

ESTTA Tracking number: **ESTTA694522**

Filing date: **09/09/2015**

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	QINETIQ LIMITED		
Entity	Corporation	Citizenship	United Kingdom
Address	Ively Road Farnborough Hampshire, GU140LX UNITED KINGDOM		

Attorney information	James M. McCarthy MCDONNELL BOEHNEN HULBERT & BERGHOFF, LLP 300 South Wacker Drive Chicago, IL 60606 UNITED STATES mccarthy@mbhb.com, kokjohn@mbhb.com Phone:312-913-0001		
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Applicant Information

Application No	86378802	Publication date	08/11/2015
Opposition Filing Date	09/09/2015	Opposition Period Ends	09/10/2015
Applicant	QSpex Technologies, Inc. 1525 Bluegrass Lakes Parkway Alpharetta, GA 30004 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: High-impact eyeglass, spectacle and ophthalmic lenses, eyeglass lenses, spectacle lenses, and ophthalmic lenses
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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.	3259844	Application Date	07/18/2001
Registration Date	07/10/2007	Foreign Priority Date	02/09/2001
Word Mark	QINETIQ		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0 Scientific and engineering equipment, namely, radar, radar detectors, radar reflectors, scanners working at optical, radar and millimetric wave frequency; satellite ground stations; satellite navigation systems, namely, satellite tracking and global positioning systems; mine detectors; detectors operating by processing of radar, sonar or video signals; satellites for scientific purposes; instruments for the analysis and testing of materials, namely, scanners; scientific and electrical apparatus all for recording, transmission or reproduction of images, namely, digital cameras, photographic cameras and video cameras, wherein these cameras are limited to (1) cameras solely used for security and surveillance applications and sold as part of a security or surveillance system, [(2) cameras designed to operate at infra-red and other non-visible wavelengths (alone or in conjunction with visible wavelengths), (3) electronic cameras (namely digital and video cameras) having image signal processing capabilities for image manipulation (including image intensification, spectral difference imaging, three-dimensional imaging and motion detection), and (4) lensless cameras and cameras not having glass or plastic lenses (but excluding pin-hole cameras);] all the above are not for use in connection with or for factory automation, material handling and/or the automotive industries</p> <p>Class 013. First use: First Use: 0 First Use In Commerce: 0 [EXPLOSIVES; FIREWORKS]</p> <p>Class 036. First use: First Use: 0 First Use In Commerce: 0 [LEASING OF LAND, namely, OFFICE AND COMMERCIAL REAL ESTATE AND SCIENTIFIC AND ENGINEERING TEST SITES AND TRIALS RANGES, NAMELY, LAND, AIR AND SEA RANGES]</p> <p>Class 037. First use: First Use: 0 First Use In Commerce: 0 INSTALLATION, MAINTENANCE AND REPAIR OF COMPUTER HARDWARE SYSTEMS</p> <p>Class 041. First use: First Use: 0 First Use In Commerce: 0 TRAINING SERVICES NAMELY PROVIDING TRAINING COURSES, SEMINARS, CONFERENCES AND EXHIBITIONS IN THE FIELDS OF AEROSPACE, DEFENSE, ELECTRONICS, INFORMATION TECHNOLOGY SECURITY AND WHOLE LIFE EQUIPMENT MANAGEMENT NAMELY MANAGEMENT OF WHOLE LIFE COST OF OWNERSHIP AND REPLACEMENT OF OBSOLETE COMPONENTS AND SUBSYSTEMS</p> <p>Class 042. First use: First Use: 0 First Use In Commerce: 0 ENGINEERING, SCIENTIFIC RESEARCH, TECHNICAL DEVELOPMENT AND CONSULTATION IN THE FIELDS OF AEROSPACE, DEFENSE, ELECTRONICS; HEALTHCARE, OFFSHORE AND MARINE, namely, VESSELS AND SONAR SYSTEMS, INFORMATION TECHNOLOGY SECURITY, SPACE VEHICLES AND SENSORS, LAND SEA AND AIR TRANSPORT, AND WHOLE LIFE EQUIPMENT MANAGEMENT, namely, MANAGEMENT OF WHOLE LIFE COST OF OWNERSHIP AND REPLACEMENT OF OBSOLETE COMPONENTS</p>

	<p>ENTS AND SUBSYSTEMS; PROJECT MANAGEMENT OF ENGINEERING, SCIENTIFIC RESEARCH, TECHNICAL DEVELOPMENT, IN THE FIELDS OF AEROSPACE, DEFENSE, ELECTRONICS, HEALTHCARE, OFFSHORE AND MARINE, namely, VESSELS AND SONAR SYSTEMS, INFORMATION TECHNOLOGY SECURITY, SPACE VEHICLES AND SENSORS, LAND SEA AND AIR TRANSPORT, AND WHOLE LIFE EQUIPMENT MANAGEMENT, namely, MANAGEMENT OF WHOLE LIFE COST OF OWNERSHIP AND REPLACEMENT OF OBSOLETE COMPONENTS AND SUBSYSTEMS; DESIGN AND TESTING FOR NEW PRODUCT DEVELOPMENT; QUALITY CONTROL SERVICES FOR OTHERS; COMPUTER PROJECT MANAGEMENT SERVICES; CONSULTING SERVICES IN THE FIELD OF DESIGN, SELECTION AND USE OF COMPUTER HARDWARE AND SOFTWARE SYSTEMS; INSTALLATION, MAINTENANCE AND REPAIR OF COMPUTER SOFTWARE [; LEASING OF SCIENTIFIC AND ENGINEERING TEST EQUIPMENT AND FACILITIES, namely, WIND TUNNELS AND CLIMATIC TEST FACILITIES; LEASING OF WIND TUNNELS AND CLIMATIC TEST FACILITIES]</p>
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U.S. Registration No.	3354698	Application Date	07/18/2001
Registration Date	12/18/2007	Foreign Priority Date	02/09/2001
Word Mark	QINETIQ		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0 [COMPUTER SOFTWARE FOR USE IN DATABASE MANAGEMENT; COMPUTER SOFTWARE FOR MANAGING COMPONENT OBSOLESCENCE;] COMPUTER SOFTWARE FOR CREATING COMPUTER SIMULATIONS FOR TRAINING PURPOSES; [COMPUTER SOFTWARE FOR TELECOMMUNICATIONS MANAGEMENT;] COMPUTER SOFTWARE FOR INFORMATION TECHNOLOGY SECURITY; ALL THE ABOVE ARE NOT FOR USE IN CONNECTION WITH OR FOR FACTORY AUTOMATION, MATERIAL HANDLING AND/OR THE AUTOMOTIVE INDUSTRIES</p>		

