

ESTTA Tracking number: **ESTTA730835**

Filing date: **03/02/2016**

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	Convoy Technologies, LLC		
Entity	Corporation	Citizenship	Indiana
Address	3300 Irvine Ave. Suite 310 Newport Beach, CA 92660 UNITED STATES		

Attorney information	Douglas Q. Hahn, Esq. Stradling Yocca Carlson & Rauth 660 Newport Center Drive Suite 1600 Newport Beach, CA 92660 UNITED STATES dhahn@sycr.com, nbtrademarks@sycr.com Phone:949-725-4138		
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### Applicant Information

Application No	86615870	Publication date	02/16/2016
Opposition Filing Date	03/02/2016	Opposition Period Ends	03/17/2016
Applicant	Greypoint, Inc. 1700 7th Ave Seattle, WA 98101 UNITED STATES		

### Goods/Services Affected by Opposition

Class 009. First Use: 2015/08/28 First Use In Commerce: 2015/08/28 All goods and services in the class are opposed, namely: Computer software for coordinating transportation services, namely, software for the automated scheduling and dispatch of freight carriers
Class 042. First Use: 2015/08/28 First Use In Commerce: 2015/08/28 All goods and services in the class are opposed, namely: Providing temporary use of online non-downloadable software for providing transportation services, bookings for transportation services and dispatching freightcarriers to customers

### Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

### Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	86903675	Application Date	02/10/2016
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	CONVOY TECHNOLOGIES
Design Mark	<b>CONVOY TECHNOLOGIES</b>
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 2012/03/13 First Use In Commerce: 2012/03/13  Telematics apparatus, namely, wireless Internet devices which provide telematics services and have a communication function; Electronic devices for locating and tracking vehicles using global positioning systems and cellular communication networks; Electronic and electrical apparatus, namely, digital video recorders, monitors, cameras, tablet computers, mobile phones, GPS global positioning systems, routers and cellular modems for monitoring, safety and surveillance of vehicles; electronic and electrical apparatus, namely, digital video recorders, monitors, cameras, tablet computers, mobile phones, GPS global positioning systems, routers and cellular modems for transmission of video and data communications; digital video recorders; computer application software for computers and mobile devices, namely, software for accessing digital video recorders, transferring data, data base management, video and data transmission, providing GPS and monitoring data</p> <p>Class 042. First use: First Use: 2012/03/13 First Use In Commerce: 2012/03/13  Design, development, engineering, testing, manufacturing of telematics apparatus networks and electronic control units for use in locating and tracking vehicles using global positioning systems and cellular communication; Software as a service (SAAS) services, namely, hosting software for use in the fields of vehicle safety, vehicle tracking, video and datastreaming; Application service provider, namely, hosting, managing, developing, and maintaining applications, software, and web sites, in the fields of vehiclesafety, vehicle tracking, video and data streaming, and mobile information access, remote data management for wireless delivery of content to computers, laptops and mobile electronic devices</p>

Attachments	86903675#TMSN.png( bytes ) Convoy Technologies - Notice of Opposition.pdf(2380868 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	/Douglas Q. Hahn/
Name	Douglas Q. Hahn, Esq.
Date	03/02/2016

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

In the Matter of Application Serial No. 86/615,870  
Filed: April 30, 2015  
Mark: CONVOY (word mark)  
Published in the Official Gazette on February 16, 2016

CONVOY TECHNOLOGIES, LLC,	)	
	)	
Opposer,	)	Opposition No.:
	)	
v.	)	
	)	
GREYPOINT, INC.,	)	
	)	
Applicant.	)	
_____	)	

**NOTICE OF OPPOSITION**

Convoy Technologies, LLC., an Indiana limited liability company, having an address of 3300 Irvine Ave., Suite 310, Newport Beach, California 92660 (“Opposer”), believes that it will be damaged by registration of the above-identified mark, CONVOY, for “Computer software for coordinating transportation services, namely, software for the automated scheduling and dispatch of freight carriers,” in International Class 09, and “Providing temporary use of online non-downloadable software for providing transportation services, bookings for transportation services and dispatching freight carriers to customers,” in International Class 42, filed by Greypoint, Inc. (“Applicant”) and hereby opposes the same.

This Notice of Opposition has been timely filed on March 2, 2016.

As grounds for its Opposition, Opposer alleges as follows:

1. Opposer is an innovator of visual tools designed for heavy duty commercial vehicles, improving fleet safety, security and productivity since at least 2008. Specifically, Convoy

Technologies, LLC is a manufacturer of military grade wireless backup cameras, monitors, mobile DVRs, driver behavior systems, and telematics tools designed specifically for heavy duty commercial vehicles.

