

ESTTA Tracking number: **ESTTA668357**

Filing date: **04/23/2015**

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	Compex, Inc.
Granted to Date of previous extension	06/10/2015
Address	20653 Lycoming Street, Unit A7 Walnut, CA 91789 UNITED STATES
Correspondence information	Bruce B. Brunda Stetina Brunda Garred & Brucker 75 Enterprise, Suite 250 Aliso Viejo, CA 92656 UNITED STATES opposition@stetinalaw.com

Applicant Information

Application No	86398074	Publication date	02/10/2015
Opposition Filing Date	04/23/2015	Opposition Period Ends	06/10/2015
Applicant	California Eastern Laboratories, Inc. 4590 Patrick Henry Drive Santa Clara, CA 95054 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 2014/06/25 First Use In Commerce: 2014/06/25 All goods and services in the class are opposed, namely: A suite of software programs that enable the fast development, customization and implementation of wireless networks, namely of wireless sensor and control networks

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.	4276854	Application Date	10/21/2011
Registration Date	01/15/2013	Foreign Priority Date	NONE
Word Mark	MESH@WORK		

Design Mark	MESH@WORK
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2011/03/01 First Use In Commerce: 2011/08/01 Computer Networking Hardware

Attachments	85453681#TMSN.png(bytes) [04 23 15] NoticeOfOpposition.pdf(202037 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	/Bruce B. Brunda/
Name	Bruce B. Brunda
Date	04/23/2015

Case: COMPX-037M2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Trademark Application Serial No. 86/398,074

Compex, Inc.,)	Opposition No.:
)	
Opposer)	
)	
vs.)	
)	
California Eastern Laboratories, Inc.,)	
)	
Applicant)	
)	
)	
)	

NOTICE OF OPPOSITION

In the matter of the application of California Eastern Laboratories, Inc., of Santa Clara, California (hereinafter “Applicant”) for registration of the mark MESHWORKS, Application Serial No. 86/398,074 published in the Official Gazette on February 10, 2015 at TM 3634, Compex, Inc., a California corporation, with offices at 20653 Lycoming St., Unit A7, Walnut, California 91789 (hereinafter “Opposer”), believes that it will be damaged by registration of the mark shown in Serial No. 86/398,074, and hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer is and has been for many years engaged in the business of developing, advertising, and marketing products, including but not limited to computer networking hardware. In connection therewith, Opposer has used, or filed federal applications with an intent to use, in interstate commerce, the trademark MESH@WORK

for the aforementioned goods since prior to Applicant's filing date of the application of Serial No. 86/398,074 for the mark MESHWORKS.

2. Since at least as early as 2011, Opposer has made use of its MESH@WORK trademark in commerce. Since adoption of its MESH@WORK trademark, Opposer has continuously used such mark in commerce.

3. Opposer has expended considerable sums in exerting every effort to maintain the highest standard of quality for its computer networking hardware products, and has created valuable goodwill among the purchasing public under its MESH@WORK trademark.

4. As a result of the continuous and extensive use of the MESH@WORK trademark by Opposer, this mark has become and continues to function as a valuable business and marketing asset of Opposer, and serve to indicate to the trade and consuming public the computer networking hardware products originating from Opposer and its authorized representative.

5. Opposer has obtained United States Trademark Registration No. 4,276,854, registered January 15, 2013, for the mark MESH@WORK for the goods set forth in that registration. A copy of that registration is attached hereto as **Exhibit 1**.

6. Pursuant to Trademark Rules of Practice 2.102, Opposer filed a Request to Extend Time for Filing this Notice of Opposition against Application Serial No. 86/398,074 to June 10, 2015. A copy of said Request to Extend Time is attached hereto as **Exhibit 2**.

7. Notwithstanding Opposer's rights in and to said MESH@WORK trademark, on September 17, 2014 Applicant, on information and belief, filed an

application for registration of the mark MESHWORKS in International Class 009, for a suite of software programs that enable the fast development, customization and implementation of wireless networks, namely of wireless sensor and control networks. Said application was published for opposition in the Official Gazette on February 10, 2015 at TM 3634.

