and
electronic equipment, namely, coils, transformers, inductors and reactors,
electronic relays, telecommunication control circuits, signal generators, [
automatic telephone dial pulse generators,] and signal regenerators and
repeaters; [ballasts for supplying energy to gaseous discharge lamps;] static
magnetic voltage regulators; [two-way mobile radio equipment and parts
thereof;] electronic and electrical equipment, namely, telemetry systems for
collecting and communicating information and data, and for transmitting control
signals from one location to another, namely, data logging systems, scanning
equipment, encoders, decoders, pulse code modulators, code sequence
network administrator in connection with the control transfer, and installation of
software files and data to various clients connected to the network: telephone
data transmission interface for uninterruptible power supplies: inventory
software, namely, software for tracking inventory in a laboratory: laboratory
equipment, namely, recorder thermometers and electronic loggers for
electronically storing temperature data for subsequent reading, graphing, and
analysis by software and computer; alarm systems, comprised of electronic
thermometers connected to an annunciator which provides a warning signal
regarding unacceptable temperature readout displays; electrical module for
weighing bulk materials, primarily coal and limestone; computer systems,
comprising hardware and software for simulating terrain views and displaying
images; AC and DC power systems, namely, uninterruptible, fault tolerant and
telecommunications, electrical power systems comprised of invertors, rectifiers,
power conditioners, battery management units and uninterruptible power units
for use in power blackout and line conditioning applications; computer software
for controlling, managing and monitoring power operations and functions;] DC
electrical power generators; [electronic controller for coal feeder system,]
electromechanical diameter control units for crystal growing furnaces; [switches

for electrical or optical signal connections, namely, matrix switches, computer channel switches, local area network switches, control units for switching applications among computers and input/output units; protocol analyzers; switch or patch units for patching or switching in computer networks and in telephone networks;] optical fiber patch panel and management units; telecommunication paths and parts for the foregoing; [optical multiplexer for combining two or more optical signals into a composite optical signal, optical fibers and an interconnection unit for interconnecting or patching one set of optical fibers to another set of optical fibers primarily for large mainframe computer data center environments; electrical power systems comprised of invertors, rectifiers, power conditioners, battery management devices and uniterruptible power units for use in power blackout and line conditioning applications and computer software for use with the foregoing;] electrical transformers, voltage surge arresters, tap changers, and package substations; [multiple cable transit system, namely, a fire stop transition box positioned in fire rated barriers such as floors or decks, walls or bulk heads, and cellings, for the passage of cables and/ or conduits there through;] fluid rate of flow meters and controllers; [interface units, namely, printed circuit boards for use inconnecting servers to the channels of mainframe computer;] electrical connectors for use with a conduit; [connectivity unit for connecting a server to mainframe computer, multi-cable transits, namely, a pressure-tiph packing assembly utilizing a modulus system of elastomer blocks, arranged so as to fill up spaces between cables and the interior of a frame; communications test equipment, namely, a test head for testing subscriber circuits for digital loop carrier systems;] optical multiplexer for combining two or more optical signals into a composite optical signal; [electrical operated circulating liquid bath and stirrer	
and production manufacturing uses;] security equipment, namely, card access units, access cards and card readers [; reagent-treating retorts for laboratory use] Class 011. First use: First Use: 2000/08/00 First Use In Commerce: 2000/08/00 [commercial electric cooking ovens,] electric heat-treating furnaces; electric heating units for electric furnaces, electric ovens and electric heat-treating furnaces; [lighting panels and electric light fixtures; freezers of chest and reach- in types for industrial cooling operations;] dehydrators for continuous drying and removal of moisture from compressed air; [ultra-low temperature cabinet and upright freezers for the preservation of biological substances for laboratory and other experimental uses; and] crystal growing furnaces; [cooling units for scientific and laboratory use, humidity cabinets for scientific and laboratory use, and timers sold as unit;] fluid handling equipment for plumbing use, namely, fluid control valves Class 012. First use: First Use: 2000/08/00 First Use In Commerce: 2000/08/00 hand propelled dollies, carts and truck for handling heavy domestic and industrial appliances [; vehicle transmission fluid filters, solenoid valves for vehicle transmission] Class 035. First use: First Use: 2000/08/00 First Use In Commerce: 2000/08/00 administration and management of car maintenance and repair programs for vehicle dealers and vehicle service facilities	for electrical or optical signal connections, namely, matrix switches, computer channel switches, local area network switches, control units for switching applications among computers and input/output units; protocol analyzers; switch or patch units for patching or switching in computer networks and in telephone networks;] optical fiber patch panel and management units; telecommunication transmission equipment and monitoring and test units; and monitoring and test units to implement and maintain localand long distance communication paths and parts for the foregoing; [optical multiplexer for combining two or more optical signals into a composite optical signal; optical fibers and an interconnection unit for interconnecting or patching one set of optical fibers to another set of optical power systems comprised of invertors, rectifiers, power conditioners, battery management devices and uninterruptible power units for use in power blackout and line conditioning applications and computer software for use with the foregoing;] electrical transmission lines, namely, electronic waveguides for transmission of radio frequency energy; energy transmission and distribution equipment, namely, electrical transformers, voltage surge arresters, tap changers, and package substations; [multiple cable transit system, namely, a fire stop transition box positioned in fire rated barriers such as floors or decks, walls or bulk heads, and ceilings, for the passage of cables and/ or conduits there through;] fluid rate of flow meters and controllers; [interface units, namely, a pressure-tight packing assembly utilizing a modulus system of elastomer blocks, arranged so as to fill up spaces between cables and the interior of a frame; communication stest equipment, namely, a test head for testing subscriber circuits for digital loop carrier systems;] optical multiplexer for combining two or more optical signals into a composite optical signal;] electrical connectory, pilot plant,
Class 011. First use: First Use: 2000/08/00 First Use In Commerce: 2000/08/00 [commercial electric cooking ovens,] electric heat-treating furnaces; electric heating units for electric furnaces, electric ovens and electric heat-treating furnaces; [lighting panels and electric light fixtures; freezers of chest and reach- in types for industrial cooling operations;] dehydrators for continuous drying and removal of moisture from compressed air; [ultra-low temperature cabinet and upright freezers for the preservation of biological substances for laboratory and other experimental uses; and] crystal growing furnaces; [cooling units for scientific and laboratory use, humidity cabinets for scientific and laboratory use, and timers sold as unit;] fluid handling equipment for plumbing use, namely, fluid control valves Class 012. First use: First Use: 2000/08/00 First Use In Commerce: 2000/08/00 hand propelled dollies, carts and truck for handling heavy domestic and industrial appliances [; vehicle transmission fluid filters, solenoid valves for vehicle transmission] Class 035. First use: First Use: 2000/08/00 First Use In Commerce: 2000/08/00 administration and management of car maintenance and repair programs for vehicle dealers and vehicle service facilities	units, access cards and card readers [; reagent-treating retorts for laboratory use]
 [commercial electric cooking ovens,] electric heat-treating furnaces; electric heating units for electric furnaces, electric ovens and electric heat-treating furnaces; [lighting panels and electric light fixtures; freezers of chest and reachin types for industrial cooling operations;] dehydrators for continuous drying and removal of moisture from compressed air; [ultra-low temperature cabinet and upright freezers for the preservation of biological substances for laboratory and other experimental uses; and] crystal growing furnaces; [cooling units for scientific and laboratory use, humidity cabinets for scientific and laboratory use, and timers sold as unit;] fluid handling equipment for plumbing use, namely, fluid control valves Class 012. First use: First Use: 2000/08/00 First Use In Commerce: 2000/08/00 hand propelled dollies, carts and truck for handling heavy domestic and industrial appliances [; vehicle transmission fluid filters, solenoid valves for vehicle transmission] Class 035. First use: First Use: 2000/08/00 First Use In Commerce: 2000/08/00 administration and management of car maintenance and repair programs for vehicle dealers and vehicle service facilities 	Class 011. First use: First Use: 2000/08/00 First Use In Commerce: 2000/08/00
Class 012. First use: First Use: 2000/08/00 First Use In Commerce: 2000/08/00 hand propelled dollies, carts and truck for handling heavy domestic and industrial appliances [; vehicle transmission fluid filters, solenoid valves for vehicle transmission] Class 035. First use: First Use: 2000/08/00 First Use In Commerce: 2000/08/00 administration and management of car maintenance and repair programs for vehicle dealers and vehicle service facilities	[commercial electric cooking ovens,] electric heat-treating furnaces; electric heating units for electric furnaces, electric ovens and electric heat-treating furnaces; [lighting panels and electric light fixtures; freezers of chest and reach- in types for industrial cooling operations;] dehydrators for continuous drying and removal of moisture from compressed air; [ultra-low temperature cabinet and upright freezers for the preservation of biological substances for laboratory and other experimental uses; and] crystal growing furnaces; [cooling units for scientific and laboratory use, humidity cabinets for scientific and laboratory use, and timers sold as unit;] fluid handling equipment for plumbing use, namely, fluid control valves
 hand propelled dollies, carts and truck for handling heavy domestic and industrial appliances [; vehicle transmission fluid filters, solenoid valves for vehicle transmission] Class 035. First use: First Use: 2000/08/00 First Use In Commerce: 2000/08/00 administration and management of car maintenance and repair programs for vehicle dealers and vehicle service facilities 	Class 012. First use: First Use: 2000/08/00 First Use In Commerce: 2000/08/00
Class 035. First use: First Use: 2000/08/00 First Use In Commerce: 2000/08/00 administration and management of car maintenance and repair programs for vehicle dealers and vehicle service facilities	hand propelled dollies, carts and truck for handling heavy domestic and industrial appliances [; vehicle transmission fluid filters, solenoid valves for vehicle transmission]
administration and management of car maintenance and repair programs for vehicle dealers and vehicle service facilities	Class 035. First use: First Use: 2000/08/00 First Use In Commerce: 2000/08/00
	administration and management of car maintenance and repair programs for vehicle dealers and vehicle service facilities

