

ESTTA Tracking number: **ESTTA718169**

Filing date: **01/04/2016**

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	ELO TOUCH SOLUTIONS, INC.
Granted to Date of previous extension	01/03/2016
Address	1033 McCarthy Blvd. Milpitas, CA 95035 UNITED STATES

Attorney information	Charles P. Bacall Verrill Dana, LLP One Portland Square P.O. Box 586 Portland, ME 04112-0586 UNITED STATES cbacall@verrilldana.com Phone:207-774-4000
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**Applicant Information**

Application No	86496040	Publication date	07/07/2015
Opposition Filing Date	01/04/2016	Opposition Period Ends	01/03/2016
Applicant	Randa Accessories Leather Goods LLC 5600 North River Road, Suite 500 Rosemont, IL 60018 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 018. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: All-purpose carrying bags; Backpacks; Bags for sports; Beach bags; Billfolds; Briefcases; Business card cases; Cosmetic carrying cases sold empty; Credit card cases; Duffel bags; Grooming organizers for travel; Gym bags; Handbags; Jewelry rolls for travel; Key cases; Kit bags; Leather key chains; Leather pouches; Luggage; Luggage tags; Messenger bags; Overnight bags; Shaving bags sold empty; Toiletry bags sold empty; Tote bags; Travel bags; Wallets
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)
Other	Trademark Section 43(a), 15 U.S.C. Section 1125(a)

**Mark Cited by Opposer as Basis for Opposition**

U.S. Registration No.	1532779	Application Date	04/04/1988
Registration Date	04/04/1989	Foreign Priority Date	NONE
Word Mark	INTELLITOUCH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1988/01/22 First Use In Commerce: 1988/01/22 TOUCH SCREENS AND INTERFACE UNITS AND COMPUTER PROGRAMS THEREFOR		

Attachments	INTELI TOUCH & Design.NoticeOpp.86496040.pdf(130541 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	/Charles P. Bacall/
Name	Charles P. Bacall
Date	01/04/2016

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

Applicant: Randa Accessories )  
Leather Goods LLC )  
Serial No.: 86/496,040 )  
Filing Date: January 6, 2015 )  
Mark: INTELI TOUCH & Design )  
Published: July 7, 2015 )  
\_\_\_\_\_ )

Elo Touch Solutions, Inc., Opposer

v.

Randa Accessories Leather Goods LLC, Applicant

Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**

Opposer: Elo Touch Solutions, Inc.  
a Delaware Corporation  
1033 McCarthy Blvd  
Milpitas, CA 95035

The above-identified Opposer believes that it will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same.

The grounds for the opposition are as follows:

1. This is an opposition by Elo Touch Solutions, Inc. ("Elo"), an internationally recognized provider of computer and interactive touch screen displays and equipment, to stop another from registering the trademark "INTELI TOUCH (& Design)," which is confusingly similar to Elo's common law and federally registered "INTELLITOUCH" trademark.

2. Elo uses the INTELLITOUCH mark on its touch screen displays, software and components and on materials promoting its goods to consumers. The goods are sold to consumers

and businesses, including restaurants, retailers, medical providers and others, and used by consumers throughout the United States and worldwide.

3. Elo, through its predecessors in interest, first began selling its touch screen displays, software and controls under the INTELLITOUCH trademark at least as early as 1988, and has continued such use on the goods. Since that time, Elo has spent significant time and money promoting that trademark to customers nationwide and worldwide. Customers have come to know the INTELLITOUCH mark as a symbol of Elo's quality products. The INTELLITOUCH mark had become famous before Applicant's first use of the INTELI TOUCH (& Design) mark.

4. Elo owns United States Trademark Registration No. 1,532,779, dated April 4, 1989, for the word mark "INTELLITOUCH" for "touch screens and interface units and computer programs therefor" in International Class 009. A copy of the TESS electronic database of the USPTO for Registration No. 1,532,779, is attached as Exhibit 1. The Registration has achieved "incontestable" status pursuant to §15 of the Lanham Act. 15 U.S.C. §1065.

