

ESTTA Tracking number: **ESTTA586825**

Filing date: **02/12/2014**

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	TCL Corporation		
Entity	Corporation	Citizenship	China
Address	No. 19 Zone Zhongkai High Technology Development Zon Huizhou, Guangdong, 516001 CHINA		

Attorney information	James M. Slattery Birch Stewart Kolasch & Birch 8110 Gatehouse Rd. Ste. 100 East Falls Church, VA 22042 UNITED STATES jms@bskb.com, bg@bskb.com, johnst@bskb.com, mailroom@bskb.com Phone:703-205-8000
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Applicant Information

Application No	86064236	Publication date	01/28/2014
Opposition Filing Date	02/12/2014	Opposition Period Ends	02/27/2014
Applicant	ISGN Corporation Legal Department Palm Bay, FL 32905 GERMANY		

Goods/Services Affected by Opposition

Class 009. First Use: 2007/01/01 First Use In Commerce: 2007/01/01 All goods and services in the class are opposed, namely: Computer software for project management, customer service, loan portfolio review, report generation, and payment processing in the field of construction lending
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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.	2800550	Application Date	03/30/1998
Registration Date	12/30/2003	Foreign Priority Date	NONE
Word Mark	TCL		

Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 009. First use: First Use: 1985/00/00 First Use In Commerce: 2003/01/00 BLANK SOUND RECORDING TAPES, BLANK VIDEO TAPES, PRE-RECORDED SOUND RECORDING TAPES AND VIDEOTAPES FEATURING MUSIC, MOVIES IN THE FIELD OF DRAMA, COMEDY, ACTION, ADVENTURE, ANIMATION AND TRAVEL AND TELEVISION PROGRAMS, NAMELY, SITCOMS, TALKSHOWS, GAME SHOWS, DRAMA AND CHILDREN'S ENTERTAINMENT, CIRCUIT BOARDS, LOUDSPEAKERS, FIRE ALARMS FOR MINING, INTELLIGENT GAS INSTRUMENT TESTING METERS; AUDIO EQUIPMENT, NAMELY, LOUDSPEAKERS, MIXERS, AMPLIFIERS AND SPEAKERS; CALCULATING MACHINES, DATA PROCESSORS, PHOTOCOPYING MACHINES, SCALE, TELEPHONES, TELEVISION SETS AND TELEVISIONS, VIDEOTAPE AND CASSETTE RECORDERS, FACSIMILE MACHINES, MUSICALSOUND RECORDING, SIGNAL REMOTE CONTROL DEVICE FOR USE IN ELECTRICAL INSTALLATIONS; POWER APPARATUS, NAMELY, POWER GENERATION MONITORING APPARATUS; FIRE AND ANTI-INTRUSION ALARMS, BATTERIES; WIRELESS MEASURE INSTRUMENTS, NAMELY CHRONOMETERS, PHONOGRAPHIC RECORDS FEATURING MUSIC, MOVIES IN THE FIELD OF DRAMA, COMEDY, ACTION, ADVENTURE, ANIMATION AND TRAVEL AND TELEVISION PROGRAMS, NAMELY, SITCOMS, TALK SHOWS, GAME SHOWS, DRAMA AND CHILDREN'S ENTERTAINMENT; VIDEO COMPACT DISCS FEATURING MUSIC, MOVIES IN THE FIELD OF DRAMA, COMEDY, ACTION, ADVENTURE, ANIMATION AND TRAVEL AND TELEVISION PROGRAMS, NAMELY, SITCOMS, TALK SHOWS, GAME SHOWS, DRAMA AND CHILDREN'S ENTERTAINMENT; DIGITAL VIDEO DISCS FEATURING MUSIC, MOVIES IN THE FIELD OF DRAMA, COMEDY, ACTION, ADVENTURE, ANIMATION AND TRAVEL AND TELEVISION PROGRAMS, NAMELY, SITCOMS, TALK SHOWS, GAME SHOWS, DRAMA AND CHILDREN'S ENTERTAINMENT</p>
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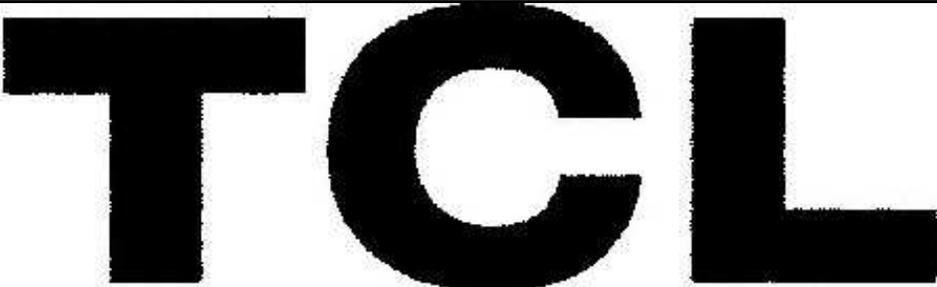
U.S. Registration No.	3298181	Application Date	03/18/2005
Registration Date	09/25/2007	Foreign Priority Date	NONE
Word Mark	TCL		