U.S. Registration No.	4045637	Application Date	06/28/2007
Registration Date	10/25/2011	Foreign Priority Date	NONE
Word Mark	SPX		

Design Mark	
	SPX
Description of Mark	NONE
Goods/Services	Class 006. First use: First Use: 2003/12/30 First Use In Commerce: 2003/12/30 metal refrigeration hose fittings; manually operated metal valves; manually operated metal valves assemblies comprised of control valves, ball valves, globe valves, butterfly valves, plug valves, check valves, eccentric valves, knife gate valves, gate valves, isolation valves, diverter valves, sleeve valves, consistency transmitters, pneumatic and electro-pneumatic positioners, actuators, solenoids, regulators, governors, pneumatic motion transmitters, electric pneumatic transducers, desuperheaters, vapor and steam conditioning valves, strainers, air gap drains, and/or setters Class 007. First use: First Use: 2003/12/30 First Use In Commerce: 2003/12/30 industrial mixing machine for mixing all types of fluids and solids; transmission oil cooler flush and flow test machine; air filters for industrial installations; gear pumps and centrifugal pumps for industrial purposes; vacuum pumps; electric, centrifugal and hydraulic pumps for industrial purposes; air cooled condensers; heat exchangers being parts of machines Class 009. First use: First Use: 2003/12/30 First Use In Commerce: 2003/12/30 weighing scales; environmental and altitude chambers; automatic valves, namely, control valves, knife gate valves, guet valves, isolation valves, check valves, coetric valves, knife gate valves, isolation valves, diverter valves and sleeve valves; control valves for regulating the flow of gases and liquids; automatic valves, eccentric valves, knife gate valves, gate valves, isolation valves, pup valves, betch valves, decurric transformers; electric pneumatic motion transmitters, electric transformers; electric pneumatic motion transmitters, electric transformers; electric pneumatic ronic blade consistency transmitters for measuring liquid mixtures in industry; computer software for assisting in valve systems and in specifying valve products; electronic valve actuators; coaxial cable; hand held computer for use in detecting leaks in pressurized cables

apparatus, diplexers, towers, transmission lines and cables, matching units and control apparatus; electrical fiber-optic communication transmission lines for audio and video signal transmission; optical waveguides; metallic waveguide and coaxial cable and end-connectors; air flow sensors; thermostats; emergency warning lights, namely, aviation obstruction lighting; airport warning and safety lighting systems, namely, light sockets and bulbs for use with airplane guidance on airport landing strips and obstructions on airport approach; beacon and obstruction warning lights; hand held computer for detecting leaks in pressurized cables; wireless data carriers and receivers for use with vehicle diagnosing and monitoring; computer hardware and software used for radio signal intercept and direction finding; receivers and processors for use with such signal processing systems; and heating, cooling and humidified environmental chambers for research, testing and production
Class 011. First use: First Use: 2003/12/30 First Use In Commerce: 2003/12/30
water cooling towers; industrial air cleaners; cable pressurization units, comprised primarily of air dryers, compressors, central office manifolds, distribution manifolds, meters and pipe feed access panels, and air pipe connectors sold as a unit for use in forcing dry air into cables in order to protect the cables from water damage; electric dehydrators for continuous drying and removal of moisture from compressed air; air dryer monitoring and control systems comprised primarily of moisture separators, valves, strainers, heat exchangers and moisture indicators; heat exchangers not being parts of machines; cooling towers; ventilating fans for domestic and industrial use; portable electric heaters; electric wall heaters for domestic and commercial use; refrigerated air dryers for removing contaminants from compressed air and gases; switching valves for desiccant air dryers; air filters for industrial installations
Class 036. First use: First Use: 2008/03/01 First Use In Commerce: 2008/03/01
business and industrial financial services, namely, private label vendor financing, equipment financing, business credit sales financing and capital financial and equity investments
Class 037. First use: First Use: 1998/11/01 First Use In Commerce: 1998/11/01
Installation and maintenance of steel and metal antenna support structures, antenna towers, and lighting equipment
Class 040. First use: First Use: 2003/12/30 First Use In Commerce: 2003/12/30
Manufacture of aerospace component parts to the order and specification of others; rental of air treatment equipment; fabrication of steel and metal antenna support structures, antenna towers, and lighting equipment

Attachments	75620763#TMSN.gif (1 page)(bytes) 77217814#TMSN.ipeg (1 page)(bytes)
	gamma opp.pdf (17 pages)(4527760 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	/KLS/
Name	Kelu Sullivan
Date	06/18/2012

<u>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</u> <u>BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD</u>

SPX Corporation

Opposer,

v.

