

ESTTA Tracking number: **ESTTA522641**

Filing date: **02/20/2013**

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	Synapse Wireless, Inc.
Granted to Date of previous extension	02/20/2013
Address	500 Discovery Drive Huntsville, AL 35806 UNITED STATES

Attorney information	Jon E. Holland Maynard Cooper & Gale, P.C. 655 Gallatin Street, SW Huntsville, AL 35801 UNITED STATES ipdocket@maynardcooper.com Phone:256-551-0171
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### Applicant Information

Application No	85595521	Publication date	10/23/2012
Opposition Filing Date	02/20/2013	Opposition Period Ends	02/20/2013
Applicant	Haik, Adam 2639 S Beverly Drive los angeles, CA 90034 UNITED STATES		

### Goods/Services Affected by Opposition

Class 035. All goods and services in the class are opposed, namely: On-line promotion of computer networks and websites
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### 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.	3737376	Application Date	04/20/2007
Registration Date	01/12/2010	Foreign Priority Date	NONE
Word Mark	SYNAPSE		

Design Mark	<h1>SYNAPSE</h1>
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2007/05/24 First Use In Commerce: 2007/05/24 Computer hardware and software for use in wireless communication devices

Attachments	77162049#TMSN.jpeg ( 1 page )( bytes ) Opposition0111.pdf ( 5 pages )(202878 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	/joneholland/
Name	Jon E. Holland
Date	02/20/2013

**UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial No. 85/595,521  
Published in the Official Gazette of October 23, 2012

SYNAPSE WIRELESS, INC.	)	Trademark Application
	)	
Opposer,	)	Mark: SYNAPSE
	)	
v.	)	Serial No. 85/595,521
	)	
ADAM HAIK	)	Filed: April 11, 2012
	)	
Applicant.	)	Published: October 23, 2012
	)	
	)	Opposition No.: _____

**NOTICE OF OPPOSITION**

This Notice of Opposition is brought by Synapse Wireless, Inc. (“Opposer”), a Delaware corporation doing business at 500 Discovery Drive, Huntsville, AL 35806. Opposer believes that it will be damaged by registration by Adam Haik (“Applicant”) of the mark SYNAPSE shown in Application Serial No. 85/595,521 and hereby opposes the same.

The grounds for opposition are as follows:

1. Adam Haik filed a trademark Application Serial No. 85/595,521 in the United States Patent and Trademark Office (“PTO”) on April 11, 2012 to register the mark SYNAPSE for use in connection with “online promotion of computer networks and websites,” in International Class 035 (“the Applicant’s Goods”).

2. The application filed by Haik on April 11, 2012 (“the Applicant’s Filing Date”) was filed as an intent-to-use (ITU) application. Applicant has not yet submitted a specimen to document actual use of the mark.

3. The Application was published for opposition in the Official Gazette on October 23, 2012. On November 21, 2012, the Opposer timely filed a request for a 30-day extension of time to oppose the Application, which was granted until December 22, 2012. On December 18, 2012, the Opposer timely filed a request for an additional 60-day extension of time, which was granted until February 20, 2013.

4. Opposer is a Delaware corporation having its principal place of business at 500 Discovery Drive, Huntsville, AL 35806.

5. Opposer currently is and has been in the business of providing wireless control and monitoring technology, including computer hardware and software for use in wireless communication devices to its customers. During operation, Opposer’s hardware and software forms a wireless network for enabling network communication, and Opposer’s software implements a network protocol for communicating messages from one wireless communication device to another.

6. The Opposer is the owner of U.S. Registration No. 3,737,376 (Serial Number No. 77/162,049) for the mark SYNAPSE (“the Opposer’s Mark”) filed in the PTO on April 20, 2007 based on a bona fide intention to use the Opposer’s Mark. On October 20, 2009, the Opposer filed proof with the PTO of its use of the Opposer’s Mark with “computer hardware and software for use in wireless communication devices” (“the Opposer’s Goods”) with a date of first use of May 24, 2007 (“the Opposer’s First Use Date”). The PTO accepted the Opposer’s proof of use and the Opposer’s mark was registered as U.S. Registration No. 3,737,376 on January 12, 2010.

7. The Opposer has used the Mark in association with Opposer's Goods since at least as early as May 24, 2007 and the Opposer's Mark is currently in use in commerce with Opposer's Goods.

8. The Opposer has acquired common law rights in the Mark based upon the continuous use of Opposer's goods and services since at least May 24, 2007.

9. The Opposer's Filing Date and the Opposer's First Use Date for Opposer's Mark are earlier than Applicant's Filing Date for Applicant's Mark.

10. Both the Opposer's Filing date and the Opposer's First Use Date for the Opposer's Mark precede the Applicant's Filing Date.

11. The literal element of Applicant's mark SYNAPSE is identical to Opposers Mark SYNAPSE. The Applicant's registration and use of the SYNAPSE Mark would likely create confusion, mistake or deception in the minds of prospective purchasers as to the origin and source of the Opposer's Goods associated with its registered Mark and common law usage.

12. The Applicant's goods are closely related to and/or are in the natural zone of expansion of the Opposer's Goods. The Opposer's Goods are advertised online on Opposer's website. The Applicant's Services including "...online promotion of computer networks" are in the same or substantially the same field as Opposer's Goods as advertised on Opposer's website.

13. The Opposer's Goods and the Applicant's Services travel in the same channels of trade and are viewed by the same customers including those who buy wireless communication hardware and software. Applicant's Services are therefore substantially similar to Opposer's Goods with which Opposer's Mark is used.

14. Purchasers familiar with Opposer's Goods are likely to mistakenly believe that the Applicant's Services are sponsored by, authorized, endorsed, affiliated with or otherwise

approved by the Opposer because the literal element of the SYNAPSE Mark sought to be registered and used by Applicant is identical to the Opposer's SYNAPSE Mark and the literal element of Opposer's common law usage.

15. For the foregoing reasons, the registration sought by Applicant is contrary to the provisions of Section 2 of the Lanham Act, and Opposer believes that it would be damaged thereby.

This Request for Opposition pertains to one (1) International Class, IC 035, and a total fee of \$300.00 under 37 CFR § 2.6(a)(17) is enclosed. The Commissioner is authorized to charge any further fees required to Deposit Account Number 50-4524, in the name of Maynard Cooper & Gale P.C.

Respectfully submitted,



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Jon E. Holland  
Counsel for Opposer, Synapse Wireless, Inc.  
MAYNARD COOPER & GALE P.C.  
655 Gallatin Street, SW  
Huntsville, Alabama 35801  
(256) 213-0113

**CERTIFICATE OF FIRST-CLASS MAILING (37CFR 1.8)**

I hereby certify that the foregoing is being deposited with the United States Postal Service as first class mail on February 20, 2013 in an envelope addressed to: Mr. Adam Haik, 2639 S. Beverly Drive, Los Angeles, California 90034-1815 and via electronically with the Commissioner for Trademarks, P.O. Box 1451 Alexandria, VA 22313-1451, on this 20 day of February, 2013.



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Attorney for Opposer

cc: Synapse Wireless, Inc.