U.S. Registration No.	4319295	Application Date	10/15/2009
Registration Date	04/16/2013	Foreign Priority Date	04/29/2009
Word Mark	QINETIQ		

Design Mark	
Description of Mark	The mark consists of the word "QinetiQ" in a stylized font and blue color.
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0</p> <p>Radar, radar detectors, optical radar reflectors, scanners working at optical, radar and millimetric wave frequency; satellite ground stations comprised of satellite transmitters and receivers; satellite navigation systems, namely, satellite tracking and global positioning systems; electronic mine detectors; detectors operating by electronic processing of radar, sonar or video signals; satellites for scientific purposes; satellites for communication purposes; communication devices, namely, telephones, radios; marine and aeronautical radio communication devices; headsets for use with communication radios, intercom systems and other communication network transceivers; earphones; headphones; wireless communication devices for voice, data and image transmission; instruments for the analysis and testing of materials, namely, scanners; digital cameras, photographic cameras and video cameras all being used for security or surveillance purposes; thermal imaging devices not for medical use; software for encrypting documents and electronic mail; software for monitoring the movement of vehicles, including aircraft, submarines and ships; computer software for organising, processing and storing information in the field of homeland and international security and federal information technology; software for information technology security, namely, software for encryption of data, network security, internet security, computer security, online identity protection, intrusion detection, detection and removal of viruses, spyware, adware and other malware, and installing and operating firewalls; computer software for analyzing and managing data; iris recognition security devices; retinal scanning devices for the security identification of persons; cards magnetically encoded with security features for authentication and identification purposes; cards of plastics bearing magnetically encoded information for security use; electronic counterfeit money and document detecting devices; satellites for use in the security surveillance of persons, vehicles and geographical locations; electric security alarms, immobilisers and transponders for vehicles; electronic security and surveillance devices, namely, electronic security tags and labels; satellite imagery photo interpretation software; flight simulators for aviation training purposes; protective clothing, footwear, suits and headwear including that for use by military personnel, aircraft personnel, pilots, astronauts, divers; electronic control devices for turbines; electronic turbine meters; electronic instruments for the automatic control of mine detection operations; electronic mine counter-measure apparatus; optical and electro-optic bomb sights; electronic devices for measuring wind direction and speed; wind socks for indicating wind direction; laser target sights for artillery; laser target sights for guns; lasers for guiding and controlling machine tools; airborne electrical apparatus for the calibration of radio navigation equipment; calibration checkers; electronic flight control apparatus; electronic flight path con-</p>

trols for missiles and projectiles; flight simulators for aircraft and for space vehicles; electronic sensors for tracking missiles and projectiles in flight; electronic apparatus for the guidance of weapon systems; composite optical sensor apparatus for the aiming of weapons; automatic electronic control apparatus for military weapons; data processors for training operators of weapons systems; telescopic day sights for weapons; electric cells for providing electric power to weapons systems; electrical impulse generators for the detonating and firing of weapons; electronic apparatus for counter-jamming and jamming weapon systems; electronic encryption apparatus for use in weapons guidance systems; radar receivers and transmitters; telescopic sight devices for aeronautical and naval and terrestrial weapon uses; electronic simulators for simulating the operation of weapons; electronics simulators for training operators in weapons systems control and operation of weapons; optical and electronic testing apparatus for checking components used in weapons systems; electronic weapon simulators; electronic weapons control apparatus; apparatus for the measurement of body size and shape, foot size and shape and footwear size and shape; electronic apparatus for determining fitting information for clothing, footwear and prosthetics; imaging apparatus for imaging bodies, feet and footwear especially for size and shape measurement not for medical purposes; three dimensional imaging apparatus especially for imaging bodies, feet and footwear not for medical purposes; frequency scanners; image scanners; x-ray scanners not for medical use; scanners for scanning materials, vehicles, structures for flaws, corrosion, damage, foreign bodies and cracks; automatic electrical and electronic control apparatus for robots; digital controls for robots; operating system software for robots; aircraft cockpit instruments for flight control; aircraft landing guidance apparatus and instruments; electronic apparatus for the automatic, remote and directional control of aircraft; armament testing apparatus for use on aircraft; simulators for training personnel in the ground control of aircraft; electronic stabilizing devices for aircrafts; strategic telecommunications hardware for aircraft; ultrasonic apparatus for scanning aircraft components for flaws; cameras for military use; metal detectors for industrial or military purposes; topographic surveying apparatus and software for use in topography for databasing, visualization, manipulation, integration and management of geographic and topographic information; transformers being electromagnetic devices for military applications; breathing apparatus for respiratory protective purposes not for medical purposes; protective helmets and masks; protective eyewear; ballistic resistant clothing, footwear and headwear; periscopes for use on vehicles; underwater breathing apparatus, diving suits, diving goggles; shields for protecting body against ballistics, weapons and injury; fibre optic transmitters, receivers and communications devices; fibre optic sensors to detect instability in materials, structures, cables and pipelines, rail tracks and borders and for detecting persons and foreign bodies; camera stabilisers, namely, a support arm, vest and sled for film and video cameras to absorb shaking moves while shooting; fibre optic cables; fuel cells; batteries; protective clothing not for use in medical settings; none of the aforesaid goods being for use in connection with or for factory automation, material handling and or the automotive manufacturing plant industries