2. Opposer is the owner of all right, title and interest in United States Trademark Application No. 86/903,675, filed on February 10, 2016, for the trademark CONVOY TECHNOLOGIES covering :

“Telematics apparatus, namely, wireless Internet devices which provide telematics services and have a communication function; Electronic devices for locating and tracking vehicles using global positioning systems and cellular communication networks; Electronic and electrical apparatus, namely, digital video recorders, monitors, cameras, tablet computers, mobile phones, GPS global positioning systems, routers and cellular modems for monitoring, safety and surveillance of vehicles; electronic and electrical apparatus, namely, digital video recorders, monitors, cameras, tablet computers, mobile phones, GPS global positioning systems, routers and cellular modems for transmission of video and data communications; digital video recorders; computer application software for computers and mobile devices, namely, software for accessing digital video recorders, transferring data, data base management, video and data transmission, providing GPS and monitoring data,” in International Class 09, and

“Design, development, engineering, testing, manufacturing of telematics apparatus networks and electronic control units for use in locating and tracking vehicles using global positioning systems and cellular communication; Software as a service (SAAS) services, namely, hosting software for use in the fields of vehicle safety, vehicle tracking, video and data streaming; Application service provider, namely, hosting, managing, developing, and maintaining applications, software, and web sites, in the fields of vehicle safety, vehicle tracking, video and

data streaming, and mobile information access, remote data management for wireless delivery of content to computers, laptops and mobile electronic devices,” in International Class 42. (See Exhibit 1, USPTO-TEAS printout).

3. Opposer has used its CONVOY TECHNOLOGY mark on the identified goods and services in International Classes 09 and 42 in interstate commerce as early as March 13, 2012.

4. Opposer has expended considerable time and money in exerting every effort to maintain the highest standard of quality for its goods and services, and has created valuable goodwill among its customers under its CONVOY TECHNOLOGIES mark. Opposer has also expended considerable money, time, and energy in promoting and advertising its goods and services under the CONVOY TECHNOLOGIES mark.

5. As a result of Opposer’s advertisement, activity in the transportation industry, and continuous and extensive use of the CONVOY TECHNOLOGIES mark, Opposer’s Mark has become favorably recognized and relied upon as an indicator of quality manufacturer and provider of software and hardware systems integrating telematics - GPS and routing - for heavy duty, commercial trucks and vehicles. Opposer’s Mark has, therefore, developed tremendously valuable goodwill in the minds of the relevant consumers in the transportation industry. Opposer’s Mark and the goodwill of its business have become some of its most valuable assets.

6. Opposer, through sales, advertising, promotion of goods and services under the CONVOY TECHNOLOGIES name and mark has built valuable goodwill and consumer recognition symbolized by the CONVOY TECHNOLOGIES mark. Accordingly, in addition to the protection afforded to Convoy Technologies, LLC by its Federal trademark application detailed above, it has extensive, non-registered common law trademark rights in the CONVOY TECHNOLOGIES mark since 2012.

7. As a result of the foregoing, Opposer has acquired extensive rights in its CONVOY TECHNOLOGIES for the goods and services identified in its application.

8. Upon information and belief, Applicant filed its Intent to Use (1B) trademark application to register the mark CONVOY on April 30, 2015. Applicant's trademark application seeks registration of the mark for:

“Computer software for coordinating transportation services, namely, software for the automated scheduling and dispatch of freight carriers,” in International Class 09, and “Providing temporary use of online non-downloadable software for providing transportation services, bookings for transportation services and dispatching freight carriers to customers,” in International Class 42. (See Exhibit B, USPTO-TEAS print-out).

9. Upon information and belief, Opposer’s date of first use for its CONVOY TECHNOLOGIES mark antedates the application filing date and claimed dates of first use of Applicant’s CONVOY Intent to Use trademark application.

10. Upon information and belief, the mark CONVOY as set forth in Applicant’s application herein opposed is substantially similar to Opposer’s CONVOY TECHNOLOGIES mark.

11. Upon information and belief, the goods and services set forth in the application being opposed are substantially similar and/or related to the goods and services of the Opposer under its CONVOY TECHNOLOGIES mark.

12. Upon information and belief, Opposer alleges that the goods and services of Opposer and Applicant are offered in similar channels of commerce and to similar or related customers in the trucking or transportation industry.

13. In view of the foregoing, the eventual registration of the mark CONVOY in connection with Applicant's goods and services is likely to cause confusion as to the source or sponsorship of such

goods and services, or create the impression that Applicant is in some way affiliated or connected with Opposer, or that there is some relationship between the parties.

WHEREFORE, Opposer prays that the registration applied for by Application Serial No. 86/615,870 be rejected and that the registration for the mark CONVOY be refused.