Gamma Sales, Inc.

Applicant.

Opposition No.: Application Serial No.: 85/310,125 Mark: SPX (Stylized)

NOTICE OF OPPOSITION

)

)

)

SPX Corporation, a corporation organized under the laws of Delaware, located and doing business at 13515 Ballantyne Corporate Place, Charlotte, North Carolina 28277 ("Opposer"), believes that it is or will be damaged by the registration of Application Serial No. 85/310,125, filed on May 2, 2011, for the trademark SPX (Stylized) in the name of Gamma Sales, Inc., a Canadian corporation, located and doing business at 25 Hunter Valley Road, Orillia, Ontario L3V6H2 Canada ("Applicant"). Opposer hereby opposes said application published for opposition on April 17, 2012.

As grounds for this opposition, SPX Corporation alleges:

Opposer, SPX Corporation, is the owner of U.S. Trademark Registration No.
 2,351,520 issued on May 23, 2000, U.S. Trademark Registration No. 2,528,505 issued on
 January 8, 2002, and U.S. Trademark Registration No. 4,045,637 issued on October 25, 2011.
 See Exhibit 1.

2. To the best of Opposer's knowledge, Applicant is the current owner of record of Application Serial No. 85/310,125. *See* Exhibit 2.

3. Upon information and belief, notwithstanding Opposer's rights in and Opposer's mark, on May 2, 2011, Applicant filed an application for registration of the alleged trademark SPX for the following goods:

International Class 4: "engine oil;"

International Class 6: "metal billet risers and adopters; metal hardware, namely, washers;"

International Class 7: "snowmobile parts, namely, engine components, namely, piston and ring assemblies, connecting rod and bearing assemblies, connecting rod and bearing assemblies, crankshafts, engine gaskets, engine gears, exhaust springs and joints, cylinders and cylinder sleeves; power operated snowmobile lifts; internal combustion engine parts, namely, pistons; gaskets for internal combustion engines; billet idlers being parts of vehicle engines; plastic idler wheels being parts of engines; connecting rods for machines, motors and engines;"

International Class 9: "batteries for motorcycles, ATVs and watercraft; electric handlebar grip heaters; and power adaptors;"

International Class 12: "fitted covers for snowmobiles; sled caddies, namely, snowmobile dollies; shop dollies; carbides being parts of snowmobiles; dooly carbides being parts of snowmobiles; land vehicle parts, namely, tire snow chains; vehicle parts, namely, shock absorbers and drive belts;"

International Class 25: "clothing, namely, jackets and sweaters."

4. Applicant's mark is identical to Opposer's mark, and to be likely, when used in connection with the proposed goods listed in Application Serial No. 85/310,125, to cause

confusion or mistake or to deceive purchasers resulting in damage and detriment to Opposer and its reputation.

5. Commencing prior to Applicant's filing of said application under Application Serial No. 85/310,125, Opposer has used, and is now using, Opposer's SPX mark (hereinafter sometimes referred to as "Opposer's mark") in connection with goods and services relating to automobiles, motorcycles and products related to the servicing of automobiles and related products.

6. Opposer, upon information and belief, avers that its customers, and the public in general, are likely to be confused, mistaken or deceived as to the origin and sponsorship of Applicant's goods marketed under Applicant's alleged SPX mark and misled into believing that such goods are offered by, emanate from, or are in some way directly or indirectly associated with Opposer, to the damage and detriment of Opposer and its reputation.

7. Opposer, upon information and belief, avers that it will be damaged by the use and registration by Applicant of the alleged mark, as set forth in Applicant's Trademark Application Serial No. 85/310,125, in that the mark is identical to Opposer's mark and common law rights and is used in connection with goods highly similar to the goods offered to the public by Opposer.

Therefore, this Opposer, SPX Corporation, believes and avers that it is being and will continue to be damaged by the registration of the SPX trademark as foresaid, and prays that said Application Serial No. 85/310,125 be rejected and no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

Petitioner hereby appoints John H. Weber, Mark H. Tidman and Kelu L. Sullivan, members of the law firm of Baker & Hostetler, LLP and members of the Bar of the District of Columbia, its attorneys, to prosecute this cancellation proceeding and to transact all business in and before the United States Patent and Trademark Office in connection herewith.

Please address all correspondence to:

John H. Weber BAKER & HOSTETLER LLP Washington Square, Suite 1100 1050 Connecticut Avenue, N.W. Washington, D.C. 20036-5304 Telephone: 202-861-1500 Facsimile: 202-861-1783 E-Mail: trademarks@bakerlaw.com

Authorization is hereby given to deduct the filing fee of (100, 00, 00), or any other fees

associated with this filing for Cancellation, from Deposit Account No. 502036.

Respectfully submitted, **SPX Corporation**

By:

John H. Weber Kelu L. Sullivan Baker & Hostetler LLP Washington Square, Suite 1100 1050 Connecticut Avenue, N.W. Washington, D.C. 20036 (202) 861-1500 (202) 861-1783 (fax) e-mail: trademarks@bakerlaw.com Attorneys for the Opposer

Date: June 18, 2012

EXHIBIT 1

Int. Cls.: 7, 8 and 9

Prior U.S. Cls.: 13, 19, 21, 23, 26, 28, 31, 34, 35, 36, 38 and 44

Reg. No. 2,351,520

United States Patent and Trademark Office Registered May 23, 2000

TRADEMARK PRINCIPAL REGISTER

SPX

SPX CORPORATION (DELAWARE CORPORA-TION) 700 TERRACE POINT DRIVE MUSKEGON, MI 494433301

FOR: POWER TOOLS, NAMELY, INFLATABLE HYDRAULIC JACKS; CUTTING AND STAMPING DIES FOR USE WITH MACHINE TOOLS; HYDRAU-LIC PRESSES FOR BENDING, STRAIGHTENING LIC PRESSES FOR BENDING, STRAIGHTENING AND FORCING METAL; HYDRAULIC RAMS; POWER-OPERATED GEAR AND BEARING PULL-ERS; HYDRAULIC PUMPING UNITS; GREASE GUNS; MACHINE PUNCHES; VACUUM PUMPS; PORTABLE CABLE HOISTS; POWER-OPERATED PULLER FOR REMOVAL AND INSTALLATION OF GEARS, BEARINGS, WHEELS, PULLEYS, SLEEVES, SHAFTS AND OTHER FRICTION FITTED PARTS; SHOP CRANES; HYDRAULIC TRANSMISSION JACKS; CRAWLER TRACK PRESSES; HYDRAU-LICALLY POWERED CLAMPS FOR HOLDING WORK PIECES WHILE MANUFACTURING OPER-ATIONS ARE BEING PERFORMED THEREON PORTABLE SELF-CONTAINED AIR/HYDRAULIC CIRCUIT CONTROL AND REGULATING VALVE UNIT UTILIZED AS A CENTRAL POWER SOURCE FOR WORK CLAMPING DEVICES; MACHINE PARTS, NAMELY, HYDRAULIC LOAD BEARING VALVES, HYDRAULIC CHECK VALVES, HYDRAU-LIC Y MANIFOLD, MULTIPLE PORT HYDRAULIC MANIFOLD BLOCKS; HYDRAULIC JACKS; POWER-OPERATED RACKS FOR GREASING AND REPAIR-ING VEHICLES; MOBILE HYDRAULIC VEHICLE JACKS; VEHICLE PIECE SUPPORTING TOOLS FOR USE IN THE SERVICE AND REPAIR OF ENGINES, DRIVE TRAINS AND SUSPENSIONS; BRAKE DRUM