Description of Mark	NONE
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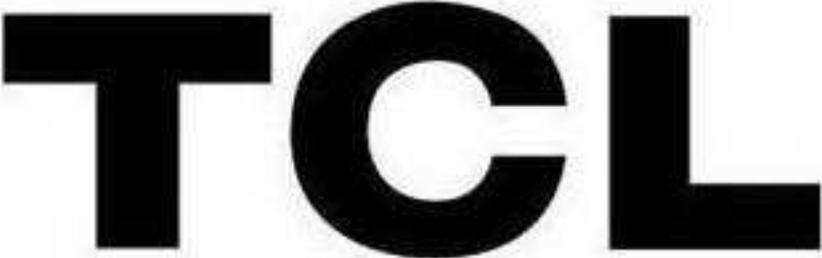
Goods/Services	<p>Class 007. First use: First Use: 0 First Use In Commerce: 0 Electromechanical food preparation machines, namely, food processor; electromechanical beverage preparation machines, namely, electric mixers for household purposes; power operated coffee grinders; electric kitchen machines, namely, mixers; dry cleaning machines; electric motors for refrigerators; compressors for machines; electric shoe polishers; electric food processors; washing machines for clothes; electric dishwashers; vacuum cleaners</p> <p>Class 009. First use: First Use: 0 First Use In Commerce: 0 Modems; portable computer memories; electronic agendas; walkie-talkies; answering machines; intercommunication apparatus, namely, intercoms; telephones; program-controlled telephone exchange apparatus; camcorders; television sets; amplifiers; loudspeakers; optical disc players; MP3 players; compact disc players; set top boxes; sound reproduction apparatus; earphones; telephone wires and cables; remote control apparatus; electric relays; low-voltage power supply; electric plugs and sockets; electricity distribution consoles; electricity control panels; electric switches; current rectifiers; electric flat irons; cameras; electricity transformers; integrated circuits; computers; computer monitors; computer peripherals; telephone apparatus; optical communication apparatus; radios; electronic burglar alarms; batteries</p> <p>Class 011. First use: First Use: 0 First Use In Commerce: 0 Electric lighting fixtures; water heaters for domestic and commercial use; gas burners for domestic use; electric griddles; electric coffee percolators; electric coffee makers; microwave ovens for cooking; electric cooking ovens; electric kettles; electronic refrigerating cabinets for wines; ice cream making machines; ventilating exhaust fans; electric fans for personal use; hand-held electric hair dryers; ventilating hoods for kitchens; electric laundry dryers; air purifiers; air humidifiers; hair drying machines for beauty salon use; Electric radiant heaters for household purposes; drinking water purifiers; water purification units; sockets for electric lights; refrigerators; air conditioners; sterilizers not for medical use; electric hand warmers; electric hand dryers for washrooms</p>
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U.S. Registration No.	3972749	Application Date	06/25/2010
Registration Date	06/07/2011	Foreign Priority Date	05/19/2010
Word Mark	TCL		

Design Mark	
Description of Mark	This mark consists of English word "TCL" which has no significance in the trade or industry or as applied to goods/services listed in the application, nor geographical significance.
Goods/Services	Class 010. First use: First Use: 0 First Use In Commerce: 0 Massage apparatus; medical apparatus and instruments, namely, for monitoring vital signs, blood properties and respiratory events, for use in surgery; physical exercise apparatus for medical purposes; testing apparatus for medical purposes for blood testing apparatus, eye testing machine and apparatus, force and motion testing apparatus for physical training; diagnostic apparatus for medical purposes, namely, apparatus for the detection of cancer, C-Arm Angiography System, CCD Detector; sterilizing and disinfecting instrument units for medical purposes; electric dental apparatus, namely, intra-oral light systems, apex locator; roentgen apparatus for medical purposes; radiology screens for medical purposes; galvanic therapeutic appliances for thermal therapy; apparatus and installations for the production of X-rays, for medical purposes; radiological apparatus for medical purposes; protection devices against X-rays, for medical purposes; ear trumpets, namely, hearing aids for the deaf; breast pumps; non-chemical contraceptives; artificial limbs; orthopaedic articles, namely, orthopaedic knee bandages, orthopaedic soles, orthopaedic implants made of artificial materials; surgical thread

U.S. Registration No.	4452514	Application Date	01/04/2013
Registration Date	12/17/2013	Foreign Priority Date	NONE
Word Mark	TCL		
Design Mark			
Description of Mark	The mark consists of stylized wording "TCL".		
Goods/Services	Class 021. First use: First Use: 2013/01/04 First Use In Commerce: 2013/01/04 Cups; mugs; drinking glasses; dishes; coasters not of paper and not being table linen; glass, porcelain and earthenware figurines Class 025. First use: First Use: 2013/01/04 First Use In Commerce: 2013/01/04 Clothing, namely, shirts, t-shirts, sweatshirts, golf shirts, jogging outfits, trousers, jeans, shorts, tank tops, rainwear, cloth bibs, skirts, blouses, dresses,		

	<p>suspenders, sweaters, jackets, bomber jackets, coats, raincoats, snow suits, ties, robes, hats, caps, sun visors, belt, scarves, sleepwear, pajamas, lingerie, underwear, boots, shoes, sneakers, sandals, booties, slippers, swimwear and masquerade costumes comprised of body suits and face mask</p> <p>Class 041. First use: First Use: 2013/01/04 First Use In Commerce: 2013/01/04 Entertainment services, namely, organization and conducting exhibitions in the field of motion picture films and movies</p>
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U.S. Application No.	85819171	Application Date	01/09/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	TCL		
Design Mark			
Description of Mark	The mark consists of stylized wording "TCL".		
Goods/Services	<p>Class 016. First use: First Use: 0 First Use In Commerce: 0</p> <p>Coloring books; children's activity books; envelopes; notebooks, diaries; erasers; crayons; colored pencils; chalk and chalkboards for school and home use; decals; heat transfer paper; mounted and unmounted photographs; book covers; bookmarkers; calendars; gift wrapping paper, paper party favors and paper party decorations, namely, paper napkins, paper doilies, paper place mats, crepe paper, paper hats, printed invitations, paper tablecloths, and paper cake decorations; printed patterns for costumes, pajamas, sweatshirts and t-shirts</p>		

U.S. Application No.	86126947	Application Date	11/22/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	TCL		
Design Mark			
Description of Mark	The mark consists of stylized word "TCL".		
Goods/Services	<p>Class 038. First use: First Use: 0 First Use In Commerce: 0</p> <p>Television Broadcasting; Cellular Telephone Communication; Communications</p>		