Opposer's representative authorizes the charging of the required filing fee and any necessary additional fees to Deposit Account 50-1329.

Respectfully submitted,

Date: March 2, 2016

By: \_\_\_\_\_

Douglas Q. Hahn, Esq.  
Attorneys for Opposer

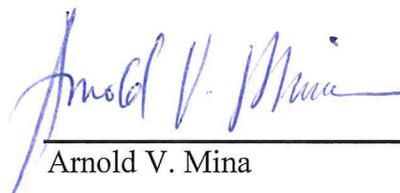
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660 Newport Center Drive, Suite 1600  
Newport Beach, California 92660  
Tel: 949-725-4000  
Fax: 949-725-4100  
E-mail: dhahn@sycr.com

**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing Notice of Opposition was served upon Applicant and its attorneys of record by depositing a copy thereof in the United States Mail on March 2, 2016, first-class mail, postage prepaid, in an envelope addressed as follows:

Mr. Daniel Lewis  
Chief Executive Officer  
Greypoint, Inc.  
1700 7<sup>th</sup> Ave., Suite 116#287  
Seattle, Washington 98101

Mr. Rhett V. Barney  
Lee & Hayes, PLLC  
601 W. Riverside, Suite 1400  
Spokane, Washington 99201

  
\_\_\_\_\_  
Arnold V. Mina

Date: March 2, 2016

# Exhibit A



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# CONVOY TECHNOLOGIES

<b>Word Mark</b>	CONVOY TECHNOLOGIES
<b>Goods and Services</b>	<p>IC 009. US 021 023 026 036 038. G &amp; S: Telematics apparatus, namely, wireless Internet devices which provide telematics services and have a communication function; Electronic devices for locating and tracking vehicles using global positioning systems and cellular communication networks; Electronic and electrical apparatus, namely, digital video recorders, monitors, cameras, tablet computers, mobile phones, GPS global positioning systems, routers and cellular modems for monitoring, safety and surveillance of vehicles; electronic and electrical apparatus, namely, digital video recorders, monitors, cameras, tablet computers, mobile phones, GPS global positioning systems, routers and cellular modems for transmission of video and data communications; digital video recorders; computer application software for computers and mobile devices, namely, software for accessing digital video recorders, transferring data, data base management, video and data transmission, providing GPS and monitoring data. FIRST USE: 20120313. FIRST USE IN COMMERCE: 20120313</p> <p>IC 042. US 100 101. G &amp; S: Design, development, engineering, testing, manufacturing of telematics apparatus networks and electronic control units for use in locating and tracking vehicles using global positioning systems and cellular communication; Software as a service (SAAS) services, namely, hosting software for use in the fields of vehicle safety, vehicle tracking, video and data streaming; Application service provider, namely, hosting, managing, developing, and maintaining applications, software, and web sites, in the fields of vehicle safety, vehicle tracking, video and data streaming, and mobile information access, remote data management for wireless delivery of content to computers, laptops and mobile electronic devices. FIRST USE: 20120313. FIRST USE IN COMMERCE: 20120313</p>
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial</b>	86903675

**Number****Filing Date** February 10, 2016**Current Basis** 1A**Original Filing Basis** 1A**Owner** (APPLICANT) Convoy Technologies, LLC LIMITED LIABILITY COMPANY INDIANA 3300 Irvine Avenue, Suite 310 Irvine CALIFORNIA 92660**Attorney of Record** Douglas Q. Hahn,**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TECHNOLOGIES" APART FROM THE MARK AS SHOWN**Type of Mark** TRADEMARK. SERVICE MARK**Register** PRINCIPAL**Live/Dead Indicator** LIVE[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[Browse Dict](#)[SEARCH OG](#)[TOP](#)[HELP](#)[| HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

# Exhibit B



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# CONVOY

**Word Mark** CONVOY

**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Computer software for coordinating transportation services, namely, software for the automated scheduling and dispatch of freight carriers. FIRST USE: 20150828. FIRST USE IN COMMERCE: 20150828

IC 042. US 100 101. G & S: Providing temporary use of online non-downloadable software for providing transportation services, bookings for transportation services and dispatching freight carriers to customers. FIRST USE: 20150828. FIRST USE IN COMMERCE: 20150828

**Standard Characters Claimed**

**Mark**

**Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 86615870

**Filing Date** April 30, 2015

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** February 16, 2016

**Owner** (APPLICANT) Greypoint, Inc. CORPORATION DELAWARE 1700 7th Ave Suite 116 #287 Seattle WASHINGTON 98101

**Attorney of Record** Rhett V. Barney

**Type of Mark** TRADEMARK, SERVICE MARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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