8. Applicant's MESHWORKS mark is confusingly similar to Opposer's MESH@WORK trademark and its registration, and use by Applicant on the goods claimed in the subject application is likely to cause confusion, deception and mistake.

WHEREFORE, Opposer believes that it will be damaged by said registration and prays that registration of Application Serial No. 86/398,074 to Applicant be denied.

Opposer authorizes the filing fee for this Opposition in the amount of \$300 (one international class) to be charged to Opposer's Deposit Account.

Respectfully submitted,

STETINA BRUNDA GARRED & BRUCKER

Dated: Apr 22, 2015

By: A. B. Brunda

Bruce B. Brunda, Reg. No. 28,497
75 Enterprise, Suite 250
Aliso Viejo, CA 92656
(949) 855-1246

Counsel for Opposer
Compex, Inc.

Exhibit 1

United States of America
United States Patent and Trademark Office

MESH@WORK

Reg. No. 4,276,854

COMPEX, INC. (CALIFORNIA CORPORATION)
20653 LYCOMING STREET, UNIT A7
WALNUT, CA 91789

Registered Jan. 15, 2013

Int. Cl.: 9

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

TRADEMARK

FIRST USE 3-1-2011; IN COMMERCE 8-1-2011.

PRINCIPAL REGISTER

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

SN 85-453,681, FILED 10-21-2011.

BARBARA RUTLAND, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

Exhibit 2



United States Patent and Trademark Office

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Your submission has been received by the USPTO.
The content of your submission is listed below.
You may print a copy of this receipt for your records.

ESTTA Tracking number: **ESTTA658748**Filing date: **03/02/2015**

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

Applicant: **California Eastern Laboratories, Inc.**
Application Serial Number: **86398074**
Application Filing Date: **09/17/2014**
Mark: **MESHWORKS**
Date of Publication **02/10/2015**

First 90 Day Request for Extension of Time to Oppose for Good Cause

Pursuant to 37 C.F.R. Section 2.102, Compex, Inc., 20653 Lycoming Street, Unit A7, Walnut, CA 91789, UNITED STATES, a corporation organized under the laws of California, respectfully requests that it be granted a 90-day extension of time to file a notice of opposition against the above-identified mark for cause shown.

Potential opposer believes that good cause is established for this request by:

- The potential opposer needs additional time to investigate the claim

The time within which to file a notice of opposition is set to expire on 03/12/2015. Compex, Inc. respectfully requests that the time period within which to file an opposition be extended until 06/10/2015.

Respectfully submitted,
/Bruce B Brunda/
03/02/2015

Bruce B. Brunda**STETINA BRUNDA GARRED & BRUCKER****75 Enterprise Suite 250****Aliso Viejo, CA 92656**

UNITED STATES

gdelgadillo@stetinalaw.com, thamilton@stetinalaw.com

949-855-1246

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PROOF OF SERVICE

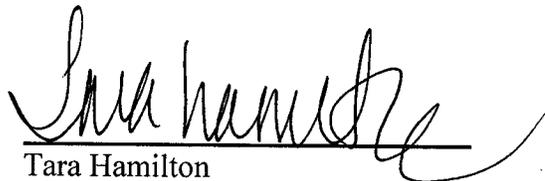
State of California)
) ss.
County of Orange)

I am over the age of 18 and not a party to the within action; my business address is 75 Enterprise, Suite 250, Aliso Viejo, California 92656. On **April 23, 2015**, the attached **NOTICE OF OPPOSITION** was served on all interested parties in this action by U.S. Mail, postage prepaid, at the address as follows:

California Eastern Laboratories, Inc.
4590 Patrick Henry Drive
Santa Clara, CALIFORNIA 95054

DANIEL L. APPELMAN
MONTGOMERY & HANSEN, LLP
525 MIDDLEFIELD RD STE 250
MENLO PARK, CALIFORNIA 94025-3454

Executed on **April 23, 2015** at Aliso Viejo, California. I declare under penalty of perjury that the above is true and correct. I declare that I am employed in the office of STETINA BRUNDA GARRED & BRUCKER at whose direction service was made.


Tara Hamilton