	<p>By Computer Terminals; Satellite Transmission; Telephone Services; Communication By Fiber Optic Network; Electronic Bulletin; Providing Telecommunication Connections To A Global Computer Network; Providing User Access To A Global Computer Network; Voice Mail And Messaging Services; Teleconferencing Services; Message Sending; Procuring Access To Databases</p> <p>Class 042. First use: First Use: 0 First Use In Commerce: 0</p> <p>research and development services for others; industrial design; computer software design; maintenance of computer software; conversion of data or documents from physical to electronic media; technical research; packaging design; quality control; project research; design of interior decor; dress designing; consultancy for design and development for computer hardware; creating and maintaining websites for others; computer programming; computer virus protection services</p>
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Attachments	<p>75459285#TMSN.gif(bytes) 79018892#TMSN.jpeg(bytes) 79087823#TMSN.jpeg(bytes) 85815908#TMSN.jpeg(bytes) 85819171#TMSN.jpeg(bytes) 86126947#TMSN.jpeg(bytes) 2014-02-12 Notice of Opposition.pdf(816873 bytes)</p>
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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	/James M. Slattery/
Name	James M. Slattery
Date	02/12/2014

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

In the matter of Application No. 86/064,236
For the trademark "TCL"
Published in the Official Gazette on January 28, 2014

TCL CORPORATION,)	
)	
Opposer)	
)	
v.)	Opposition No.
)	
ISGN CORPORATION,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Opposer, TCL CORPORATION, a corporation organized under the laws of China, with a principal place of business at No. 19 Zone, Zhongkai High Technology Development Zone, Huizhou, GuangDong, China 516001, believes it will be damaged by the issuance of a registration for the mark "TCL" (the Applicant's mark), as set forth in Application No. 86/064,236, filed on September 13, 2013, and files this Notice of Opposition pursuant to 37 CFR §2.104(b).

1. TCL CORPORATION, its subsidiaries and related companies own the following marks:

MARK	REG./ APPL. NO.	GOODS
1. TCL and Design	2800550	Blank sound recording tapes, blank video tapes, pre-recorded sound recording tapes and videotapes featuring music, movies in the field of drama, comedy, action, adventure, animation and travel and television programs, namely, sitcoms, talk shows, game shows, drama and children's entertainment, circuit boards, loudspeakers, fire alarms for mining, intelligent gas instrument

 <p>Published for opposition: December 12, 2000</p> <p>Registered: December 30, 2003</p> <p>First Use: 1985 First use in Commerce: January, 2003</p> <p>Sec. 8 & 15 4-9-2013</p> <p>1st Renewal: 4-9-2013</p>		<p>testing meters; audio equipment, namely, loudspeakers, mixers, amplifiers and speakers; calculating machines, data processors, photocopying machines, scale, telephones, television sets and televisions, videotape and cassette recorders, facsimile machines, musical sound recording, signal remote control device for use in electrical installations; power apparatus, namely, power generation monitoring apparatus; fire and anti-intrusion alarms, batteries; wireless measure instruments, namely chronometers, phonographic records featuring music, movies in the field of drama, comedy, action, adventure, animation and travel and television programs, namely, sitcoms, talk shows, game shows, drama and children's entertainment; video compact discs featuring music, movies in the field of drama, comedy, action, adventure, animation and travel and television programs, namely, sitcoms, talk shows, game shows, drama and children's entertainment; digital video discs featuring music, movies in the field of drama, comedy, action, adventure, animation and travel and television programs, namely, sitcoms, talk shows, game shows, drama and children's entertainment, in International Class 9.</p>
<p>2. TCL</p> <p>Registered: September 25, 2007</p> <p>Published for opposition: July 10, 2007</p> <p>Int'l Reg. No. 0871353</p> <p>Sec. 71 accepted</p>	<p>3298181</p>	<p>Electromechanical food preparation machines, namely, food processor; electromechanical beverage preparation machines, namely, electric mixers for household purposes; power operated coffee grinders; electric kitchen machines, namely, mixers; dry cleaning machines; electric motors for refrigerators; compressors for machines; electric shoe polishers; electric food processors; washing machines for clothes; electric dishwashers; vacuum cleaners, in International Class 7;</p> <p>Modems; portable computer memories; electronic agendas; walkie-talkies; answering machines; intercommunication apparatus, namely, intercoms; telephones; program-controlled telephone</p>

		<p>exchange apparatus; camcorders; television sets; amplifiers; loudspeakers; optical disc players; MP3 players; compact disc players; set top boxes; sound reproduction apparatus; earphones; telephone wires and cables; remote control apparatus; electric relays; low-voltage power supply; electric plugs and sockets; electricity distribution consoles; electricity control panels; electric switches; current rectifiers; electric flat irons; cameras; electricity transformers; integrated circuits; computers; computer monitors; computer peripherals; telephone apparatus; optical communication apparatus; radios; electronic burglar alarms; batteries, in International Class 9;</p> <p>Electric lighting fixtures; water heaters for domestic and commercial use; gas burners for domestic use; electric griddles; electric coffee percolators; electric coffee makers; microwave ovens for cooking; electric cooking ovens; electric kettles; electronic refrigerating cabinets for wines; ice cream making machines; ventilating exhaust fans; electric fans for personal use; hand-held electric hair dryers; ventilating hoods for kitchens; electric laundry dryers; air purifiers; air humidifiers; hair drying machines for beauty salon use; Electric radiant heaters for household purposes; drinking water purifiers; water purification units; sockets for electric lights; refrigerators; air conditioners; sterilizers not for medical use; electric hand warmers; electric hand dryers for washrooms, in International Class 11.</p>
<p>3. TCL</p> <p>Published for opposition: March 22, 2011</p> <p>Registered: June 7, 2011</p> <p>Int'l Reg. No. 1052418</p>	<p>3972749</p>	<p>Massage apparatus; medical apparatus and instruments, namely, for monitoring vital signs, blood properties and respiratory events, for use in surgery; physical exercise apparatus for medical purposes; testing apparatus for medical purposes for blood testing apparatus, eye testing machine and apparatus, force and motion testing apparatus for physical training; diagnostic apparatus for medical purposes, namely, apparatus</p>