AND SHOE FINISHING MACHINE; UNITS FOR MOUNTING VEHICLE WHEELS AND TIRES; RACKS, STANDS AND LIFTS; BRAKE SERVICE MACHINES AND TOOLS, NAMELY, LATHES, GRINDERS AND BRAKE LINE BLEEDERS; FLUID POWER PRODUCTS, NAMELY, MANUAL, ELEC-TRIC PNEUMATIC AND ENGINE DRIVEN FLUID OPERATED PUMPS, MOTORS, CYLINDERS AND LINEAR ACTUATORS, RAMS, PRESSES, JACKS AND STRUCTURAL PARTS FOR THE FOREGOING; POWER-OPERATED PORTABLE REFRIGERANT CHARGING STATION CONSISTING OF CONTROLS, GAUGES AND VALVES AND ASSOCIATED RE-FRIGERANT AND HOSES ALL SOLD AS A UNIT; POWER-OPERATED PORTABLE TORQUE CON-VERTER AND AIR COOLER CLEANING MACHINE, IN CLASS 7 (U.S. CLS. 13, 19, 21, 23, 31, 34 AND 35).

FIRST USE 4-27-1988; IN COMMERCE 6-0-1989.

FOR: MANUALLY OPERATED HAND TOOLS, NAMELY, PULLERS FOR REMOVING GEARS, BEARINGS, PULLEYS AND WHEELS AND OTHER PRESS-FIT PARTS; VACUUM PUMPS; OIL FILTER CRUSHERS; NUT SPLITTERS; MANUALLY OPER-ATED HAND TOOLS, NAMELY, ADJUSTABLE WRENCHES, CHAIN WRENCHES, SPREADERS, SPANNER WRENCHES, PRY BARS, JIMMY BARS, REVERSIBLE RATCHET SETS, THREAD CHASERS, GEAR SHAFT AND BEARING PULLERS; O-RING SEAL PICKS AND CARRYING CASES FOR ALL OF THE ABOVE, SOLD AS A UNIT; WIRE CUTTERS; WIRE TERMINAL CRIMPERS; BENDING, HOLDING, TENSION AND COMPRESSION CLAMP; VEHICLE PIECE SUPPORTING TOOLS FOR USE IN THE SERVICE AND REPAIR OF ENGINES, DRIVE TRAINS AND SUSPENSIONS; RACKS, STANDS AND LIFTS; TRANSMISSION HAND JACKS, IN CLASS 8 (U.S. CLS. 23, 28 AND 44).

FIRST USE 11–0–1997; IN COMMERCE 11–0–1997. FOR: VEHICLE WHEEL, AXLE AND FRAME STRAIGHTENING MACHINE; VEHICLE HEAD-LIGHT ALIGNMENT GAUGES AND TESTERS; BRAKE LESTERS FOR MEASURING AMOUNT OF BRAKE LINING; WHEEL ALIGNMENT AND TEST-ING MACHINE; MACHINES FOR ROAD DRIVING SIMULATION; VEHICLE AND INDUSTRIAL WHEEL BALANCERS; DYNAMOMETERS; MACHINES AND GAUGES FOR TESTING INTERNAL COMBUSTION ENGINES, NAMELY, ELECTRICAL, IGNITION, TRANSMISSION, EXHAUST, CARBURETOR AND FUEL COMPRESSION TESTERS AND ANALYZERS; PRESSURE GAUGES; VEHICLE WHEEL, TIRE, FRAME AND STEERING ALIGNMENT MACHINES; VOLT MATTMETERS, CAPACITOR ANALYZERS, VOLT WATTMETERS, VOLTAGE CONTINUITY TESTERS, VACUUM GAUGES, MANOMETERS; SAFETY GOGGLES; HYDRAULIC PRESSURE GAUGES; PINION ANGLE LEVEL GAUGES; HYDRAULIC DRAULIC IN-LINE PRESSURE TESTERS AND CON- NECTOR ACCESSORIES THEREFOR; COMPUTERS, KEYBOARDS AND PRINTERS AND RELATED AC-CESSORIES FOR CONTROLLED DIAGNOSTIC ANALYSIS OF VEHICLE ENGINES AND DRIVE TRAINS AND COMPUTER SOFTWARE AND MANU-ALS FOR USE THEREWITH; DIESEL ENGINE TIM-ING METER; VEHICLE CHARGING SYSTEM ANA-LYZERS; ELECTRONIC IGNITION ANALYZERS; HYDRAULIC SYSTEM TESTING UNITS; COMPUT-ERIZED VEHICLE ENGINE ANALYZERS; HYDRAU-LIC/FLUID FLOW, PRESSURE AND TEMPERATURE TESTERS AND STRUCTURAL PARTS THEREFORE; LATERAL CHECKING INSTRUMENTS FOR TA-PERED BEARINGS; SOLENOID VALVES; COM-PUTER DATABASE SOFTWARE FOR SELECTING VEHICLE AND TOOL REPLACEMENT PARTS; ELECTRONIC BATTERY TESTERS; VACUUM GAUGES FOR REFRIGERATION SYSTEMS; REFRIG-ERANT IDENTIFICATION INSTRUMENTS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 4-27-1988; IN COMMERCE 6-0-1989.

SER. NO. 75-620,763, FILED 1-13-1999.

ALEX BUTTERMAN, EXAMINING ATTORNEY

Int. Cls.: 1, 7, 9, 11, 12, and 35

Prior U.S. Cls.: 1, 5, 6, 10, 13, 19, 21, 23, 26, 31, 34, 35, 36, 38, 44, 46, 100, 101, and 102

Reg. No. 2,528,505

United States Patent and Trademark Office Registered Jan. 8, 2002

TRADEMARK SERVICE MARK PRINCIPAL REGISTER

SPX

SPX CORPORATION (DELAWARE CORPORA-TION)

700 TERRACE POINT DRIVE MUSKEGON, MI 494433301

FOR: REAGENTS, REAGENT MIXTURES, OXY-GEN-CONTAINING HYDROCARBONS, DIETHY-LENEGLYCOLMONOETHYLETHER, FOR USE IN CASE-FORMING CARBURIZATION OF FERROUS METALS, STEELS, AND ALLOYS; REAGENTS, RE-AGENT MIXTURES, OXYGEN-CONTAINING HY-DROCARBONS FUSEL OIL, FOR USE IN CARBURIZATION AND PREVENTION OF DECAR-BURIZATION OF FERROUS METALS, STEELS, AND ALLOYS; COMPOSED PROPANE GAS, IN CLASS 1 (U.S. CLS. 1, 5, 6, 10, 26 AND 46).

FIRST USE 8-0-2000; IN COMMERCE 8-0-2000.

