

ESTTA Tracking number: **ESTTA560975**

Filing date: **09/24/2013**

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	TESSCO COMMUNICATIONS INCORPORATED
Granted to Date of previous extension	10/12/2013
Address	11126 McCORMICK ROAD HUNT VALLEY, MD 21031-1494 UNITED STATES
Attorney information	JAMES E. SHLESINGER SHLESINGER, ARKWRIGHT & GARVEY LLP 5845 RICHMOND HIGHWAY, SUITE 415 ALEXANDRIA, VA 22303 UNITED STATES jim@sagllp.com, nitasantiago@sagllp.com Phone:703-684-5600

### Applicant Information

Application No	85813475	Publication date	08/13/2013
Opposition Filing Date	09/24/2013	Opposition Period Ends	10/12/2013
Applicant	123eInternational SEZC 87 Mary Street George Town, CAYMAN ISLANDS		

### Goods/Services Affected by Opposition

Class 009. First Use: 2010/08/01 First Use In Commerce: 2010/08/01  
All goods and services in the class are opposed, namely: Telecommunication cables

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1930226	Application Date	10/18/1993
Registration Date	10/24/1995	Foreign Priority Date	NONE
Word Mark	WIRELESS SOLUTIONS		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 016. First use: First Use: 1994/09/30 First Use In Commerce: 1994/10/30 catalogs and newsletters in the field of telecommunication		
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U.S. Registration No.	2360450	Application Date	10/18/1993
Registration Date	06/20/2000	Foreign Priority Date	NONE
Word Mark	WIRELESS SOLUTIONS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1994/09/30 First Use In Commerce: 1994/09/30 advertising services, namely direct mail advertising, promoting the goods and services of others through the distribution of printed materials, and preparing and placing advertising for others Class 042. First use: First Use: 1994/09/30 First Use In Commerce: 1994/09/30 retail or wholesale distributorships featuring telecommunication products		

U.S. Registration No.	2153943	Application Date	05/21/1992
Registration Date	04/28/1998	Foreign Priority Date	NONE
Word Mark	WIRELESS SOLUTIONS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1995/07/07 First Use In Commerce: 1995/07/07 full line of parts for cellular telephones		

U.S. Registration No.	2412753	Application Date	07/08/1997
Registration Date	12/12/2000	Foreign Priority Date	NONE
Word Mark	WIRELESS SOLUTIONS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1998/01/02 First Use In Commerce: 1998/01/02 BASE STATION ANTENNAS, ANTENNA MOUNTS AND PARTS THEREFOR; COAXIAL CABLES, TRANSMISSION LINES, ELECTRICAL CONNECTORS AND PARTS THEREFOR; CABLE BRIDGES; FREQUENCY SELECTIVE RADIO FREQUENCY FILTERS; DUPLEXORS; COMBINERS AND COUPLERS; AMPLIFIERS; GROUND CONNECTIONS AND GROUNDING SYSTEMS, COMPRISING GROUNDING RODS, GROUNDING WIRE, CLAMP CONNECTORS, EXOTHERMIC GROUND JOINERS AND GROUND BARS; TEST AND MAINTENANCE EQUIPMENT, NAMELY, ANTENNA TESTERS, CELLULAR TELEPHONE TESTERS, PCS TESTERS, FREQUENCY COUNTERS, LOAD TESTERS, ANTENUATORS AND SIGNAL SAMPLERS, MULTIMETERS AND CAPACITANCE METERS, OSCILLOSCOPES, PAPER TESTERS; RECEIVER ALIGNMENT INSTRUMENTS, NAMELY, RADIO FREQUENCY SERVICE MONITORS; ELECTRONIC SERVICE MONITORS, NAMELY, SPECTRUM ANALYZERS; TELEPHONE LINE TESTING		

	EQUIPMENT, NAMELY, TEST HANDSET CONTINUITY METERS, NOISE AND SIGNAL LEVELERS; TEST CABLES; TIME DOMAIN REFLECTORS AND WATTMETERS
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Attachments	Opposition - Serial No 85813475.pdf(278480 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	/jes/
Name	JAMES E. SHLESINGER
Date	09/24/2013

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

In the matter of trademark application Serial No. 85813475  
published in the Official Gazette of August 13, 2013.

TESSCO Communications Incorporated,	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No.
	:	
123eInternational SECZ,	:	
	:	
Applicant.	:	

**NOTICE OF OPPOSITION**

Opposer, TESSCO Communications Incorporated, a Delaware Corporation, located and doing business at 11126 McCormick Road, Hunt Valley, Maryland 21031-1494, believes that it will be damaged by the registration of the mark shown in application Serial No. 85813475, and hereby opposes the same.

The grounds for the opposition are as follows:

1. TESSCO Communications Incorporated (hereinafter "Opposer" or "TESSCO") is a holding company. It is a wholly owned subsidiary of TESSCO Technologies Incorporated, a Delaware

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corporation, located and having a principal address at 11126 McCormick Road, Hunt Valley, Maryland 21031-1494.

2. TESSCO owns, among other things, the mark, WIRELESS SOLUTIONS, and the registration thereof, and the good will represented thereby, and it is responsible for the licensing of the WIRELESS SOLUTIONS name and mark to its affiliate, TESSCO Technologies Incorporated. Opposer, TESSCO Communications Incorporated, and TESSCO Technologies Incorporated, are referred to hereinafter collectively as "TESSCO".