		<p>for the detection of cancer, C-Arm Angiography System, CCD Detector; sterilizing and disinfecting instrument units for medical purposes; electric dental apparatus, namely, intra-oral light systems, apex locator; roentgen apparatus for medical purposes; radiology screens for medical purposes; galvanic therapeutic appliances for thermal therapy; apparatus and installations for the production of X-rays, for medical purposes; radiological apparatus for medical purposes; protection devices against X-rays, for medical purposes; ear trumpets, namely, hearing aids for the deaf; breast pumps; non-chemical contraceptives; artificial limbs; orthopaedic articles, namely, orthopaedic knee bandages, orthopaedic soles, orthopaedic implants made of artificial materials; surgical thread, in International Class 10.</p>
<p>4. TCL</p> <p>Published for opposition: July 2, 2013</p> <p>Registered: December 17, 2013</p> <p>First Use: January 4, 2013</p> <p>First use in commerce: January 4, 2013</p>	<p>4452514</p>	<p>Cups; mugs; drinking glasses; dishes; coasters not of paper and not being table linen; glass, porcelain and earthenware figurines, in International Class 21;</p> <p>Clothing, namely, shirts, t-shirts, sweatshirts, golf shirts, jogging outfits, trousers, jeans, shorts, tank tops, rainwear, cloth bibs, skirts, blouses, dresses, suspenders, sweaters, jackets, bomber jackets, coats, raincoats, snow suits, ties, robes, hats, caps, sun visors, belt, scarves, sleepwear, pajamas, lingerie, underwear, boots, shoes, sneakers, sandals, booties, slippers, swimwear and masquerade costumes comprised of body suits and face mask, in International Class 25;</p> <p>Entertainment services, namely, organization and conducting exhibitions in the field of motion picture films and movies, in International Class 41.</p>

<p>5. TCL</p> <p>Filed: January 9, 2013</p> <p>Published for opposition: November 26, 2013</p> <p>Notice of Allowance: January 21, 2014</p>	<p>85/819,171</p>	<p>Coloring books; children's activity books; envelopes; notebooks, diaries; erasers; crayons; colored pencils; chalk and chalkboards for school and home use; decals; heat transfer paper; mounted and unmounted photographs; book covers; bookmarkers; calendars; gift wrapping paper, paper party favors and paper party decorations, namely, paper napkins, paper doilies, paper place mats, crepe paper, paper hats, printed invitations, paper table cloths, and paper cake decorations; printed patterns for costumes, pajamas, sweatshirts and t-shirts, in International Class 16.</p>
<p>6. TCL</p> <p>Filed: Nov. 22, 2013</p>	<p>86/126,947</p>	<p>Television Broadcasting; Cellular Telephone Communication; Communications By Computer Terminals; Satellite Transmission; Telephone Services; Communication By Fiber Optic Network; Electronic Bulletin; Providing Telecommunication Connections To A Global Computer Network; Providing User Access To A Global Computer Network; Voice Mail And Messaging Services; Teleconferencing Services; Message Sending; Procuring Access To Databases, in Class 38; and research and development services for others; industrial design; computer software design; maintenance of computer software; conversion of date or documents from physical to electronic media; technical research; packaging design; quality control; project research; design of interior decor; dress designing; consultancy for design and development for computer hardware; creating and maintaining websites for others; computer programming; computer virus protection services, in Class 42</p>

See Exhibits 1-6.

2. Opposer owns common law rights in the marks "TCL" and "TCL and Design" which have been continuously, prominently, and conspicuously in use on its products, equipment

and accessories, web site and other materials in foreign commerce between the United States and China since at least as early as 1985.

3. Opposer is the owner of numerous trademark registrations as listed above which include the term “TCL” for goods and services, especially U.S. Registration No. 2800550, registered on December 30, 2003, and Registration No. 3298181, registered on September 25, 2007, which have become incontestable or distinctive through use of the marks “TCL and Design” and “TCL” in connection with the goods and services in the United States.

4. The use and registration of the Applicant’s mark which is identical to the registrant’s famous marks would cause a likelihood of confusion and dilution to the Opposer’s marks.

5. Opposer has also expanded its business in the field of computer software design and computer programming under the mark “TCL” and filed for registration of the mark “TCL” on November 22, 2013 in the USPTO.

6. Opposer itself and through its subsidiaries and related companies have shipped and sold several millions of dollar’s worth of products under its marks and have spent substantial sums in advertising and promoting these trademarks.

7. On September 13, 2013, Applicant filed a trademark application for the mark “TCL” in connection with the following goods: “computer software for project management, customer service, loan portfolio review, report generation, and payment processing in the field of construction lending, in International Class 9 in the USPTO.” This application corresponds to Serial No. 86/064,236, which was published for opposition on January 28, 2014. The Applicant’s mark is based on use as of January, 2007.

8. Applicant’s mark “TCL” is likely to be confused with and mistaken for Opposer’s “TCL” marks because the Applicant’s mark is identical to Opposer’s “TCL” marks in appearance, pronunciation and trade connotation.

9. Applicant's mark is used in connection with products that overlap with and are related to the products and services marketed and sold under the Opposer's "TCL" marks.

10. Applicant's targeted customer base overlaps with the customers of the Opposer which are marketed under the "TCL" marks.

11. Applicant's intended channels of trade for its products and services overlap with the channels of trade used by the Opposer in marketing, selling, and otherwise distributing its products, equipment and accessories as well as services under the Opposer's marks.

12. Opposer is neither affiliated nor connected with Applicant with regard to its goods and services; nor has endorsed or sponsored Applicant for any of its goods and services.

13. There is no issue as to priority of use. TCL CORPORATION began using its marks, and enjoys priority as a result of the filing dated of its trademark registrations, well prior to the filing date of Applicant's "TCL" application, and on information and belief, well prior to Applicant's first use of the "TCL" mark.

