

ESTTA Tracking number: **ESTTA661814**

Filing date: **03/18/2015**

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	iKey Ltd.		
Entity	Partnership	Citizenship	Texas
Composed Of:	Multi-Technology Sales, Inc.		
Address	2621 RidgePoint Drive Suite 235 Austin, TX 78754 UNITED STATES		

Attorney information	Gail Taylor Russell Taylor Russell & Russell, P.C. 10601 FM 2222 Ste. R-12 Austin, TX 78730 UNITED STATES gtrussell@russell-law.com, adminuspto@russell-law.com Phone:512-338-4601		
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Applicant Information

Application No	86404221	Publication date	03/03/2015
Opposition Filing Date	03/18/2015	Opposition Period Ends	04/02/2015
Applicant	Michella J. Guinan 3111 Picketts Harbor Drive Cape Charles, VA 23310 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Electronic security token in the nature of a fob-like device with computer software functionality used by an authorized user of a computer system for securing, organizing, maintaining, tracing, tracking, managing profiles, logins, credentials, passwords, and other authentication, security or identifying information of the authorized user; wearable device for securing, organizing, maintaining, tracing, tracking, managing profiles, logins, credentials, passwords, and other authentication, security or identifying information of the authorized user; computer software for cross-platform desktop, portable, mobile, wearable device used for securing, organizing, maintaining, tracing, tracking, managing profiles, logins, credentials, passwords, and other authentication, security or identifying information of the authorized user; computer software and software applications for biometric user identity verification and authentication and biometric credentials acquisition; computer software for authentication or identification purposes by means of storage of biometric features and comparison of the stored features; computer software featuring a multi-modal biometric identification and verification system designed for identity management in a cloud-based and online infrastructure; entry/exit security portal comprised of an electronic passageway equipped with biometric systems for identification verification and detection of authorized and unauthorized users

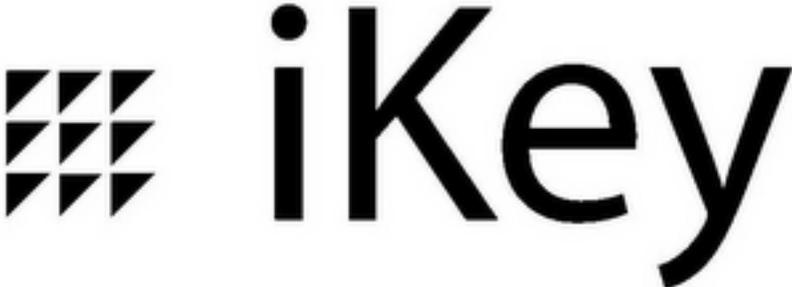
Grounds for Opposition

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.	3072218	Application Date	06/06/2000
Registration Date	03/21/2006	Foreign Priority Date	NONE
Word Mark	IKEY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1999/01/01 First Use In Commerce: 1999/01/01 COMPUTER PERIPHERALS, NAMELY, KEYBOARDS, INDUSTRIAL FLAT PANEL DISPLAYS, KEYBOARD EXTENDERS, WIRELESS KEYBOARDS AND INDUSTRIAL COMPUTER ENCLOSURES		

U.S. Registration No.	3578949	Application Date	01/31/2008
Registration Date	02/24/2009	Foreign Priority Date	NONE
Word Mark	IKEY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1999/01/01 First Use In Commerce: 1999/01/01 Computer peripherals, namely, keyboards, industrial flat panel displays, keyboard extenders, wireless keyboards, industrial computer enclosures, and pointing devices, namely, mice, trackballs and touch pads		

U.S. Registration No.	3578983	Application Date	02/11/2008
Registration Date	02/24/2009	Foreign Priority Date	NONE
Word Mark	IKEY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2006/10/24 First Use In Commerce: 2006/12/12 Computer peripherals, namely, keyboards, industrial flat panel displays, keyboard extenders, wireless keyboards, industrial computer enclosures, and pointing devices, namely, mice, trackballs and touch pads		