3. TESSCO, through its predecessors, was founded in 1952 as a manufacturer's representative, representing companies selling equipment in the communications, electronics, and electrical industries. TESSCO, through its predecessors, continued to act as a manufacturer's representative until it was refounded to become a primary merchant in 1982.

4. Since at least as early as 1982, TESSCO, through it and its predecessors, has sold, sells, and continues to sell all equipment necessary to build, run, maintain, and/or use a wireless system.

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5. Since long prior to the filing date of the application for registration, and any use date claimed therein, TESSCO, its predecessors-in-interest, and its related companies or licensees, have marketed and sold products and rendered services required to build, run, maintain, and/or use wireless systems. TESSCO's products and services include, but are not limited to, wireless, PCS, land mobile radio, paging, wireless Internet, broad band, fixed wireless, in-building, data, SCADA, messaging, location and tracking systems; network equipment and systems; security systems; base station infrastructure; and mobile devices and accessories. TESSCO, through it and its predecessors-in-interest, and related companies or licensees, has produced, marketed, and distributed, high quality communications products throughout the United States. TESSCO's product markets and customers, include, but are not limited to, wireless, PCS, and paging carriers; wireless ISP, ASP, and fixed broad band operators; self-maintained users; infrastructure site owners; contractors and integrators; wireless value added resellers; retailers and carrier stores, consumers and subscribers. TESSCO has marketed its products and rendered its services under the mark, WIRELESS SOLUTIONS.

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6. TESSCO is the owner of the following U.S.

trademarks:

<u>Registration Number</u>	<u>Mark</u>	<u>Goods/Services</u>
1,930,226	WIRELESS SOLUTIONS	catalogs and newsletters in the field of communications
2,360,450	WIRELESS SOLUTIONS	advertising services, namely, direct mail advertising, promoting the goods and services of others through the distribution of printed materials and preparing and placing advertising for others
2,153,943	WIRELESS SOLUTIONS	full line of parts for cellular telephones
2,412,753	WIRELESS SOLUTIONS	base station antennas, antenna mounts and parts therefore, coaxial cables, transmission lines, connectors and parts therefore, cable bridges, dehydrators, filters, duplexors, combiners and couplers; amplifiers; ground connections and grounding systems; towers; bench equipment, tools and maintenance equipment, namely,

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antenna testers,  
cellular telephone  
testers, PCS testers,  
frequency counters,  
loads, attenuators and  
signal samplers,  
multimeters and  
capacitance meters,  
oscilloscopes, pager  
test equipment, receiver  
alignment instruments,  
service equipment, test  
cables, time domain  
reflectors and  
wattmeters

Each of the above-identified registrations are in full force and effect on the Principal Register of the United States Patent and Trademark Office, and operate as prima facie evidence of TESSCO's ownership of said marks and its exclusive right to use the same in commerce throughout the United States. The registrations are incontestable, and thereby act as conclusive evidence of TESSCO's ownership in its mark, and its exclusive right to use each mark in commerce throughout the United States.

7. By virtue of extensive sales in commerce under TESSCO's marks in the United States, and in connection with its rendering of services in commerce under said marks, the relevant trade and public has come to associate goods and services

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provided under the mark, WIRELESS SOLUTIONS, with TESSCO, thereby creating a valuable reputation for such goods and services.

8. TESSCO continues to expand its product line and services under the WIRELESS SOLUTIONS mark and name. TESSCO markets a wide range of wireless products and accessories utilizing machine to machine wireless technology including a wide range of telecommunications cables under the WIRELESS SOLUTIONS mark and name. TESSCO provides consultation, engineering and design support for these products and systems.

9. The Applicant, 123eInternational SEZC, filed, on December 31, 2012, an application for a similar mark to TESSCO's WIRELESS SOLUTIONS mark, 123eWIRELESS INTEGRATED SOLUTIONS, for telecommunications cables, on the basis of an alleged first use of August 1, 2010.

10. Upon information and belief, Applicant has not used its mark prior to the use date claimed within the Application. Applicant advertises and promotes its products,

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including telecommunications cable as Integrated Wireless Solutions.

11. In view of the similarities between the respective marks, and their actual and intended uses, and the related nature of the goods and services of the respective parties, Applicant's mark so resembles TESSCO's WIRELESS SOLUTIONS trademark, service mark, and name, previously used in the United States and not abandoned, as to be likely to cause confusion, or to cause mistake, or to deceive to the irreparable damage of TESSCO.

12. If Applicant is granted a registration for the mark herein opposed, it would obtain thereby, at least a prima facie exclusive right to use the mark. Such registration would be a source of damage and injury to TESSCO, and TESSCO's business.

WHEREFORE, TESSCO prays that Application Serial No. 85813475 be rejected, and that no registration be issued thereon

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to Applicant, and that this Opposition be sustained in favor of  
Opposer.

Respectfully submitted,

TESSCO COMMUNICATIONS INCORPORATED

Date: 9/24/13

By: 

James E. Shlesinger  
Daniel T. Earle  
Attorneys for Opposer

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**CERTIFICATE OF SERVICE**

I hereby certify that this NOTICE OF OPPOSITION has been served upon Applicant, 123eInternational SEZC, by mailing, via first class mail, a copy thereof to 123e International SEZC, 87 Mary Street, George Town, Cayman Islands and a copy thereof by first class mail to Suzanne M. Rehmani, Attorney at Law, Kring & Chung, LLP, 38 Corporate Park, Irvine, California 92606, and by e-mail to Suzanne M. Rehmani, Suzanne@rehmanilawfirm.com on this 24th day of September, 2013.

  
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James E. Shlesinger