FIRST GROUND FOR OPPOSITION:

LIKELIHOOD OF CONFUSION

14. TCL CORPORATION incorporates by reference paragraphs 1-13, inclusive, as if fully set forth herein.

15. Applicant's mark is intended for use in connection with products and services that overlap with and are related to products and services marketed and sold under the Opposer's "TCL" marks.

16. Opposer is not affiliated or connected with Applicant with regard to its goods and services, nor has endorsed or sponsored Applicant for its goods and services.

17. Applicant's targeted customer base overlaps with the customers of the Opposer's products and services marketed and sold under the "TCL" marks.

18. Applicant's intended channels of trade for its products and services offered under its "TCL" mark overlaps with the channels of trade used in marketing, selling, and otherwise distributing its products and services marketed and sold under the "TCL" marks.

19. If Applicant is permitted to register Applicant's mark for the goods and services specified in the application herein opposed, confusion resulting in damage and injury to the Opposer would likely occur. Persons familiar with the Opposer's marks would likely perceive Applicant's products and services as associated, affiliated with, or sponsored by the Opposer. Such confusion would result in damage to the Opposer.

20. The Opposer's customers and the relevant public are likely to misapprehend Applicant's mark as a trademark rather than a trademark by ISGN Corporation, and/or believe in error that goods and services offered under the Applicant's "TCL" mark is offered by, in association with, or under license from the Opposer.

21. Applicant's use of the mark shown in Application Serial No. 86/064,236 is without Opposer's consent or permission.

22. Any defect, objection to, or fault found with Applicant's products and services marketed under its "TCL" mark would necessarily reflect on the Opposer and seriously injure the reputation that the Opposer has established for its products and services marketed and sold under the "TCL" marks.

23. Registration of Applicant's mark would give Applicant *prima facie* evidence of the validity and ownership of Applicant's mark and of Applicant's exclusive rights to use its "TCL" mark, all to the detriment of the Opposer.

24. Registration of the mark herein opposed will damage the Opposer because Applicant's "TCL" mark is likely, when used on or in connection with the goods and services described in the opposed application, to cause confusion, or to cause mistake, or to deceive. Thus, the '236 mark is unregistrable under Section 2(d) and 3 of the Trademark Act, as amended, 15 USA §§ 1052(d) and 1053, and should be refused registration.

SECOND GROUND FOR OPPOSITION:

PRIOR USE

25. Opposer has used its marks since at least as early as 1985 in International Class 9, and since at least as early as January, 2003 in commerce between the U.S. and China.

26. Applicant's mark "TCL" was filed based on a claim of date of first use of the mark on June 1, 2007.

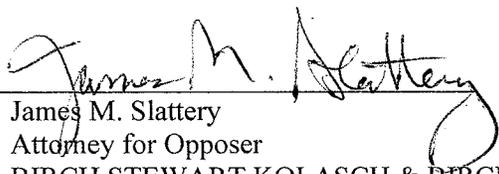
27. There is no issue as to priority of use since Opposer began using the mark in 1985 and enjoyed priority as a result of using the mark, well prior to the filing date of the Applicant's mark which was 2007.

28. Accordingly, Applicant's mark is unregistrable pursuant to Sections 2(a)(d), 3, 13, and 43(e) of the United States Trademark Act, as amended, 15 USC §§ 1052(a)(d), 1053, 1063, 1125, and should be refused registration.

Wherefore, TCL CORPORATION prays that this opposition be sustained and that Application No. 86/064,236 be denied and refused registration..

Dated: 2-12-2014

Respectfully submitted,

By 
James M. Slattery
Attorney for Opposer
BIRCH STEWART KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100E
Falls Church, VA. 22042
Tel: 703-205-8000
Fax: 703-205-8050
Email: mailroom@bskb.com

CERTIFICATE OF SERVICES

It is hereby certified that a true and correct copy of the foregoing NOTICE OF OPPOSITION has been served on the attorneys for the Applicant:

ISGN Corporation
Legal Department
2330 Commerce Park Drive NE, Suite 2
Palm Bay, Florida 32905
Phone: 860-656-7550
Email: Erin.enser@isgn.com

by first class mail, postage prepaid, and email, on this 12th day of February, 2014,

By Tiffany C. Johnson

Int. Cl.: 9

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

Reg. No. 2,800,550

United States Patent and Trademark Office

Registered Dec. 30, 2003

TRADEMARK
PRINCIPAL REGISTER



TCL HOLDING GROUP (CHINA CORPORATION)
8TH FLOOR, TCL BUILDING, NO. 6, E
LING NAN LU, HUIZHOU
GUANGDONG, P.R.C., CHINA

FOR: BLANK SOUND RECORDING TAPES, BLANK VIDEO TAPES, PRE-RECORDED SOUND RECORDING TAPES AND VIDEOTAPES FEATURING MUSIC, MOVIES IN THE FIELD OF DRAMA, COMEDY, ACTION, ADVENTURE, ANIMATION AND TRAVEL AND TELEVISION PROGRAMS, NAMELY, SITCOMS, TALK SHOWS, GAME SHOWS, DRAMA AND CHILDREN'S ENTERTAINMENT, CIRCUIT BOARDS, LOUDSPEAKERS, FIRE ALARMS FOR MINING, INTELLIGENT GAS INSTRUMENT TESTING METERS; AUDIO EQUIPMENT, NAMELY, LOUDSPEAKERS, MIXERS, AMPLIFIERS AND SPEAKERS; CALCULATING MACHINES, DATA PROCESSORS, PHOTOCOPYING MACHINES, SCALE, TELEPHONES, TELEVISION SETS AND TELEVISIONS, VIDEOTAPE AND CASSETTE RECORDERS, FACSIMILE MACHINES, MUSICAL SOUND RECORDING, SIGNAL REMOTE CONTROL DEVICE FOR USE IN ELECTRICAL INSTALLATIONS; POWER APPARATUS, NAMELY, POWER GENERATION MONITORING APPARATUS; FIRE AND ANTI-INTRUSION ALARMS, BATTERIES; WIRELESS MEASURE INSTRUMENTS, NAMELY CHRONOMETERS, PHO-