5. On January 6, 2015, Randa Accessories Leather Goods LLC ("Applicant") filed the instant application to register the trademark INTELI TOUCH (& Design). The application requests registration for "All-purpose carrying bags; Backpacks; Bags for sports; Beach bags; Billfolds; Briefcases; Business card cases; Cosmetic carrying cases sold empty; Credit card cases; Duffel bags; Grooming organizers for travel; Gym bags; Handbags; Jewelry rolls for travel; Key cases; Kit bags; Leather key chains; Leather pouches; Luggage; Luggage tags; Messenger bags; Overnight bags; Shaving bags sold empty; Toiletry bags sold empty; Tote bags; Travel bags; Wallets" in International Class 018. The application is based on the Applicant's intent to use the mark in commerce in the U.S.

6. Elo's rights in the INTELLITOUCH mark predate the Applicant's rights (if any) in the INTELI TOUCH (& Design) mark.

7. The INTELI TOUCH (& Design) mark so closely resembles Elo's INTELLITOUCH mark when applied to the goods covered by the Application as to cause confusion, mistake or deception as to the source of Applicant's goods.

8. The goods described in the application appear to be intended for use with touch screens, as illustrated by the design mark. As a result of the association of goods covered by the application with goods covered by Elo's registration, the public is likely to be confused about whether Elo is the source of Applicant's goods or whether Elo is affiliated with or the sponsor of Applicant's goods.

9. Applicant's use of the INTELI TOUCH (& Design) mark will infringe and/or dilute Elo's prior rights in the INTELLITOUCH mark.

10. Applicant's registration and/or use of INTELI TOUCH (& Design) will interfere with Elo's use of its INTELLITOUCH mark and will harm Elo.

Therefore, Elo respectfully requests that the Board refuse registration of the INTELI TOUCH (& Design) mark.

The filing fee of \$300.00 for this Notice of Opposition is filed herewith.

Respectfully submitted,

VERRILL DANA, LLP

By: 

Charles P. Bacall  
Attorney for Opposer  
One Portland Square  
P.O. Box 586  
Portland, ME 04112-0586  
(207) 774-4000

Dated: January 4, 2016

**CERTIFICATE OF SERVICE**

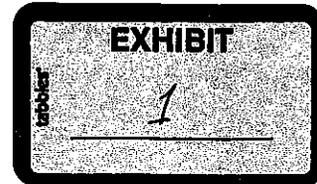
I hereby certify that a true and complete copy of the foregoing Notice of Opposition has been served on Applicant on January 4, 2016 by mailing the true and complete copy via First Class Mail, postage prepaid, to:

Steven R. Gursky  
Mary L. Grieco  
Safia A. Anand  
Olshan Frame Wolosky LLP  
65 E. 55<sup>th</sup> Street  
New York, NY 10022-3219



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Charles P. Bacall  
Attorney for Opposer



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## Typed Drawing

<b>Word Mark</b>	INTELLITOUCH
<b>Goods and Services</b>	IC 009. US 026 038. G & S: TOUCH SCREENS AND INTERFACE UNITS AND COMPUTER PROGRAMS THEREFOR. FIRST USE: 19880122. FIRST USE IN COMMERCE: 19880122
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	73720351
<b>Filing Date</b>	April 4, 1988
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	August 23, 1988
<b>Registration Number</b>	1532779
<b>International Registration Number</b>	1230846
<b>Registration Date</b>	April 4, 1989
<b>Owner</b>	(REGISTRANT) ELOGRAPHICS, INC. CORPORATION TENNESSEE 105 RANDOLPH ROAD OAK RIDGE TENNESSEE 37830  (LAST LISTED OWNER) ELO TOUCH SOLUTIONS, INC. CORPORATION DELAWARE 1033 McCarthy Blvd. Milpitas CALIFORNIA 95035
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Charles P. Bacall
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20090129.
<b>Renewal</b>	1ST RENEWAL 20090129
<b>Live/Dead Indicator</b>	LIVE

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