FOR: PUMPS FOR DELIVERING FLUID UNDER PRESSURE, FLUID PRESSURE MOTORS; MA-CHINES PARTS, NAMELY, VALVES FOR CON-TROLLING FLOWING FLUID, AND UNITARY FLUID PRESSURE POWER SYSTEMS CONSISTING OF A RESERVOIR AND ONE OR MORE OF THE ABOVE NAMED DEVICES; MACHINE PARTS, NAMELY, DIRECTIONAL CONTROL VALVES, FLUID HANDLING EQUIPMENT, NAMELY, FLUID CONTROL VALVES AND STRUCTURAL PARTS FOR SAID EQUIPMENT; ELECTRIC MO-TOR FOR OPERATING ROTARY SLIP-STEM AND BUTTERFLY VALVES, DAMPERS, AND OTHER FINAL CONTROL ELEMENTS: POSITIVE DISPLA-CEMENT PUMPS, POSITIVE DISPLACEMENT MO-TORS, VALVES FOR USE WITH POSITIVE DISPLACEMENT PUMPS, HYDROSTATIC TRANS-MISSION SYSTEMS CONSISTING OF A POSITIVE DISPLACEMENT PUMP AND A POSITIVE DIS-PLACE MOTOR AND STRUCTURAL PARTS THEREOF; CONTINUOUS IN-LINE MIXERS FOR FLUIDS, SOLIDS AND LIQUIDS; LADLES FOR USE IN PUMPING MOLTEN METAL FROM FURNA-CES; PLUNGER TYPE CHEMICAL PUMPS, DIA-

PHRAGM TYPE CHEMICAL PUMPS, LIME SHAKERS, HOPPER AGITATORS, BUCKET ELE-VATORS, BELT CONVEYORS, BULK MATERIAL PROPORTIONING MACHINES, AND STRUCTUR-AL PARTS THEREFOR; CONVEYOR BELTS FOR TRANSPORTING BULK MATERIAL; WATER-SEALED AIR COMPRESSORS; MACHINES FOR FEEDING COAL TO POWER BOILERS AND MA-CHINES FOR SOLIDIFYING AND REDUCING THE VOLUME OF NUCLEAR POWER PLANT RADIO-ACTIVE WASTE; UNIVERSAL MOTORS FOR USE IN WIDE VARIETY OF DOMESTIC APPLIANCES; ELECTRIC MOTORS FOR MACHINES; PNEUMA-TICALLY OPERATED MACHINES TO VARY THE PASSAGE OF MEDIUM THROUGH A CONDUIT IN **RESPONSE TO A CONTROLLED PRESSURE AP-**PLIED THERETO; INDUSTRIAL DUST COLLEC-TORS AND STRUCTURAL PARTS THEREFOR; PISTON RINGS; LAND-VEHICLE ENGINE PART, NAMELY, NON-METAL REFRIGERANT HOSES, IN CLASS 7 (U.S. CLS. 13, 19, 21, 23, 31, 34 AND 35).

FIRST USE 8-0-2000; IN COMMERCE 8-0-2000.

FOR: CONTROL PANELS AND MANUALLY AND PYROMETRICALLY AND GALNOMETRI-CALLY CONTROLLED ELECTRIC SWITCHES RHEOSTATS, AND HEATING-CURRENT CON-TROLLERS FOR REGULATING OR CONTROL-LING THE TEMPERATURE OR OPERATING CONDITIONS OF ELECTRIC FURNACES, ELEC-TRIC OVENS, AND ELECTRIC HEAT-TREATING FURNACES; ELECTRIC FLOW METERS AND PRESSURE OR RATE OF FLOW CONTROLLERS, AND TELEMETERS; MECHANICAL FLOW ME TERS FOR RECORDING AND TOTALIZING WITH OR WITHOUT INDICATING MEANS; PNEUMATI-CALLY OPERATED REGULATOR TO VARY THE PASSAGE OF A MEDIUM THROUGH A CONDUIT IN RESPONSE TO A CONTROLLED PRESSURE APPLIED THERETO; VOLTAGE AND CURRENT **REGULATORS AND COMPENSATORS, BALLASTS**

AND REACTORS; ROTARY TYPE INTEGRATING FLOW METERS FOR STEAM, AIR AND GAS, AND ACCESSORIES THEREFOR, NAMELY, LIQUID GAUGE GLASS, TRANSMITTERS, REMOTE TOTA-LIZER, FLOW RATE INDICATOR, FLOW RATE RECORDER, FLOW DEMAND INDICATOR AND FLOW DEMAND RECORDER; MEASURING AND SCIENTIFIC APPLIANCES, NAMELY, LIQUID BATHS, TEMPERATURE CONTROLLERS, PYROM-ETERS, THERMOSTATS, INCUBATORS FOR SCI-ETERS, THERMOSTATS, INCOMPACE TO A STATE AND LABORATORY USE, NAMELY, LIQUID LEVEL CONTROLLERS; THERMAL RE-LAYS, NAMELY, TIME DELAY RELAYS, VOL-TAGE SENSING RELAYS, AND CURRENT SENSING RELAYS; LABORATORY MIXERS; DATA PROCESSING AND CONTROL SWITCHES AND RELAYS; MOISTURE DETECTING DEVICES FOR OIL QUENCH TANKS; ELECTRIC LINE VOLTAGE REGULATORS; ELECTRICAL AND ELECTRONIC EQUIPMENT, NAMELY, COILS, TRANSFORMERS, INDUCTORS AND REACTORS, ELECTRONIC RE-LAYS, TELECOMMUNICATION CONTROL CIR-CUITS, SIGNAL GENERATORS, AUTOMATIC TELEPHONE DIAL PULSE GENERATORS, AND SIGNAL REGENERATORS AND REPEATERS; BAL-LASTS FOR SUPPLYING ENERGY TO GASEOUS DISCHARGE LAMPS; STATIC MAGNETIC VOL-TAGE REGULATORS; TWO-WAY MOBILE RADIO EQUIPMENT AND PARTS THEREOF; ELECTRO-NIC AND ELECTRICAL EQUIPMENT, NAMELY, TELEMETRY SYSTEMS FOR COLLECTING AND COMMUNICATING INFORMATION AND DATA, AND FOR TRANSMITTING CONTROL SIGNALS FROM ONE LOCATION TO ANOTHER, NAMELY, DATA LOGGING SYSTEMS, SCANNING EQUIP-MENT, ENCODERS, DECODERS, PULSE CODE MODULATORS, CODE SEQUENCE SELECTORS, CODE CONVERTORS, AND SPEED CONVERTORS; SOFTWARE FOR USE BY A NETWORK ADMINIS-TRATOR IN CONNECTION WITH THE CONTROL, TRANSFER, AND INSTALLATION OF SOFTWARE, FILES AND DATA TO VARIOUS CLIENTS CON-NECTED TO THE NETWORK; TELEPHONE DATA TRANSMISSION INTERFACE FOR UNINTERRUP. TIBLE POWER SUPPLIES; INVENTORY SOFT-WARE, NAMELY, SOFTWARE FOR TRACKING INVENTORY IN A LABORATORY; LABORATORY EQUIPMENT, NAMELY, RECORDER THERMOME-TERS AND ELECTRONIC LOGGERS FOR ELEC-TRONICALLY STORING TEMPERATURE DATA FOR SUBSEQUENT READING, GRAPHING, AND ANALYSIS BY SOFTWARE AND COMPUTER: ALARM SYSTEMS, COMPRISED OF ELECTRONIC THERMOMETERS CONNECTED TO AN ANNUN-CIATOR WHICH PROVIDES A WARNING SIGNAL REGARDING UNACCEPTABLE TEMPERATURE READOUT DISPLAYS; ELECTRICAL MODULE FOR WEIGHING BULK MATERIALS, PRIMARILY COAL AND LIMESTONE; COMPUTER SYSTEMS, COMPRISING HARDWARE AND SOFTWARE FOR SIMULATING TERRAIN VIEWS AND DISPLAYING IMAGES; AC AND DC POWER SYSTEMS, NAME-LY, UNINTERRUPTIBLE, FAULT TOLERANT AND TELECOMMUNICATIONS, ELECTRICAL POWER SYSTEMS COMPRISED OF INVERTORS, RECTIFI-ERS, POWER CONDITIONERS, BATTERY MAN-AGEMENT UNITS AND UNINTERRUPTIBLE