NOGRAPHIC RECORDS FEATURING MUSIC, MOVIES IN THE FIELD OF DRAMA, COMEDY, ACTION, ADVENTURE, ANIMATION AND TRAVEL AND TELEVISION PROGRAMS, NAMELY, SITCOMS, TALK SHOWS, GAME SHOWS, DRAMA AND CHILDREN'S ENTERTAINMENT; VIDEO COMPACT DISCS FEATURING MUSIC, MOVIES IN THE FIELD OF DRAMA, COMEDY, ACTION, ADVENTURE, ANIMATION AND TRAVEL AND TELEVISION PROGRAMS, NAMELY, SITCOMS, TALK SHOWS, GAME SHOWS, DRAMA AND CHILDREN'S ENTERTAINMENT; DIGITAL VIDEO DISCS FEATURING MUSIC, MOVIES IN THE FIELD OF DRAMA, COMEDY, ACTION, ADVENTURE, ANIMATION AND TRAVEL AND TELEVISION PROGRAMS, NAMELY, SITCOMS, TALK SHOWS, GAME SHOWS, DRAMA AND CHILDREN'S ENTERTAINMENT, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 0-0-1985; IN COMMERCE 1-0-2003.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TCL", APART FROM THE MARK AS SHOWN.

SN 75-459,285, FILED 3-30-1998.

LAVERNE THOMPSON, EXAMINING ATTORNEY

EXHIBIT 1

Int. Cls.: 7, 9 and 11

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

Reg. No. 3,298,181

United States Patent and Trademark Office

Registered Sep. 25, 2007

TRADEMARK
PRINCIPAL REGISTER

TCL

TCL CORPORATION (CHINA CORPORATION)
NO.19 ZONE
ZHONGKAI HIGH TECHNOLOGY DEVELOPMENT ZONE
HUIZHOU, GUANG DONG, CHINA 516001

FOR: ELECTROMECHANICAL FOOD PREPARATION MACHINES, NAMELY, FOOD PROCESSOR; ELECTROMECHANICAL BEVERAGE PREPARATION MACHINES, NAMELY, ELECTRIC MIXERS FOR HOUSEHOLD PURPOSES; POWER OPERATED COFFEE GRINDERS; ELECTRIC KITCHEN MACHINES, NAMELY, MIXERS; DRY CLEANING MACHINES; ELECTRIC MOTORS FOR REFRIGERATORS; COMPRESSORS FOR MACHINES; ELECTRIC SHOE POLISHERS; ELECTRIC FOOD PROCESSORS; WASHING MACHINES FOR CLOTHES; ELECTRIC DISHWASHERS; VACUUM CLEANERS, IN CLASS 7 (U.S. CLS. 13, 19, 21, 23, 31, 34 AND 35).

FOR: MODEMS; PORTABLE COMPUTER MEMORIES; ELECTRONIC AGENDAS; WALKIE-TALKIES; ANSWERING MACHINES; INTERCOMMUNICATION APPARATUS, NAMELY, INTERCOMS; TELEPHONES; PROGRAM-CONTROLLED TELEPHONE EXCHANGE APPARATUS; CAMCORDERS; TELEVISION SETS; AMPLIFIERS; LOUDSPEAKERS; OPTICAL DISC PLAYERS; MP3 PLAYERS; COMPACT DISC PLAYERS; SET TOP BOXES; SOUND REPRODUCTION APPARATUS; EARPHONES; TELEPHONE WIRES AND CABLES; REMOTE CONTROL APPARATUS; ELECTRIC RELAYS; LOW-VOLTAGE POWER SUPPLY; ELECTRIC PLUGS AND SOCKETS; ELECTRICITY DISTRIBUTION CONSOLES; ELECTRICITY CONTROL PANELS; ELECTRIC SWITCHES; CURRENT RECTIFIERS; ELECTRIC FLAT IRONS; CAMERAS; ELECTRICITY TRANSFORMERS; INTEGRATED CIRCUITS; COMPUTERS; COMPUTER MONITORS;

COMPUTER PERIPHERALS; TELEPHONE APPARATUS; OPTICAL COMMUNICATION APPARATUS; RADIOS; ELECTRONIC BURGLAR ALARMS; BATTERIES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: ELECTRIC LIGHTING FIXTURES; WATER HEATERS FOR DOMESTIC AND COMMERCIAL USE; GAS BURNERS FOR DOMESTIC USE; ELECTRIC GRIDDLES; ELECTRIC COFFEE PERCOLATORS; ELECTRIC COFFEE MAKERS; MICROWAVE OVENS FOR COOKING; ELECTRIC COOKING OVENS; ELECTRIC KETTLES; ELECTRONIC REFRIGERATING CABINETS FOR WINES; ICE CREAM MAKING MACHINES; VENTILATING EXHAUST FANS; ELECTRIC FANS FOR PERSONAL USE; HAND-HELD ELECTRIC HAIR DRYERS; VENTILATING HOODS FOR KITCHENS; ELECTRIC LAUNDRY DRYERS; AIR PURIFIERS; AIR HUMIDIFIERS; HAIR DRYING MACHINES FOR BEAUTY SALON USE; ELECTRIC RADIANT HEATERS FOR HOUSEHOLD PURPOSES; DRINKING WATER PURIFIERS; WATER PURIFICATION UNITS; SOCKETS FOR ELECTRIC LIGHTS; REFRIGERATORS; AIR CONDITIONERS; STERILIZERS NOT FOR MEDICAL USE; ELECTRIC HAND WARMERS; ELECTRIC HAND DRYERS FOR WASHROOMS, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31 AND 34).

OWNER OF INTERNATIONAL REGISTRATION
0871353 DATED 3-18-2005, EXPIRES 3-18-2015.

OWNER OF U.S. REG. NO. 2,800,550.