Class 012. First use: First Use: 0 First Use In Commerce: 0

Military land vehicles, amphibious vehicles, aircraft and ships; armoured vehicles; aircraft; submarines; unmanned land vehicles; unmanned aerial vehicles; unmanned water and underwater vehicles; helicopter blades; air turbines for land vehicles; minesweeper towing vehicles; minesweepers, namely, warships for removing or neutralizing mines; motorised military vehicles for the transportation and launch of weapons; unmanned robotic transport vehicles; aircraft flap brakes; aircraft interior panels; aircraft landing gear and wheels; aircraft bodies; vehicle brakes; buoyancy bags adapted for use with aircraft; drag parachutes for aircraft; ejector seats for aircraft; pilotless aircraft; tyres; unmanned airborne vehicles for causing aircraft to change course; wings for aircraft; parachutes; parachute canopies, harnesses and packs; parachutes for arresting the

motion of vehicles; armour panels for vehicles; armoured vehicle bodies; armoured vehicles parts, namely, endless tracks for armoured vehicles; aerospace vehicles; vehicle tire deflators; pneumatically operated de-icers for aircraft wings; unmanned remote-controlled powered aircraft for use as military targets; parts and fittings for the aforesaid goods, namely, motors for land vehicles, transmissions for land vehicles, gear boxes for land vehicles, differentials for land vehicles, finaldrives for land vehicles, propellers for aircraft

Class 013. First use: First Use: 0 First Use In Commerce: 0

Firearms; ammunition; ballistic and guided projectiles; explosives; anti-tank mines; explosive devices for minefield breaching; explosive devices for minefieldclearance; fuses for explosives for use in mines; guided antitank mines; mines; sea mines; bombs; guided bombs; guided mortar bombs; multi-munitions stand-off bombs; target sights for artillery; target sights for guns; apparatus for firing and launching weapons, namely, weapon launchers and detonators; weapons cartridges; weapons storage containers; firing platforms; tanks; tanks being tracked vehicles; tear-gas personal attack defence weapons; tear-gas weapons; protective shields adapted for firearms; armour-piercing projectiles; smoke missiles for armoured vehicles; mine sweeping apparatus, namely, detonation devices for mines; weapon carriage and release apparatus for installation on military craft, land vehicles and water vehicles

Class 041. First use: First Use: 0 First Use In Commerce: 0

Airplane flight instruction; pilot training; military training in the fields of engineering, communications, information systems, logistics, personnel administration, policing, guarding, security, languages, intelligence and photography; physical fitness training; vehicle driver training; language instruction; provision of training facilities; technical training in the fields of security, aviation, information security and defence; training in the operation of software systems, air traffic control systems and aviation systems; training in the use of computers, security equipment, weapons, optical equipment; training services in the fields of first aid, fitness, flying, logistics, sub-aquatic activities, submarine diving; vocational training services

Class 042. First use: First Use: 0 First Use In Commerce: 0

Research and development of new technology in the fields of satellites, sound detection equipment, robotics, nanotechnologies, security, information technology security, aviation apparatus, aviation instruments, advanced materials, polymer processing, customised materials for scientific and technological applications, fibre optics, military apparatus and equipment, namely, armour and protective apparatus for persons and vehicles; maritime engineering consultancy; aviation engineering consultancy; design and maintenance of software for use in the fields of aerospace, defence, electronics, vehicles, aviation, navigation, sound detection, environmental monitoring, satellite technologies, security, healthcare, information technology security; data security services, namely, design, development and consultancy in the field of electronic data security systems and firewalls; professional consultancy relating to computer security; research relating to security; testing of security products; development of electronic surveillance apparatus for others; chemical analysis services for use in evaluation; materials evaluation and testing for others; product evaluation in the nature of testing for others; evaluation in the nature of testing of weapons systems and security and surveillance systems; testing and evaluating vehicles, aviation apparatus and instruments; research in the field of environmental protection and environmental impact assessment, material sciences, electronics, physics and chemistry; technical management of scientific research projects; preparation of reports relating to scientific research and technical research; scientific research into fire detection equipment, fire-fighting equipment; scientific laboratory testing of materials; advice relating to the development of computer systems; computer software development; design and development of vehicles, aircraft, land craft, watercraft and spacecraft; provision of research facilities and testing facilities including weapons ranges, vehicle and aircraft testing facilities; design