POWER UNITS FOR USE IN POWER BLACKOUT AND LINE CONDITIONING APPLICATIONS; COM-PUTER SOFTWARE FOR CONTROLLING, MANA-GING AND MONITORING POWER OPERATIONS AND FUNCTIONS; DC ELECTRICAL POWER GEN-ERATORS; ELECTRONIC CONTROLLER FOR COAL FEEDER SYSTEM, ELECTROMECHANICAL DIAMETER CONTROL UNITS FOR CRYSTAL GROWING FURNACES; SWITCHES FOR ELECTRI-CAL OR OPTICAL SIGNAL CONNECTIONS, NAME-LY, MATRIX SWITCHES, COMPUTER CHANNEL SWITCHES, LOCAL AREA NETWORK SWITCHES, CONTROL UNITS FOR SWITCHING APPLICA-TIONS AMONG COMPUTERS AND INPUT/OUT-PUT UNITS; PROTOCOL ANALYZERS; SWITCH OR PATCH UNITS FOR PATCHING OR SWITCHING IN COMPUTER NETWORKS AND IN TELEPHONE NETWORKS: OPTICAL FIBER PATCH PANEL AND MANAGEMENT UNITS; TELECOMMUNICA-TION TRANSMISSION EQUIPMENT AND MONI-TORING AND TEST UNITS; AND MONITORING AND TEST UNITS TO IMPLEMENT AND MAIN-TAIN LOCAL AND LONG DISTANCE COMMUNI-CATION PATHS AND PARTS FOR THE FOREGOING; OPTICAL MULTIPLEXER FOR COM-BINING TWO OR MORE OPTICAL SIGNALS INTO A COMPOSITE OPTICAL SIGNAL; OPTICAL FI-BERS AND AN INTERCONNECTION UNIT FOR INTERCONNECTING OR PATCHING ONE SET OF OPTICAL FIBERS TO ANOTHER SET OF OPTICAL FIBERS PRIMARILY FOR LARGE MAINFRAME COMPUTER DATA CENTER ENVIRONMENTS; ELECTRICAL POWER SYSTEMS COMPRISED OF INVERTORS, RECTIFIERS, POWER CONDITION-ERS. BATTERY MANAGEMENT DEVICES AND UNINTERRUPTIBLE POWER UNITS FOR USE IN POWER BLACKOUT AND LINE CONDITIONING APPLICATIONS AND COMPUTER SOFTWARE FOR USE WITH THE FOREGOING; ELECTRICAL TRANSMISSION LINES, NAMELY, ELECTRONIC WAVEGUIDES FOR TRANSMISSION OF RADIO FREQUENCY ENERGY; ENERGY TRANSMISSION AND DISTRIBUTION EQUIPMENT, NAMELY, ELECTRICAL TRANSFORMERS, VOLTAGE SURGE ARRESTERS, TAP CHANGERS, AND PACKAGE SUBSTATIONS; MULTIPLE CABLE TRANSIT SYSTEM, NAMELY, A FIRE STOP TRAN-SITION BOX POSITIONED IN FIRE RATED BAR-RIERS SUCH AS FLOORS OR DECKS, WALLS OR BULK HEADS, AND CEILINGS, FOR THE PAS-SAGE OF CABLES AND/OR CONDUITS THERE THROUGH; FLUID RATE OF FLOW METERS AND CONTROLLERS; INTERFACE UNITS, NAMELY, PRINTED CIRCUIT BOARDS FOR USE IN CON-NECTING SERVERS TO THE CHANNELS OF MAINFRAME COMPUTERS; ELECTRICAL CON-NECTORS FOR USE WITH A CONDUIT; CONNEC-TIVITY UNIT FOR CONNECTING A SERVER TO MAINFRAME COMPUTER; MULTI-CABLE TRAN-SITS, NAMELY, A PRESSURE-TIGHT PACKING ASSEMBLY UTILIZING A MODULUS SYSTEM OF ELASTOMER BLOCKS, ARRANGED SO AS TO FILL UP SPACES BETWEEN CABLES AND THE INTERIOR OF A FRAME; COMMUNICATIONS TEST EQUIPMENT, NAMELY, A TEST HEAD FOR TESTING SUBSCRIBER CIRCUITS FOR DIGITAL LOOP CARRIER SYSTEMS; OPTICAL MULTIPLEX-

ER FOR COMBINING TWO OR MORE OPTICAL SIGNALS INTO A COMPOSITE OPTICAL SIGNAL; ELECTRICAL OPERATED CIRCULATING LIQUID BATH AND STIRRER APPARATUS FOR LABORA-TORY, PILOT PLANT, AND PRODUCTION MANU-FACTURING USES; SECURITY EQUIPMENT, NAMELY CARD ACCESS UNITS, ACCESS CARDS AND CARD READERS; REAGENT-TREATING RE-TORTS FOR LABORATORY USE, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 8-0-2000; IN COMMERCE 8-0-2000.

FOR: COMMERCIAL ELECTRIC COOKING OVENS, ELECTRIC HEAT-TREATING FURNACES; ELECTRIC HEATING UNITS FOR ELECTRIC FUR-NACES, ELECTRIC OVENS AND ELECTRIC HEAT-TREATING FURNACES; LIGHTING PANELS AND ELECTRIC LIGHT FIXTURES; FREEZERS OF CHEST AND REACH-IN TYPES FOR INDUSTRIAL COOLING OPERATIONS; DEHYDRATORS FOR CONTINUOUS DRYING AND REMOVAL OF MOISTURE FROM COMPRESSED AIR; ULTRA-LOW TEMPERATURE CABINET AND UPRIGHT FREEZERS FOR THE PRESERVATION OF BIOLO-GICAL SUBSTANCES FOR LABORATORY AND OTHER EXPERIMENTAL USES; AND CRYSTAL GROWING FURNACES; COOLING UNITS FOR SCIENTIFIC AND LABORATORY USE, HUMIDITY

.