SER. NO. 79-018,892, FILED 3-18-2005.

CURTIS FRENCH, EXAMINING ATTORNEY

EXHIBIT 2

United States of America

United States Patent and Trademark Office

TCL

Reg. No. 3,972,749
Registered June 7, 2011
Int. Cl.: 10

TRADEMARK
PRINCIPAL REGISTER

TCL CORPORATION (CHINA CORPORATION)
NO.19 ZONE
ZHONGKAI HIGH TECHNOLOGY DEVELOPMENT ZONE; HUIZHOU, GUANG DONG
CHINA

FOR: MASSAGE APPARATUS; MEDICAL APPARATUS AND INSTRUMENTS, NAMELY, FOR MONITORING VITAL SIGNS, BLOOD PROPERTIES AND RESPIRATORY EVENTS, FOR USE IN SURGERY; PHYSICAL EXERCISE APPARATUS FOR MEDICAL PURPOSES; TESTING APPARATUS FOR MEDICAL PURPOSES FOR BLOOD TESTING APPARATUS; EYE TESTING MACHINE AND APPARATUS; FORCE AND MOTION TESTING APPARATUS FOR PHYSICAL TRAINING; DIAGNOSTIC APPARATUS FOR MEDICAL PURPOSES, NAMELY, APPARATUS FOR THE DETECTION OF CANCER, C-ARM ANGIOGRAPHY SYSTEM, CCD DETECTOR; STERILIZING AND DISINFECTING INSTRUMENT UNITS FOR MEDICAL PURPOSES; ELECTRIC DENTAL APPARATUS, NAMELY, INTRA-ORAL LIGHT SYSTEMS, APEX LOCATOR; ROENTGEN APPARATUS FOR MEDICAL PURPOSES; RADIOLOGY SCREENS FOR MEDICAL PURPOSES; GALVANIC THERAPEUTIC APPLIANCES FOR THERMAL THERAPY; APPARATUS AND INSTALLATIONS FOR THE PRODUCTION OF X-RAYS, FOR MEDICAL PURPOSES; RADIOLOGICAL APPARATUS FOR MEDICAL PURPOSES; PROTECTION DEVICES AGAINST X-RAYS, FOR MEDICAL PURPOSES; EAR TRUMPETS, NAMELY, HEARING AIDS FOR THE DEAF; BREAST PUMPS; NON-CHEMICAL CONTRACEPTIVES; ARTIFICIAL LIMBS; ORTHOPAEDIC ARTICLES, NAMELY, ORTHOPAEDIC KNEE BANDAGES, ORTHOPAEDIC SOLES, ORTHOPAEDIC IMPLANTS MADE OF ARTIFICIAL MATERIALS; SURGICAL THREAD, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

OWNER OF U.S. REG. NO. 3,298,181.

PRIORITY DATE OF 5-19-2010 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION 1052418 DATED 6-25-2010, EXPIRES 6-25-2020.



THIS MARK CONSISTS OF ENGLISH WORD "TCL" WHICH HAS NO SIGNIFICANCE IN THE TRADE OR INDUSTRY OR AS APPLIED TO GOODS/SERVICES LISTED IN THE APPLICATION, NOR GEOGRAPHICAL SIGNIFICANCE.

SER. NO. 79-087,823, FILED 6-25-2010.

JENNY PARK, EXAMINING ATTORNEY

David J. Kappas

Director of the United States Patent and Trademark Office

EXHIBIT 3

United States of America
United States Patent and Trademark Office

TCL

Reg. No. 4,452,514
Registered Dec. 17, 2013
Int. Cls.: 21, 25, and 41

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

TCL CORPORATION (CHINA CORPORATION)
NO.19 ZONE, ZHONGKAI HIGH TECHNOLOGY
DEVELOPMENT ZONE, HUIZHOU
GUANGDONG, CHINA

FOR: CUPS; MUGS; DRINKING GLASSES; DISHES; COASTERS NOT OF PAPER AND NOT
BEING TABLE LINEN; GLASS, PORCELAIN AND EARTHENWARE FIGURINES, IN CLASS
21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 1-4-2013; IN COMMERCE 1-4-2013.

FOR: CLOTHING, NAMELY, SHIRTS, T-SHIRTS, SWEATSHIRTS, GOLF SHIRTS, JOGGING
OUTFITS, TROUSERS, JEANS, SHORTS, TANK TOPS, RAINWEAR, CLOTH BIBS, SKIRTS,
BLOUSES, DRESSES, SUSPENDERS, SWEATERS, JACKETS, BOMBER JACKETS, COATS,
RAINCOATS, SNOW SUITS, TIES, ROBES, HATS, CAPS, SUN VISORS, BELT, SCARVES,
SLEEPWEAR, PAJAMAS, LINGERIE, UNDERWEAR, BOOTS, SHOES, SNEAKERS, SAN-
DALS, BOOTIES, SLIPPERS, SWIMWEAR AND MASQUERADE COSTUMES COMPRISED
OF BODY SUITS AND FACE MASK, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 1-4-2013; IN COMMERCE 1-4-2013.

FOR: ENTERTAINMENT SERVICES, NAMELY, ORGANIZATION AND CONDUCTING
EXHIBITIONS IN THE FIELD OF MOTION PICTURE FILMS AND MOVIES, IN CLASS 41
(U.S. CLS. 100, 101 AND 107).

FIRST USE 1-4-2013; IN COMMERCE 1-4-2013.

THE MARK CONSISTS OF STYLIZED WORDING "TCL".

SN 85-815,908, FILED 1-4-2013.

BILL DAWE, EXAMINING ATTORNEY



Deborah S. Cohen

Commissioner for Trademarks of the
United States Patent and Trademark Office

EXHIBIT 4

Generated on:

This page was generated by TSDR on 2014-02-07 15:52:55 EST

Mark:

TCL

TCL

US Serial Number:

85819171

Application Filing Date:

Jan. 09, 2013

Register:

Principal

Mark Type:

Trademark

Status:

Notice of Allowance (NOA) sent (issued) to the applicant. Applicant must file a Statement of Use or Extension Request within six months of the NOA issuance date.