and development of computer based networks, computer codes, computer languages; design and development of computer software featuring risk assessment models for use in the insurance market; encryption of data; research and development of product packaging; design and development of electronic surveillance apparatus for others; development of electronic systems for detecting lost articles or foreign bodies on surfaces; design and development of anti-counterfeiting technologies for others; development of engines and industrial machinery for others; design, development and research services relating to protective clothing, footwear and headwear; engineering services and technological research relating to robots; rental and leasing of scientific, environmental and engineering test facilities, namely, wind tunnels, climatic test facilities, vehicle emission test facilities, vehicle testing facilities, weapon test facilities, turbine test facilities; advisory services relating to environmental protection; services in the field of environmental science in the nature of airborne remote monitoring relating to environmental explorations; consultancy services relating to environmental protection planning; environmental science consultancy services; services in the field of environmental science in the nature of environmental hazard assessment; scientific environmental surveys; conducting of botanical research surveys; conducting of biological surveys; preparations of research reports on land usage and water resources; environmental testing; environmental testing of exhaust emissions; environmental testing of noise pollution; environmental testing of vibration; research in the field of environmental protection and impact; consulting services in the field of environmental science assessment in the nature of assessing effects of noise, radiation, pollution and emissions; interior and exterior atmospheric scientific analysis; scientific acoustic analysis; mapping services; environmental mapping services; drift mapping services; seabed mapping services; ocean characteristic and tidal mapping services; terrain mapping services; consulting services in the field of design, selection and use of computer software and hardware systems; design of equipment for the transportation, disposal and treatment of waste; architectural consultancy, design and planning; scientific forensic advice relating to damage assessment, explosions and vehicle accidents; computer forensic services; digital forensics investigative services; computer security consultancy in the nature of protection of computer networks; computer network security product testing and technical validation services; geospatial research in the nature of the collection, analysis and management of geospatial data; computer security consultancy in the nature of testing of network security; design and development of panelling; engineering services relating to computers, robotics, weapons, vehicles, communications systems, packaging products, electronic systems; design, development and testing of security systems; professional consultancy relating to ergonomics, namely, the design of products and facilities to optimise efficiency, comfort and safety; consultancy, research and development services relating to 3D and 4D scanning and modelling, namely, the design, development and testing of 3D and 4D scale models of vehicles, watercraft, aircraft, aviation equipment, weaponry, robots, satellites, protective armour for persons and vehicles; facilities management, namely, health inspections; research in the field of safety; none of the aforesaid services in the field of automation for industry or manufacturing

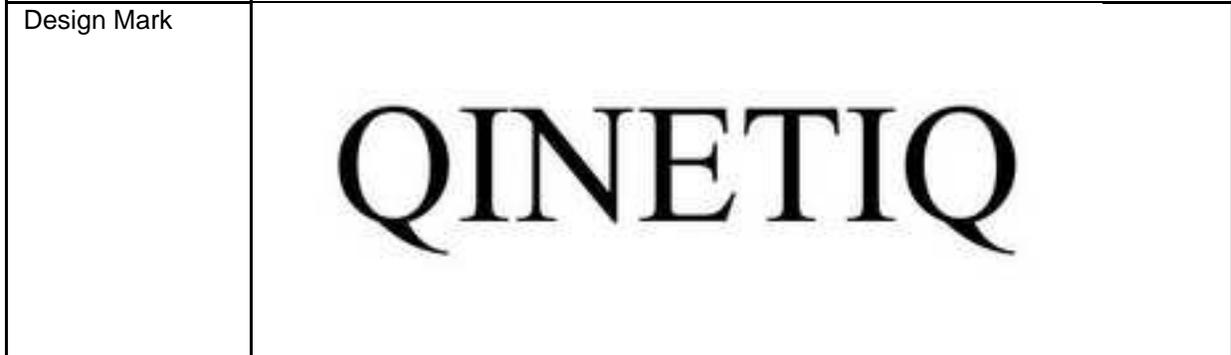
Class 045. First use: First Use: 0 First Use In Commerce: 0

Control of access to buildings and other areas for security purposes; consultancy and advisory services relating to counter-terrorism and the defence and security of persons, personnel, infrastructures, armed forces, oil and gas installations and pipelines, supply chain, computer systems, networks and databases, military personnel, borders, ports and other transport networks; aircraft and transport system security services, namely, security inspection services and providing security assessments; airline passenger screening services; airport security services, namely, security control of persons and luggage in airports; baggage inspection for security purposes; scanning and screening of vehicles for security purposes; computerised security services for business establishments, namely, electronically monitoring, detecting and reporting on suspicious