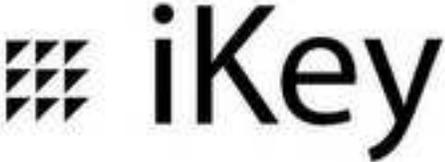
U.S. Registration No.	3817174	Application Date	11/05/2009
Registration Date	07/13/2010	Foreign Priority Date	NONE
Word Mark	INPUT IKEY. OUTPUT SUCCESS.		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2006/08/00 First Use In Commerce: 2006/08/00 Computer peripherals, namely, keyboards, industrial flat panel display screens, keyboard extenders, wireless keyboards, industrial computer hard drive enclosures, and computer pointing devices, namely, mice, trackballs and touch pads		

U.S. Registration No.	4347956	Application Date	05/06/2012
Registration Date	06/04/2013	Foreign Priority Date	NONE
Word Mark	IKEY		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2012/01/31 First Use In Commerce: 2013/01/20 Computer carrying cases

U.S. Registration No.	4365794	Application Date	05/06/2012
Registration Date	07/09/2013	Foreign Priority Date	NONE

Word Mark	IKEY
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Design Mark	
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Description of Mark	The mark consists of the word "IKEY" to the right of triangular shaped designs including triangles.
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Goods/Services	Class 009. First use: First Use: 2012/01/31 First Use In Commerce: 2013/01/30 Computer carrying cases
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U.S. Registration No.	4450485	Application Date	03/20/2013
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Registration Date	12/17/2013	Foreign Priority Date	NONE
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Word Mark	IKEY
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Design Mark	<h1>IKEY</h1>		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2012/01/31 First Use In Commerce: 2013/01/30 Computer carrying cases especially adapted for portable and tablet computers; computer carrying cases having an integral keyboard; computer carrying cases that include a tablet docking station		

U.S. Registration No.	4504901	Application Date	07/30/2013
Registration Date	04/01/2014	Foreign Priority Date	NONE
Word Mark	IKEY STREETCASE		
Design Mark	<h1>IKEY STREETCASE</h1>		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2013/01/30 First Use In Commerce: 2013/01/30 Computer carrying cases; computer carrying cases having an integral keyboard; computer carrying cases that include a tablet docking station		

Attachments	76065223#TMSN.png(bytes) 77385458#TMSN.png(bytes) 77394108#TMSN.png(bytes) 77865942#TMSN.png(bytes) 85617949#TMSN.png(bytes) 85617953#TMSN.png(bytes) 85881515#TMSN.png(bytes) 86023765#TMSN.png(bytes) 801476 - Notice of Opposition TM 86404221_USPTO.pdf(1213367 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	/Gail Taylor Russell/
Name	Gail Taylor Russell
Date	03/18/2015

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

In the Matter of Trademark Applicant: Michella J. Guinan
Application Serial No.: 86/404221
Filed: September 24, 2014
Mark: IKEY

Published in the Official Gazette on March 3, 2015

iKey Ltd.,

Opposer

v.

Michella J. Guinan,

Applicant

NOTICE OF OPPOSITION

iKey Ltd. (“Opposer”), a Texas limited partnership, believes that it will be damaged by the registration by Applicant, Michella J. Guinan (“Applicant”) of the mark IKEY for the following goods:

“Electronic security token in the nature of a fob-like device with computer software functionality used by an authorized user of a computer system for securing, organizing, maintaining, tracing, tracking, managing profiles, logins, credentials, passwords, and other authentication, security or identifying information of the authorized user; wearable device for securing, organizing, maintaining, tracing, tracking, managing profiles, logins, credentials, passwords, and other authentication, security or identifying information of the authorized user; computer software for cross-platform desktop, portable, mobile, wearable device used for

securing, organizing, maintaining, tracing, tracking, managing profiles, logins, credentials, passwords, and other authentication, security or identifying information of the authorized user; computer software and software applications for biometric user identity verification and authentication and biometric credentials acquisition; computer software for authentication or identification purposes by means of storage of biometric features and comparison of the stored features; computer software featuring a multi-modal biometric identification and verification system designed for identity management in a cloud-based and online infrastructure; entry/exit security portal comprised of an electronic passageway equipped with biometric systems for identification verification and detection of authorized and unauthorized users”

in International Class 009 as shown in Application Serial No. 86/404221 (the “Application”), referenced above and, therefore, hereby opposes the registration of said trademark as set forth in the Application.