Status Date:

Jan. 21, 2014

Publication Date:

Nov. 26, 2013

Notice of Allowance Date:

Jan. 21, 2014

Mark Information

Mark Literal Elements:

TCL

Standard Character Claim:

No

Mark Drawing Type:

5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Description of Mark:

The mark consists of stylized wording "TCL".

Color(s) Claimed:

Color is not claimed as a feature of the mark.

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *.* identify additional (new) wording in the goods/services.

For:

Coloring books; children's activity books; envelopes; notebooks, diaries; erasers; crayons; colored pencils; chalk and chalkboards for school and home use; decals; heat transfer paper; mounted and unmounted photographs; book covers; bookmarkers; calendars; gift wrapping paper, paper party favors and paper party decorations, namely, paper napkins, paper doilies, paper place mats, crepe paper, paper hats, printed invitations, paper table cloths, and paper cake decorations; printed patterns for costumes, pajamas, sweatshirts and t-shirts

International Class(es):

016 - Primary Class

U.S Class(es):

002, 005, 022, 023, 029, 037, 038, 050

Class Status:

ACTIVE

Basis:

1(b)

EXHIBIT 5

Basis Information (Case Level)

Filed Use:

No

Currently Use:

No

Amended Use:

No

Filed ITU:

Yes

Currently ITU:

Yes

Amended ITU:

No

Filed 44D:

No

Currently 44D:

No

Amended 44D:

No

Filed 44E:

No

Currently 44E:

No

Amended 44E:

No

Filed 66A:

No

Currently 66A:

No

Filed No Basis:

No

Currently No Basis:

No

Current Owner(s) Information

Owner Name:

TCL Corporation

Owner Address:

NO.19 ZONE, ZHONGKAI HIGH TECHNOLOGY
DEVELOPMENT ZONE, HUIZHOU
GUANGDONG
CHINA

Legal Entity Type:

CORPORATION

State or Country Where Organized:

CHINA

Attorney/Correspondence Information

Attorney of Record

Attorney Name:

James M. Slattery

Docket Number:

0579-0563US1

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mailroom@bskb.com

Attorney Email Authorized:

Yes

Correspondent

Correspondent Name/Address:

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UNITED STATES

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Domestic Representative

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Domestic Representative e-mail Authorized:

No

Prosecution History

Date	Description	Proceeding Number
Jan. 21, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 26, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 26, 2013	PUBLISHED FOR OPPOSITION	
Nov. 06, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 18, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	70633
Oct. 18, 2013	ASSIGNED TO LIE	70633
Oct. 03, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 02, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Oct. 01, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 01, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 18, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Apr. 18, 2013	NON-FINAL ACTION E-MAILED	6325
Apr. 18, 2013	NON-FINAL ACTION WRITTEN	76838
Apr. 17, 2013	ASSIGNED TO EXAMINER	76838
Jan. 17, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 12, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney:

DAWE III, WILLIAM H

Law Office Assigned:

LAW OFFICE 108

File Location

Current Location:

INTENT TO USE SECTION

Date in Location:

Jan. 21, 2014

Generated on:

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Mark:

TCL

TCL

US Serial Number:

86126947

Application Filing Date:

Nov. 22, 2013

Register:

Principal

Mark Type:

Service Mark

Status:

New application will be assigned to an examining attorney approximately 3 months after filing date.

Status Date:

Dec. 06, 2013

Mark Information

Mark Literal Elements:

TCL

Standard Character Claim:

No

Mark Drawing Type:

5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Description of Mark:

The mark consists of stylized word "TCL".

Color(s) Claimed:

Color is not claimed as a feature of the mark.

Goods and Services

EXHIBIT 6

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *.* identify additional (new) wording in the goods/services.

For:

Television Broadcasting; Cellular Telephone Communication; Communications By Computer Terminals; Satellite Transmission; Telephone Services; Communication By Fiber Optic Network; Electronic Bulletin; Providing Telecommunication Connections To A Global Computer Network; Providing User Access To A Global Computer Network; Voice Mail And Messaging Services; Teleconferencing Services; Message Sending; Procuring Access To Databases

International Class(es):

038 - Primary Class

U.S Class(es):

100, 101, 104

Class Status:

ACTIVE

Basis:

1(b)

For:

research and development services for others; industrial design; computer software design; maintenance of computer software; conversion of data or documents from physical to electronic media; technical research; packaging design; quality control; project research; design of interior decor; dress designing; consultancy for design and development for computer hardware; creating and maintaining websites for others; computer programming; computer virus protection services

International Class(es):

042 - Primary Class

U.S Class(es):

100, 101

Class Status:

ACTIVE

Basis:

1(b)

Basis Information (Case Level)

Filed Use:

No

Currently Use:

No

Amended Use:

No

Filed ITU:

Yes

Currently ITU:

Yes

Amended ITU:

No

Filed 44D:

No

Currently 44D:

No

Amended 44D:

No

Filed 44E:

No

Currently 44E:

No

Amended 44E:

No

Filed 66A:

No

Currently 66A:

No

Filed No Basis:

No

Currently No Basis:

No

Current Owner(s) Information

Owner Name:

TCL CORPORATION

Owner Address:

NO.19 ZONE, ZHONGKAI HIGH TECHNOLOGY

DEVELOPMENT ZONE

HUIZHOU, GUANGDONG

CHINA

Legal Entity Type:

CORPORATION

State or Country Where Organized:

CHINA

Attorney/Correspondence Information

Attorney of Record

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James M. Slattery

Docket Number:

0579-0604US1

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mailroom@bskb.com

Domestic Representative e-mail Authorized:

No

Prosecution History

Date	Description	Proceeding Number
Dec. 06, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 26, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location:

NEW APPLICATION PROCESSING

Date in Location:

Dec. 06, 2013