	and abnormal patterns of network activity which could indicate criminal activity, network intrusion, fraud, espionage or wrong doing; pre-employment background screening services; personal investigations in the nature of psychological testing for security purposes and psychometric testing for security purposes; security assessment of risks for businesses and governmental agencies; security services relating to computerised data, namely, monitoring of computer systems for security purposes; security surveillance; electronic surveillance; licensing of intellectual property derived from research and development; consultancy, advisory and information services in the field of aircraft safety and marine craft safety; facilities management, namely, legal management of contracts, safety inspections and security inspections for others; fire safety consultancy services
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U.S. Application No.	77846647	Application Date	10/12/2009
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	QINETIQ
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Description of Mark	NONE
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Goods/Services	<p>Class 007. First use: First Use: 0 First Use In Commerce: 0 Airdrop apparatus, namely, machinery for dropping loads from aircraft; internal-combustion engines for power generation other than for land vehicles; machine parts, namely, bearings; electric power generating apparatus and installations; turbines for power generation; air turbines not for land vehicles; wind turbines; hydraulic flight control units for aircraft and missiles; winches; rocket engines for the propulsion of airborne weapons; rocket motor propulsion apparatus for weapons; hydraulic, mechanical and pneumatic controls for machines in the nature of robots; industrial robots; hydraulic and pneumatic actuators for operating and controlling aircraft flaps; aircraft engines; hydraulic and pneumatic apparatus for operating aircraft landing gear; blades for aircraft turbines; cleaning machines for aircraft and aircraft runways; internal combustion engines for aircraft; engine exhaust systems comprised of pipes, collector and muffler for aircraft; power transmissions for aircraft; rocket motor propulsion apparatus for aircraft; waste disposal machines; turbines for electricity generation; electrical impulse generators for the detonating and firing of weapons; none of the aforesaid goods for use in the field of automation in the field of industry or manufacturing</p> <p>Class 008. First use: First Use: 0 First Use In Commerce: 0 Hand tools and hand operated implements, namely, drills, saws, clamps; fibrescopes for industrial use; hand-operated guides for fibrescopes; side-arms, not including firearms; razors, hand-operated cutting tools</p> <p>Class 009. First use: First Use: 0 First Use In Commerce: 0 Radar, radar detectors, optical radar reflectors, scanners working at optical, radar and millimetric wave frequency; satellite ground stations comprised of satellite transmitters and receivers; satellite navigation systems, namely, satellite tracking and global positioning systems; electronic mine detectors; detectors op-</p>
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erating by electronic processing of radar, sonar or video signals; satellites for scientific purposes; satellites for communication purposes; communication devices, namely, telephones, radios; marine and aeronautical radio communication devices; headsets for use with communication radios, intercom systems and other communication network transceivers; earphones; headphones; wireless communication devices for voice, data and image transmission; instruments for the analysis and testing of materials, namely, scanners; digital cameras, photographic cameras and video cameras all being used for security or surveillance purposes; thermal imaging devices not for medical use and software for using thermal imaging devices; software for encrypting documents and electronic mail; software for monitoring the movement of vehicles, including aircraft, submarines and ships; computer software for organising, processing and storing information in the field of homeland and international security and federal information technology; software for information technology security; computer software for use in analyzing and managing data; iris recognition security devices; retinal scanning devices for thesecurity identification of persons; cards magnetically encoded with security features for authentication and identification purposes; cards of plastics bearing magnetically encoded information for security use; counterfeit money and document detecting devices; satellites for use in the security surveillance of persons, vehicles and geographical locations; electric security alarms, immobilisers and transponders for vehicles; electronic security and surveillance devices, namely, electronic security tags and labels; satellite imagery photo interpretation software; flight simulators for aviation training purposes; protective clothing, footwear, suits and headwear including that for use by military personnel, aircraft personnel, pilots, astronauts, divers; electronic control devices for turbines; electronic turbine meters; electronic instruments for the automatic control of mine detection operations; electronic mine counter-measure apparatus; optical and electro-optic bomb sights; electronic devices for measuring wind direction and speed; wind socks for indicating wind direction; wind tunnels being measuring installations and testing installations; laser target sights for artillery; laser target sights for guns; lasers for guiding and controlling machine tools; airborne electrical apparatus for the calibration of radio navigation equipment; calibration checkers; electronic flight control apparatus; electronic flight path controls for missiles and projectiles; flight simulators for aircraft and for space vehicles; electronic sensors for tracking missiles and projectiles in flight; electronic apparatus for the guidance of weapon systems; composite optical apparatus for the aiming of weapons; automatic electronic control apparatus for military weapons; data processors for training operators of weapons systems; telescopic day sights for weapons; electric cells for providing electric power to weapons systems; electrical impulse generators for the detonating and firing of weapons; electronic apparatus for counter-jamming and jamming weapon systems; electronic encryption apparatus for use in weapons guidance systems; radar receivers and transmitters; telescopic sight devices for aeronautical and naval and terrestrial weapon uses; electronic simulators for simulating the operation of weapons; electronic simulators for training operators in weapons systems control and operation of weapons; optical and electronic testing apparatus for checking components used in weapons systems; electronic weapon simulators; electronic weapons control apparatus; apparatus for the measurement of body size and shape, foot size and shape and footwear size and shape; electronic apparatus for determining fitting information for clothing, footwear and prosthetics; imaging apparatus for imaging bodies, feet and footwear especially for size and shape measurement not for medical purposes; three dimensional imaging apparatus especially for imaging bodies, feet and footwear not for medical purposes; frequency scanners; image scanners; x-ray scanners not for medical use; scanners for scanning materials, vehicles, structures for flaws, corrosion, damage, foreign bodies and cracks; automatic electrical and electronic control apparatus for robots; digital controls for robots; operating system software for robots; aircraft cockpit instruments for flight control; aircraft landing guidance apparatus and instruments; electronic apparatus for the automatic, remote and directional control of aircraft; armament testing apparatus for use on aircraft;

simulators for training personnel in the ground control of aircraft; electronic stabilizing devices for aircrafts; strategic telecommunications hardware for aircraft; ultrasonic apparatus for scanning aircraft components for flaws; cameras for military use; metal detectors for industrial or military purposes; topographic surveying apparatus and software for use in topography for databasing, visualization, manipulation, integration and management of geographic and topographic information; transformers being electromagnetic devices for military applications; breathing apparatus for respiratory protective purposes not for medical purposes; protective helmets and masks; protective eyewear; ballistic resistant clothing, footwear and headwear; periscopes for use on vehicles; underwater breathing apparatus, diving suits, diving goggles; shields for protecting body against ballistics, weapons and injury; fibre optic transmitters, receivers and communications devices; fibre optic sensors to detect instability in materials, structures, cables and pipelines, rail tracks and borders and for detecting persons and foreign bodies; camera stabilisers, namely, a support arm, vest and sled for film and video cameras to absorb shaking moves while shooting; fibre optic cables; fuel cells; batteries; audio speakers and sound systems comprised of remote controls, amplifiers and loudspeakers; protective clothing for use in medical settings; tactical robots, namely, military and bomb-disposal robots; electric actuators for operating and controlling aircraft flaps; electric apparatus for operating aircraft landing gear; none of the aforesaid goods being for use in connection with or for factory automation, material handling or the automotive manufacturing plant industries