As grounds of opposition, Opposer alleges:

1. Opposer is the owner of the following U.S. Trademark Registrations together with all right, title and interest in the marks shown therein and all of the business and goodwill represented thereby:
 - a. U.S. Trademark Registration No. 3072218 for the mark IKEY in connection with “Computer peripherals, namely, keyboards, industrial flat panel displays, keyboard extenders, wireless keyboards and industrial computer enclosures” in International Class 009;
 - b. U.S. Trademark Registration No. 3578949 for the mark IKEY in connection with “Computer peripherals, namely, keyboards, industrial flat panel displays, keyboard extenders, wireless keyboards, industrial computer enclosures, and pointing devices, namely, mice, trackballs and touch pads” in International Class 009;

- c. U.S. Trademark Registration No. 3578983 for the mark IKEY and design in connection with “Computer peripherals, namely, keyboards, industrial flat panel displays, keyboard extenders, wireless keyboards, industrial computer enclosures, and pointing devices, namely, mice, trackballs and touch pads” in International Class 009;
- d. U.S. Trademark Registration No. 3817174 for the mark INPUT IKEY. OUTPUT SUCCESS. in connection with “Computer peripherals, namely, keyboards, industrial flat panel displays, keyboard extenders, wireless keyboards, industrial computer enclosures, and pointing devices, namely, mice, trackballs and touch pads” in International Class 009;
- e. U.S. Trademark Registration No. 4347956 for the mark IKEY in connection with “Computer carrying cases” in International Class 009;
- f. U.S. Trademark Registration No. 4365794 for the mark IKEY and design in connection with “Computer carrying cases” in International Class 009;
- g. U.S. Trademark Registration No. 4450485 for the mark IKEY in connection with “Computer carrying cases especially adapted for portable and tablet computers; computer carrying cases having an integral keyboard; computer carrying cases that include a tablet docking station” in International Class 009; and
- h. U.S. Trademark Registration No. 4504901 for the mark IKEY STREETCASE in connection with “Computer carrying cases especially adapted for portable and tablet computers; computer carrying cases having

an integral keyboard; computer carrying cases that include a tablet docking station” in International Class 009.

Collectively, the registrations set forth in paragraphs 1 (a) through (h) are “Opposer’s IKEY Marks”.

2. A copy of the registration certificate for the above listed registrations are attached to this Notice of Opposition as Exhibits 1 through 8 and are incorporated by reference herein.
3. Since at least January 1999, long prior to September 24, 2014, the filing date of the application herein opposed, Opposer has adopted and continually used Opposer’s IKEY Marks on and in connection with goods listed above in class 009.
4. Opposer has, at great expense, continuously engaged in the sale and promotion of computer related products under and in connection with Opposer’s IKEY Marks. Opposer has, at great expense, continuously offered to the public high quality products under Opposer’s IKEY Marks. By reason of its efforts and by virtue of the high quality and dependability of the products sold under Opposer’s IKEY Marks, the public and trade have come to recognize the marks as signifying Opposer and its products offered under Opposer’s IKEY Marks, and Opposer has built up exceedingly valuable goodwill in connection with the products offered under and in connection with Opposer’s IKEY Marks.
5. In addition, the distinctive Opposer’s IKEY Marks have become well-known, since prior to the date of the application herein opposed, by virtue of extensive

nationwide sales, advertising, marketing and promotion of the goods bearing such marks.

LIKELIHOOD OF CONFUSION

6. The trademark set forth in the Application is identical to six of Opposer's IKEY Marks and similar to two of Opposer's IKEY Marks. Therefore, the trademark proposed for registration by Applicant is confusingly similar in sight, sound, and commercial impression to Opposer's IKEY Marks.
7. Opposer's IKEY Marks have been used in commerce since as early as 1999 and long prior to the September 24, 2015 filing date of Applicant's Application. Moreover, the goods provided under the Application opposed herein, which are proposed to be promoted by Applicant, are directly related to Opposer's computer related goods, thus increasing the likelihood of confusion that may result from any registration of the trademark set forth in the Application.
8. If Applicant is permitted to use and register the mark set forth in its Application for its goods as specified in the opposed Application, such registration and use by Applicant is likely to cause confusion, deception and mistake, and will seriously damage Opposer. The relevant consumer would be confused as to the source of the goods or that Opposer somehow endorses or is associated with Applicant's goods. Members of the relevant public may believe that the goods offered by Applicant with the mark "IKEY" are in some way provided by, sponsored or approved by, or in some way connected with Opposer.
9. Furthermore, any defect, objection, or fault found with Applicant's goods marketed under the Application would reflect poorly upon and seriously injure the

reputation that has been established for the goods sold under Opposer's IKEY Marks. Registration of the Application will also tend to reduce the distinctiveness, value and goodwill and otherwise dilute Opposer's IKEY Marks.