CABINETS FOR, SCIENTIFIC AND LABORATORY USE, AND TIMERS SOLD AS UNIT; FLUID HAND-LING EQUIPMENT FOR PLUMBING USE, NAME-LY, FLUID CONTROL VALVES, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31 AND 34).

FIRST USE 8-0-2000; IN COMMERCE 8-0-2000.

FOR: HAND PROPELLED DOLLIES, CARTS AND TRUCK FOR HANDLING HEAVY DOMESTIC AND INDUSTRIAL APPLIANCES; VEHICLE TRANSMIS-SION FLUID FILTERS, SOLENOID VALVES FOR VEHICLE TRANSMISSION, IN CLASS 12 (U.S. CLS. 19, 21, 23, 31, 35 AND 44).

FIRST USE 8-0-2000; IN COMMERCE 8-0-2000.

FOR: ADMINISTRATION AND MANAGEMENT OF CAR MAINTENANCE AND REPAIR PRO-GRAMS FOR VEHICLE DEALERS AND VEHICLE SERVICE FACILITIES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 8-0-2000; IN COMMERCE 8-0-2000.

SN 75-981,265, FILED 1-13-1999,

SALLY SHIN, EXAMINING ATTORNEY



SPX

SPX CORPORATION (DELAWARE CORPORATION) Reg. No. 4,045,637 13515 BALLANTYNE CORPORATE PLACE Registered Oct. 25, 2011 CHARLOTTE, NC 28277 Int. Cls.: 6, 7, 9, 11, 36, FOR: METAL REFRIGERATION HOSE FITTINGS; MANUALLY OPERATED METAL VALVES; MANUALLY OPERATED METAL VALVE ASSEMBLIES COMPRISED OF CON-37, and 40 TROL VALVES, BALL VALVES, GLOBE VALVES, BUTTERFLY VALVES, PLUG VALVES, CHECK VALVES, ECCENTRIC VALVES, KNIFE GATE VALVES, GATE VALVES, ISOLA-TION VALVES, DIVERTER VALVES, SLEEVE VALVES, CONSISTENCY TRANSMITTERS, TRADEMARK PNEUMATIC AND ELECTRO-PNEUMATIC POSITIONERS, ACTUATORS, SOLENOIDS, REGULATORS, GOVERNORS, PNEUMATIC MOTION TRANSMITTERS, ELECTRIC SERVICE MARK PNEUMATIC TRANSDUCERS, DESUPERHEATERS, VAPOR AND STEAM CONDITIONING

PRINCIPAL REGISTER



FOR: INDUSTRIAL MIXING MACHINE FOR MIXING ALL TYPES OF FLUIDS AND SOLIDS; TRANSMISSION OIL COOLER FLUSH AND FLOW TEST MACHINE; AIR FILTERS FOR INDUSTRIAL INSTALLATIONS; GEAR PUMPS AND CENTRIFUGAL PUMPS FOR INDUS-TRIAL PURPOSES; VACUUM PUMPS; ELECTRIC, CENTRIFUGAL AND HYDRAULIC PUMPS FOR INDUSTRIAL PURPOSES; AIR COOLED CONDENSERS; HEAT EXCHANGERS BEING PARTS OF MACHINES, IN CLASS 7 (U.S. CLS. 13, 19, 21, 23, 31, 34 AND 35).

VALVES, STRAINERS, AIR GAP DRAINS, AND/OR SETTERS, IN CLASS 6 (U.S. CLS. 2,



Director of the United States Patent and Trademark Office

FIRST USE 12-30-2003; IN COMMERCE 12-30-2003.

FOR: WEIGHING SCALES; ENVIRONMENTAL AND ALTITUDE CHAMBERS; AUTOMATIC VALVES, NAMELY, CONTROL VALVES, BALL VALVES, GLOBE VALVES, BUTTERFLY VALVES, PLUG VALVES, CHECK VALVES, ECCENTRIC VALVES, KNIFE GATE VALVES, GATE VALVES, ISOLATION VALVES, DIVERTER VALVES AND SLEEVE VALVES; CONTROL VALVES FOR REGULATING THE FLOW OF GASES AND LIQUIDS; AUTOMATIC VALVE ASSEMBLIES AND AUTOMATIC VALVE OPERATING ASSEMBLIES COMPRISED OF CONTROL VALVES, BALL VALVES, GLOBE VALVES, BUTTERFLY VALVES, PLUG VALVES, CHECK VALVES, ECCENTRIC VALVES, KNIFE GATE VALVES, GATE VALVES, ISOLATION VALVES, DIVERTER VALVES, SLEEVE VALVES, CONSISTENCY TRANS-MITTERS, PNEUMATIC AND ELECTRO-PNEUMATIC POSITIONERS, ACTUATORS, SOLENOIDS, REGULATORS, GOVERNORS, PNEUMATIC MOTION TRANSMITTERS, Reg. No. 4,045,637 ELECTRIC TRANSFORMERS; ELECTRIC PNEUMATIC TRANSDUCERS. DESUPERHEAT-ERS, VAPOR AND STEAM CONDITIONING VALVES, STRAINERS, AIR GAP DRAINS, AND/OR SETTERS; BOILER WATER REGULATORS; BOILER PRESSURE GOVERNORS; ELECTRONIC BLADE CONSISTENCY TRANSMITTERS FOR MEASURING LIQUID MIX-TURES IN INDUSTRY: COMPUTER SOFTWARE FOR ASSISTING IN VALVE SYSTEMS AND IN SPECIFYING VALVE PRODUCTS; ELECTRONIC DIGITAL CONTROLLER FOR POSITIONING VALVES IN INDUSTRIAL EQUIPMENT: COMPUTER MONITOR AND SIG-NAL CONDITIONERS FOR DIAGNOSING CONTROL VALVE PERFORMANCE; ELECTRON-IC VALVE ACTUATORS; COAXIAL CABLE; HAND HELD COMPUTER FOR USE IN DE-TECTING LEAKS IN PRESSURIZED CABLES; ELECTRONIC VALIDATING AND REGIS-TERING BUS FARE BOXES; TICKET AND TOKEN VENDING MACHINES; REVENUE COLLECTION AND SECURITY EQUIPMENT, NAMELY, CARD READERS: RAILROAD AND TRANSIT ELECTRIC HYDRAULIC CONTROL SWITCHES; UNDERWATER SAFETY LIGHTS TO DIRECT THE MOVEMENT OF FISH; ELECTRONIC RECONNAISSANCE SYS-TEMS COMPRISED OF ANTENNAS, COMPUTERS, MACHINE READABLE COMPUTER-PROGRAMS, DIRECTION FINDING RECEIVERS, RADIO FREQUENCY DISTRIBUTION AND SWITCHING APPARATUS; SIGNAL ACQUISITION AND CLASSIFICATION APPAR-ATUS; RADIO JAMMING APPARATUS; BROADCAST EQUIPMENT FOR WIRELESS TRANSMISSIONS, RADIO, AND TELEVISION, NAMELY, ANTENNAS AND STRUCTURAL AND ELECTRICAL COMPONENTS, PARTS AND ACCESSORIES THEREFOR, NAMELY, SWITCHING APPARATUS, DIPLEXERS, TOWERS, TRANSMISSION LINES AND CABLES, MATCHING UNITS AND CONTROL APPARATUS; ELECTRICAL FIBER-OPTIC COMMU-NICATION TRANSMISSION LINES FOR AUDIO AND VIDEO SIGNAL TRANSMISSION; OPTICAL WAVEGUIDES; METALLIC WAVEGUIDE AND COAXIAL CABLE AND END-CONNECTORS; AIR FLOW SENSORS; THERMOSTATS; EMERGENCY WARNING LIGHTS, NAMELY, AVIATION OBSTRUCTION LIGHTING; AIRPORT WARNING AND SAFETY LIGHTING SYSTEMS, NAMELY, LIGHT SOCKETS AND BULBS FOR USE WITH AIRPLANE GUIDANCE ON AIRPORT LANDING STRIPS AND OBSTRUCTIONS ON AIRPORT AP-PROACH: BEACON AND OBSTRUCTION WARNING LIGHTS: HAND HELD COMPUTER FOR DETECTING LEAKS IN PRESSURIZED CABLES; WIRELESS DATA CARRIERS AND RECEIVERS FOR USE WITH VEHICLE DIAGNOSING AND MONITORING; COMPUTER HARDWARE AND SOFTWARE USED FOR RADIO SIGNAL INTERCEPT AND DIRECTION FINDING; RECEIVERS AND PROCESSORS FOR USE WITH SUCH SIGNAL PROCESSING SYSTEMS; AND HEATING, COOLING AND HUMIDIFIED ENVIRONMENTAL CHAMBERS FOR RESEARCH, TESTING AND PRODUCTION, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 12-30-2003; IN COMMERCE 12-30-2003.