Class 010. First use: First Use: 0 First Use In Commerce: 0

Lasers for medical use; scanners for medical use, namely, X-ray CT scanners and ultrasound imaging scanners; protective clothing for medical purposes in the nature of medical gowns, patient examination gowns and surgical gowns; fiberoptic scopes for medical use, namely, endoscopes; blood pumps; stents; retinal imaging apparatus for medical use; medical devices and apparatus, namely, ultrasound imaging apparatus, scanners and needle guides; medical electrodes; medical diagnostic apparatus for the detection of cancer; analytical apparatus for medical purposes, namely, apparatus for blood analysis; blood pressure measuring apparatus; heart monitor apparatus; medical apparatus, namely, foetal and maternal vital sign and physical distress monitors; nanosensors for use in the medical field; physiological sensors for monitoring hydration levels, alertness, heart-rate, respiration

Class 011. First use: First Use: 0 First Use In Commerce: 0

Steam generators; heating installations; lighting fixtures; mobile lighting fixtures; lighting apparatus for vehicles; ventilation systems for vehicles and buildings comprised of fans, ducting and heat exchangers; non-medical thermal protective aids; diving lights

Class 012. First use: First Use: 0 First Use In Commerce: 0

Military land vehicles, amphibious vehicles, aircraft and ships; armoured vehicles; aircraft; submarines; unmanned land vehicles; unmanned aerial vehicles; unmanned water and underwater vehicles; helicopter blades; air turbines for land vehicles; minesweeper towing vehicles; minesweepers, namely, warships for removing or neutralizing mines; motorised military vehicles for the transportation and launch of weapons; weapon carriage and release apparatus installed on military craft, land vehicles and water vehicles; unmanned robotic transport vehicles; aircraft flap brakes; aircraft interior panels; aircraft landing gear and wheels; alarm systems for aircraft; aircraft bodies; vehicle brakes; buoyancy bags adapted for use with aircraft; drag parachutes for aircraft; ejector seats for aircraft; pilotless aircraft; tyres; unmanned airborne vehicles for causing aircraft to change course; wings for aircraft; parachutes; parachute canopies, harnesses and packs; parachutes for arresting the motion of vehicles; armour panels for vehicles; armoured vehicle bodies; armoured vehicle parts, namely, endless tracks for armoured vehicles; aerospace vehicles; vehicle tire deflators; pneumatically operated de-icers for aircraft wings; unmanned remote-controlled

powered aircraft for use as military targets; parts and fittings for the aforesaid goods, namely, motors for land vehicles, transmissions for land vehicles, gear boxes for land vehicles, differentials for land vehicles, final drives, namely, electric drives, for land vehicles, and propellers for aircraft

Class 013. First use: First Use: 0 First Use In Commerce: 0

Firearms; ammunition; ballistic and guided projectiles; explosives; anti-tank mines; explosive devices for minefield breaching; explosive devices for minefield clearance; fuses for explosives for use in mines; guided antitank mines; mines; sea mines; bombs; guided bombs; guided mortar bombs; multi-munitions stand-off bombs; target sights for artillery; target sights for guns; apparatus for firing and launching weapons, namely, weapon launchers and detonators; weapons cartridges; weapons storage containers; air delivered weapons; decoy weapons; firing platforms; tanks; tanks being tracked vehicles; tear-gas personal attack defence weapons; tear-gas weapons; weapons; protective shields adapted for firearms; armour-piercing projectiles; smoke missiles for armoured vehicles; mine sweeping apparatus, namely detonation devices for mines; weapon carriage and release apparatus for installation on military craft, land vehicles and water vehicles

Class 035. First use: First Use: 0 First Use In Commerce: 0

Advice relating to business management and personnel management; advisory services relating to business risk management; business analysis of business management systems; business management and organization consultancy; business management services relating to the acquisition and development of businesses; computerised data-base management; business data management consultancy; facilities management, namely, business administration, business management, personnel management and recruiting; management of business projects; business risk management consultancy; personnel management in the nature of team building; economic analysis for business purposes; economic forecasting analysis and economic studies for business purposes; cost analysis; cost price analysis; business strategy planning; business analysis of company behaviour; preparation and analysis of business statistics; business management of aircraft operations; business management of scientific research projects

Class 037. First use: First Use: 0 First Use In Commerce: 0

Providing information in the field of installation and maintenance of security systems; installation of security systems; building project management; construction management services; facilities management, namely, construction, maintenance, cleaning and repair; installation and maintenance of panelling for buildings, ships, aircraft and vehicles; installation, maintenance and repair of computer hardware; advisory services relating to the construction, repair and maintenance of building structures; disposal of decommissioned explosives and weapons; advisory services in the field of the construction, repair and maintenance of civil engineering structures; advisory services in the field of the construction of mechanical engineering structures; modification of aircraft equipment, namely, upgrading, restoring and repair of such equipment

Class 039. First use: First Use: 0 First Use In Commerce: 0

Transportation and storage of explosives and weapons; rental of land, air and water going vehicles; operation of airfields