10. Confusion as to the source of the goods will adversely impact Opposer's attempts to maintain and expand its customer base, will prevent Opposer from ensuring the high level of quality that consumers have come to associate with goods identified by Opposer's IKEY Marks and will diminish the value of Opposer's IKEY marks and the goodwill associated therewith.

Wherefore, Opposer believes it will be damaged by the registration of the Applicant's mark and prays that this Opposition be sustained and the registration of Application Serial No. 86/404221 be denied.

The requisite opposition fee accompanies this notice of opposition.

Respectfully submitted,

/Gail Taylor Russell/

Gail Taylor Russell
Attorney for Applicant
Taylor Russell & Russell, P.C.
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Building R, Suite 12
Austin, TX 78730
Phone: 512-338-4601
Email: gtrussell@russell-law.com

Int. Cl.: 9

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

Reg. No. 3,072,218

United States Patent and Trademark Office

Registered Mar. 21, 2006

**TRADEMARK
SUPPLEMENTAL REGISTER**

IKEY

IKEY LTD. (TEXAS LIMITED PARTNERSHIP)
P.O. BOX 49182
AUSTIN, TX 78765

CLOSURES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-1-1999; IN COMMERCE 1-1-1999.

FOR: COMPUTER PERIPHERALS, NAMELY, KEYBOARDS, INDUSTRIAL FLAT PANEL DISPLAYS, KEYBOARD EXTENDERS, WIRELESS KEYBOARDS AND INDUSTRIAL COMPUTER EN-

SER. NO. 76-065,223, FILED P.R. 6-6-2000; AM. S.R. 12-16-2003.

RONALD AIKENS, EXAMINING ATTORNEY

Int. Cl.: 9

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

Reg. No. 3,578,949

United States Patent and Trademark Office

Registered Feb. 24, 2009

**TRADEMARK
PRINCIPAL REGISTER**

IKEY

IKEY, LTD. (TEXAS LIMITED PARTNERSHIP)
2621 RIDGEPOINT DR., SUITE 235
AUSTIN, TX 78754

FOR: COMPUTER PERIPHERALS, NAMELY,
KEYBOARDS, INDUSTRIAL FLAT PANEL DIS-
PLAYS, KEYBOARD EXTENDERS, WIRELESS
KEYBOARDS, INDUSTRIAL COMPUTER ENCLO-
SURES, AND POINTING DEVICES, NAMELY,
MICE, TRACKBALLS AND TOUCH PADS, IN
CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-1-1999; IN COMMERCE 1-1-1999.

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

OWNER OF U.S. REG. NO. 3,072,218.

SER. NO. 77-385,458, FILED 1-31-2008.

SUE LAWRENCE, EXAMINING ATTORNEY

Int. Cl.: 9

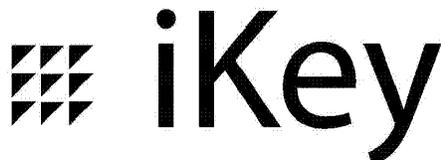
Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 3,578,983

United States Patent and Trademark Office

Registered Feb. 24, 2009

**TRADEMARK
PRINCIPAL REGISTER**



IKEY, LTD. (TEXAS LIMITED PARTNERSHIP)
2621 RIDGEPOINT DR., SUITE 235
AUSTIN, TX 78754

MICE, TRACKBALLS AND TOUCH PADS, IN
CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 10-24-2006; IN COMMERCE 12-12-2006.

FOR: COMPUTER PERIPHERALS, NAMELY,
KEYBOARDS, INDUSTRIAL FLAT PANEL DIS-
PLAYS, KEYBOARD EXTENDERS, WIRELESS
KEYBOARDS, INDUSTRIAL COMPUTER ENCLO-
SURES, AND POINTING DEVICES, NAMELY,

OWNER OF U.S. REG. NO. 3,072,218.

SER. NO. 77-394,108, FILED 2-11-2008.

SUE LAWRENCE, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

INPUT IKEY. OUTPUT SUCCESS.