FOR: WATER COOLING TOWERS; INDUSTRIAL AIR CLEANERS; CABLE PRESSURIZA-TION UNITS, COMPRISED PRIMARILY OF AIR DRYERS, COMPRESSORS, CENTRAL OFFICE MANIFOLDS, DISTRIBUTION MANIFOLDS, METERS AND PIPE FEED ACCESS PANELS, AND AIR PIPE CONNECTORS SOLD AS A UNIT FOR USE IN FORCING DRY AIR INTO CABLES IN ORDER TO PROTECT THE CABLES FROM WATER DAMAGE; ELECTRIC DEHYDRATORS FOR CONTINUOUS DRYING AND REMOVAL OF MOISTURE FROM COMPRESSED AIR; AIR DRYER MONITORING AND CONTROL SYSTEMS COM-PRISED PRIMARILY OF MOISTURE SEPARATORS, VALVES, STRAINERS, HEAT EX-CHANGERS AND MOISTURE INDICATORS; HEAT EXCHANGERS NOT BEING PARTS OF MACHINES; COOLING TOWERS; VENTILATING FANS FOR DOMESTIC AND INDUS-TRIAL USE; PORTABLE ELECTRIC HEATERS; ELECTRIC WALL HEATERS FOR DOMEST-IC AND COMPRESSED AIR AND GASES; SWITCHING VALVES FOR DESICCANT AIR DRYERS; AIR FILTERS FOR INDUSTRIAL INSTALLATIONS, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31 AND 34).

FIRST USE 12-30-2003; IN COMMERCE 12-30-2003.

Reg. No. 4,045,637 FOR: BUSINESS AND INDUSTRIAL FINANCIAL SERVICES, NAMELY, PRIVATE LABEL VENDOR FINANCING, EQUIPMENT FINANCING, BUSINESS CREDIT SALES FINANCING AND CAPITAL FINANCIAL AND EQUITY INVESTMENTS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

FIRST USE 3-1-2008; IN COMMERCE 3-1-2008.

FOR: INSTALLATION AND MAINTENANCE OF STEEL AND METAL ANTENNA SUPPORT STRUCTURES, ANTENNA TOWERS, AND LIGHTING EQUIPMENT, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 11-1-1998; IN COMMERCE 11-1-1998.

FOR: MANUFACTURE OF AEROSPACE COMPONENT PARTS TO THE ORDER AND SPECIFICATION OF OTHERS; RENTAL OF AIR TREATMENT EQUIPMENT; FABRICATION OF STEEL AND METAL ANTENNA SUPPORT STRUCTURES, ANTENNA TOWERS, AND LIGHTING EQUIPMENT, IN CLASS 40 (U.S. CLS. 100, 103 AND 106).

FIRST USE 12-30-2003; IN COMMERCE 12-30-2003.

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

OWNER OF U.S. REG. NOS. 2,351,520, 2,528,505, AND 2,647,669.

SN 77-217,814, FILED 6-28-2007.

RONALD MCMORROW, EXAMINING ATTORNEY

Page: 3 / RN # 4,045,637

EXHIBIT 2



HELP

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT SEARCH OG BOTTOM

Logout Please logout when you are done to release system resources allocated for you.

Record 1 out of 1



Word Mark SPX

Goods and IC 004. US 001 006 015. G & S: Engine oil

Services

IC 006. US 002 012 013 014 023 025 050. G & S: Metal billet risers and adaptors; metal hardware, namely, washers

IC 007. US 013 019 021 023 031 034 035. G & S: Snowmobile parts, namely, engine components, namely, piston and ring assemblies, connecting rod and bearing assemblies, crankshafts, engine gaskets, engine gears, exhaust springs and joints, cylinders and cylinder sleeves; power operated snowmobile lifts; internal combustion engine parts, namely, pistons; gaskets for internal combustion engines; billet idlers being parts of vehicle engines; plastic idler wheels being parts of engines; connecting rods for machines, motors and engines

IC 009. US 021 023 026 036 038. G & S: Batteries for motorcycles, ATVs and watercraft; electric handlebar grip heaters; and power adaptors

IC 012. US 019 021 023 031 035 044. G & S: Fitted covers for snowmobiles; sled caddies, namely, snowmobile dollies; shop dollies; carbides being parts of snowmobiles; dooly carbides being parts of snowmobiles; land vehicle parts, namely, tire snow chains; vehicle parts, namely, shock absorbers and drive belts

IC 025. US 022 039. G & S: Clothing, namely, jackets and sweaters

Mark Drawing (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM Code Serial Number 85310125

Page	2 of	2
------	------	---

Filing Date	May 2, 2011
Current Basis	1B
Original Filing Basis	1B
Published for Opposition	April 17, 2012
Owner	(APPLICANT) Gamma Sales Inc. CORPORATION CANADA 25 Hunter Valley Road Orillia, Ontario CANADA L3V6H2
Attorney of Record	Kenneth D. Suzan
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of the stylized letters "S", "P" and "X" with the letters "S" and "P" sharing common lines, shading and flowing into each other, and letter "X" containing jagged edges and shading.
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE
TESS HOME NEW	VUSER STRUCTURED FREE FORM BROWSEDICT SEARCH OG TOP HELP

| HOME | SITE INDEX | SEARCH | eBUSINESS | HELP | PRIVACY POLICY

CERTIFICATE OF SERVICE

I hereby certify that on the $\frac{18}{100}$ day of June 2012, a true copy of the Notice of Opposition

was served on counsel for Applicant via U.S. first-class mail, postage prepaid to:

Kenneth D. Suzan Hodgson Russ LLP 140 Pearl Street, Suite 100 Buffalo, NY 14202-4040

Kely S. li-

Kelu L. Sullivan