Class 040. First use: First Use: 0 First Use In Commerce: 0

Processing of waste materials in the nature of waste treatment; prototype fabrication of new products for others of complex analogue and digital electronic designs, multi-channel architectures or end to end designs for physical sensing, miniaturisation, digital and optical networks, all in the fields of intelligence gathering and surveillance, security, defence, weaponry, underwater sensing and navigation, sound detection, mine detection, environmental monitoring, terrestrial network sensor technologies, air traffic control methods and satellite technologies; treatment of waste materials; decontamination of nuclear waste and materials; decommissioning of munitions; recycling; production of energy; generating

of electricity and power

Class 041. First use: First Use: 0 First Use In Commerce: 0

Airplane flight instruction; pilot training; military training in the fields of engineering, communications, information systems, logistics, personnel administration, policing, guarding, security, languages, intelligence and photography; physical fitness training; vehicle driver training; language instruction; provision of training facilities; technical training in the fields of security, aviation, information security and defence; training in the operation of software systems, air traffic control systems and aviation systems; training in the use of computers, security equipment, weapons, optical equipment; training services in the fields of first aid, fitness, flying, logistics, sub aquatic activities, submarine diving; vocational training services

Class 042. First use: First Use: 0 First Use In Commerce: 0

Engineering, scientific research, technical development and consultancy in the fields of aerospace, defence, electronics, vehicles, aviation, navigation, robotics, material sciences, advanced materials and polymer processing, nanotechnologies, computer systems, thermal systems, electromagnets, sound detection, environmental monitoring, satellite technologies, security, healthcare, information technology security and the military; maritime engineering consultancy; aviation engineering consultancy; design and maintenance of software for use in the fields of aerospace, defence, electronics, vehicles, aviation, navigation, sound detection, environmental monitoring, satellite technologies, security, healthcare, information technology security; rental of scientific and engineering trials equipment and facilities; data security services, namely, design, development and consultancy in the field of electronic data security systems and firewalls; professional consultancy relating to computer security; research relating to security; testing of security products; development of electronic surveillance apparatus for others; chemical analysis services for use in evaluation; materials evaluation and testing for others; product evaluation in the nature of testing for others; evaluation in the nature of testing of weapons systems and security and surveillance systems; testing and evaluating vehicles, aviation apparatus and instruments; research in the field of environmental protection and environmental impact assessment, material sciences, electronics, physics and chemistry; technical management of scientific research projects; preparation of reports relating to scientific research and technical research; scientific research into fire detection equipment, fire fighting equipment; scientific laboratory testing of materials; advice relating to the development of computer systems; computer software development; design and development of vehicles, aircraft, land craft, watercraft and spacecraft; provision of research facilities and testing facilities including weapons ranges, vehicle and aircraft testing facilities; design and development of computer based networks, computer codes, computer languages; design and development of computer software featuring risk assessment models for use in the insurance market; encryption of data; research and development of product packaging; design and development of electronic surveillance apparatus for others; development of electronic systems for detecting lost articles or foreign bodies on surfaces; design and development of anti-counterfeiting technologies for others; development of engines and industrial machinery for others; design, development and research services relating to protective clothing, footwear and headgear; engineering services and technological research relating to robots; rental and leasing of scientific, environmental and engineering test facilities, namely, wind tunnels, climatic test facilities, vehicle emission test facilities, vehicle testing facilities, weapon test facilities, turbine test facilities; advisory services relating to environmental protection; services in the field of environmental science in the nature of airborne remote monitoring relating to environmental explorations; consultancy services relating to environmental protection planning; environmental science consultancy services; services in the field of environmental science in the nature of environmental hazard assessment; scientific environmental surveys; conducting of botanical and biological surveys; preparations of research reports on land usage and water resources; environmental testing;

	<p>environmental testing of exhaust emissions; environmental testing of noise pollution; environmental testing of vibration; research in the field of environmental protection and impact; consulting services in the field of environmental science in the nature of assessing effects of noise, radiation, pollution and emissions; interior and exterior atmospheric scientific analysis; scientific acoustic analysis; mapping services; environmental mapping services; drift mapping services; seabed mapping services; ocean characteristic and tidal mapping services; terrain mapping services; consulting services in the field of design, selection and use of computer software and hardware systems; design of equipment for the transportation, disposal and treatment of waste; architectural consultancy, design and planning; scientific forensic advice relating to damage assessment, explosions and vehicle accidents; computer forensics services; digital forensics investigative services; computer security consultancy in the nature of protection of computer networks; computer network security product testing and technical validation services; geospatial research in the nature of the collection, analysis and management of geospatial data; computer security consultancy in the nature of testing of network security; design and development of panelling; engineering services relating to computers, robotics, weapons, vehicles, communications systems, packaging products, electronic systems; design, development and testing of security systems; professional consultancy relating to ergonomics, namely, the design of products and facilities to optimise efficiency, comfort and safety; consultancy, research and development services relating to 3D and 4D scanning and modelling, namely, the design, development and testing of 3D and 4D scale models of vehicles, watercraft, aircraft, aviation equipment, weaponry, robots, satellites, protective armour for persons and vehicles; inspection of aircraft and vehicles; installation, maintenance and repair of computer software; civil engineering; civil engineering consultancy; construction engineering; marine engineering; project preparation relating to civil and construction engineering; facilities management, namely, health inspections; information services relating to health; research in the field of safety none of the aforesaid services in the field of automation for industry or manufacturing</p> <p>Class 045. First use: First Use: 0 First Use In Commerce: 0</p> <p>Control of access to buildings and other areas for security purposes; consultancy and advisory services relating to counter-terrorism and the defence and security of persons, personnel, infrastructures, armed forces, oil and gas installations and pipelines, supply chain, computer systems, networks and databases, military personnel, borders, ports and other transport networks; aircraft and transport system security services, namely, security inspection services and providing security assessments; airline passenger screening services; airport security services, namely, security control of persons and luggage in airports; baggage inspection for security purposes; biological security services; scanning and screening of vehicles for security purposes; biometric security services; computerised security services for business establishments, namely, electronically monitoring, detecting and reporting on suspicious and abnormal patterns of network activity which could indicate criminal activity, network intrusion, fraud, espionage or wrong doing; pre-employment background screening services; personal investigations in the nature of psychological testing for security purposes and psychometric testing for security purposes; security assessment of risks for businesses and governmental agencies; security services relating to computerised data, namely, monitoring of computer systems for security purposes; security surveillance; electronic surveillance; licensing of intellectual property derived from research and development; consultancy services relating to aircraft and marine craft safety; facilities management, namely, legal management of contracts, safety inspections and security inspections for others; fire safety consultancy services; disposal of explosives and weapons</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. McCarthy/
Name	James M. McCarthy
Date	09/09/2015