Reg. No. 3,817,174

Registered July 13, 2010

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

IKEY, LTD. (TEXAS LIMITED PARTNERSHIP)
2621 RIDGEPOINT DR., SUITE 235
AUSTIN, TX 78754

FOR: COMPUTER PERIPHERALS, NAMELY, KEYBOARDS, INDUSTRIAL FLAT PANEL DISPLAY SCREENS, KEYBOARD EXTENDERS, WIRELESS KEYBOARDS, INDUSTRIAL COMPUTER HARD DRIVE ENCLOSURES, AND COMPUTER POINTING DEVICES, NAMELY, MICE, TRACKBALLS AND TOUCH PADS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 8-0-2006; IN COMMERCE 8-0-2006.

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

SER. NO. 77-865,942, FILED 11-5-2009.

ANNE FARRELL, EXAMINING ATTORNEY



David J. Kyfos

Director of the United States Patent and Trademark Office

United States of America
United States Patent and Trademark Office

IKEY

Reg. No. 4,347,956

Registered June 4, 2013

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

IKEY, LTD. (TEXAS PARTNERSHIP)
SUITE 235
2621 RIDGEPOINT DRIVE
AUSTIN, TX 78754

FOR: COMPUTER CARRYING CASES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-31-2012; IN COMMERCE 1-20-2013.

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

OWNER OF U.S. REG. NOS. 3,072,218, 3,578,949, AND 3,578,983.

SN 85-617,949, FILED 5-6-2012.

RICHARD WHITE, EXAMINING ATTORNEY



Sean Street Lee

Acting Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

■ ■ ■ iKey

Reg. No. 4,365,794

Registered July 9, 2013

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

IKEY, LTD. (TEXAS PARTNERSHIP)
SUITE 235
2621 RIDGEPOINT DRIVE
AUSTIN, TX 78754

FOR: COMPUTER CARRYING CASES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-31-2012; IN COMMERCE 1-30-2013.

OWNER OF U.S. REG. NOS. 3,072,218, 3,578,949, AND 3,578,983.

THE MARK CONSISTS OF THE WORD "IKEY" TO THE RIGHT OF TRIANGULAR SHAPED DESIGNS INCLUDING TRIANGLES.

SN 85-617,953, FILED 5-6-2012.

RICHARD WHITE, EXAMINING ATTORNEY



Lea Street Lee

Acting Director of the United States Patent and Trademark Office

United States of America
United States Patent and Trademark Office

IKEY

Reg. No. 4,450,485

Registered Dec. 17, 2013

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

IKEY, LTD. (TEXAS LIMITED PARTNERSHIP)
SUITE 235
2621 RIDGEPOINT DRIVE
AUSTIN, TX 78754

FOR: COMPUTER CARRYING CASES ESPECIALLY ADAPTED FOR PORTABLE AND TABLET COMPUTERS; COMPUTER CARRYING CASES HAVING AN INTEGRAL KEYBOARD; COMPUTER CARRYING CASES THAT INCLUDE A TABLET DOCKING STATION, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-31-2012; IN COMMERCE 1-30-2013.

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

OWNER OF U.S. REG. NOS. 3,072,218, 3,578,949, AND 3,578,983.

SER. NO. 85-881,515, FILED 3-20-2013.

JULIE GUTTADAURO, EXAMINING ATTORNEY



Deborah S. Cohn

Commissioner for Trademarks of the
United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

IKEY STREETCASE

Reg. No. 4,504,901
Registered Apr. 1, 2014
Int. Cl.: 9

IKEY, LTD. (TEXAS LIMITED PARTNERSHIP)
2621 RIDGEPOINT DRIVE, SUITE 235
AUSTIN, TX 78754

TRADEMARK
PRINCIPAL REGISTER

FOR: COMPUTER CARRYING CASES; COMPUTER CARRYING CASES HAVING AN INTEGRAL KEYBOARD; COMPUTER CARRYING CASES THAT INCLUDE A TABLET DOCKING STATION, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-30-2013; IN COMMERCE 1-30-2013.

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

OWNER OF U.S. REG. NOS. 3,072,218, 3,578,949, AND 3,578,983.

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

SER. NO. 86-023,765, FILED 7-30-2013.

EMILY CHUO, EXAMINING ATTORNEY



Michelle K. Lee
Deputy Director of the United States
Patent and Trademark Office