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

In the Matter of Application Serial No. 86/378,802
Published on August 11, 2015

)	
QINETIQ LIMITED,)	
)	
Opposer,)	
)	
v.)	Opposition No.
)	
QSPEX TECHNOLOGIES, INC.,)	
)	
Applicant.)	
)	

NOTICE OF OPPOSITION

Opposer QinetiQ Limited, a corporation organized and existing under the laws of the United Kingdom and having a principal place of business in Farnborough, Hampshire, United Kingdom (“Opposer” or “QinetiQ”) believes that it will be damaged by registration of the mark QNETIC, published in the Official Gazette on August 11, 2015, for use in connection with “High-impact eyeglass, spectacle and ophthalmic lenses, eyeglass lenses, spectacle lenses, and ophthalmic lenses” in International Class 9 and hereby opposes same. As grounds for the opposition it is alleged that:

1. Opposer, QinetiQ, is a worldwide leader in the business of manufacturing and providing specialty products to the defense, security and aerospace industries.
2. Opposer actively does business in the United States, selling goods under the QINETIQ mark and other trademarks.

3. Opposer is the owner of the following U.S. trademark registrations and pending application for the mark QINETIQ (individually and collectively referred to herein as the “QINETIQ Trademarks.”), all of which were registered or applied for well before Applicant’s filing date:

Trademark	Registration Number	Registration Date	Int’l Classes	Status
QINETIQ	3259844	July 10, 2007	9, 37, 41, 42	Registered
QINETIQ	3354698	Dec. 18, 2007	9	Registered
	4319295	April 16, 2013	9, 12, 13, 41, 42, 45	Registered
QINETIQ	Application No. 77846647	Filing Date: Oct. 12, 2009	7, 8, 9, 10, 11, 12, 13, 35, 37, 39, 40, 41, 42, 45	Notice of Allowance: July 8, 2014

4. As part of its efforts to manufacture and sell specialty products to the defense, security and aerospace industries, Opposer uses the QINETIQ Trademarks in connection with a variety of goods in international class 9 related to optics, eyes and eyewear.

5. Opposer’s registration for the mark QINETIQ (No. 4319295) and pending application (Ser. No. 77846647) for the mark QINETIQ both recite the following goods as part of the full product line recited in class 9: iris recognition security devices; retinal scanning devices for the security identification of persons; optical and electronic testing apparatus for checking components used in weapons systems; protective eyewear; diving goggles.

6. Opposer has invested a considerable amount of time, money, and effort in promoting its QINETIQ Trademarks throughout the United States.

7. As a result of Opposer's extensive promotional, advertising, and sales activities directed to its QINETIQ Trademarks, the consuming public and trade have come to recognize and do recognize the QINETIQ Trademarks as being used by Opposer, or by a single source, and to associate and identify said mark and name with Opposer, or with a single source, and Opposer derives substantial goodwill and value from such identification by the consuming public and trade.

GROUND I – LIKELIHOOD OF CONFUSION

8. Opposer incorporates by reference the allegations of Paragraphs 1 through 7 as if fully set forth herein.

9. By the application herein opposed, Applicant seeks to register the mark QNETIC on the Principal Register of the United States Patent and Trademark Office in connection with "High-impact eyeglass, spectacle and ophthalmic lenses, eyeglass lenses, spectacle lenses, and ophthalmic lenses" in International Class 9.

10. Applicant's QNETIC mark is confusingly similar and substantially identical to Opposer's QINETIQ Trademarks, as the combination of the Q, NET, and IC/IQ portions of each mark create marks that are substantially identical in sight, sound, and commercial impression.

11. The goods identified in Applicant's application are substantially similar to and overlap with Opposer's goods, which are covered by Opposer's registrations for the QINETIQ Trademarks.

12. Applicant's mark opposed herein is likely to cause confusion and mistake and to deceive, with consequent injury to Opposer, the consuming public and the trade.

13. Opposer will be damaged by the registration sought by Applicant because such registration will support and assist Applicant in the confusing and misleading use of Applicant's mark sought to be registered, and will give color and exclusive right to Applicant in violation and derogation of prior and superior rights of Opposer.

WHEREFORE, Opposer believes it will be damaged by registration of Applicant's mark and prays that it will not be allowed.

Respectfully submitted,

Date: September 9, 2015

s/James M. McCarthy/
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 9, 2015, a copy of the foregoing was served by first class mail, with confirmation copy by email, on the following attorney of record:

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