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Filing date: **10/17/2016**

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	Cirrus Design Corporation
Granted to Date of previous extension	10/16/2016
Address	4515 Taylor Circle Duluth, MN 55811 UNITED STATES

Attorney information	Jamie N. Nafziger/Cathleen F. Dahl Dorsey & Whitney LLP 50 South Sixth Street,Suite 1500 Minneapolis, MN 55402 UNITED STATES ip.docket@dorsey.com, nafziger.jamie@dorsey.com, jarzyna.alison@dorsey.com, dahl.cathy@dorsey.com Phone:612.343.7922

Applicant Information

Application No	86650230	Publication date	04/19/2016
Opposition Filing Date	10/17/2016	Opposition Period Ends	10/16/2016
Applicant	ULC PIPELINE ROBOTICS, LLC 55 Corbin Avenue Bay Shore, NY 11706 UNITED STATES		

Goods/Services Affected by Opposition

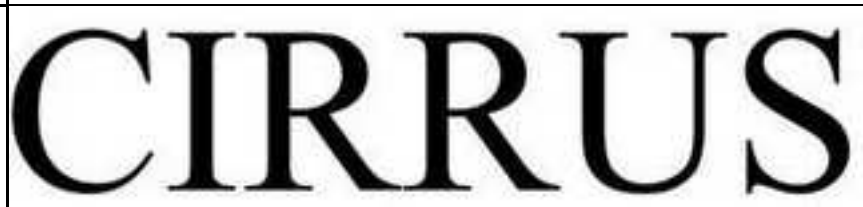
Class 007. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Industrial robotic device, namely, robotic crawling apparatus for navigating and traveling through pipelines used to inspect and acquire data for the assessment and repair of pipelines, expressly excluding goods related to electronic cabletesting
Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Robotic device, namely, electronic robots in the nature of electronic sensors and cameras used to inspect and acquire data for the assessment and repair of pipelines, expressly excluding goods related to electronic cable testing
Class 042. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Pipeline inspection services, expresslyexcluding services related to electronic cable testing

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1907261	Application Date	05/09/1994
Registration Date	07/25/1995	Foreign Priority Date	NONE
Word Mark	CIRRUS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 012. First use: First Use: 1979/01/01 First Use In Commerce: 1979/01/01 aircraft and structural parts therefor		

U.S. Registration No.	4651692	Application Date	12/10/2013
Registration Date	12/09/2014	Foreign Priority Date	NONE
Word Mark	CIRRUS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 012. First use: First Use: 1999/07/20 First Use In Commerce: 1999/07/20 Jet Aircraft and Structural Parts Therefor; Parachutes; Safety Devices for Aircraft, Pilots and Passengers, Namely, Parachutes and Parachute Deployment Equipment		

U.S. Registration No.	4635535	Application Date	09/26/2013
Registration Date	11/11/2014	Foreign Priority Date	NONE
Word Mark	CIRRUS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 037. First use: First Use: 1999/07/20 First Use In Commerce: 1999/07/20 Airplane Maintenance and Repair; Information with Relation to Aircraft Construc-		

	tion, Repair and Maintenance

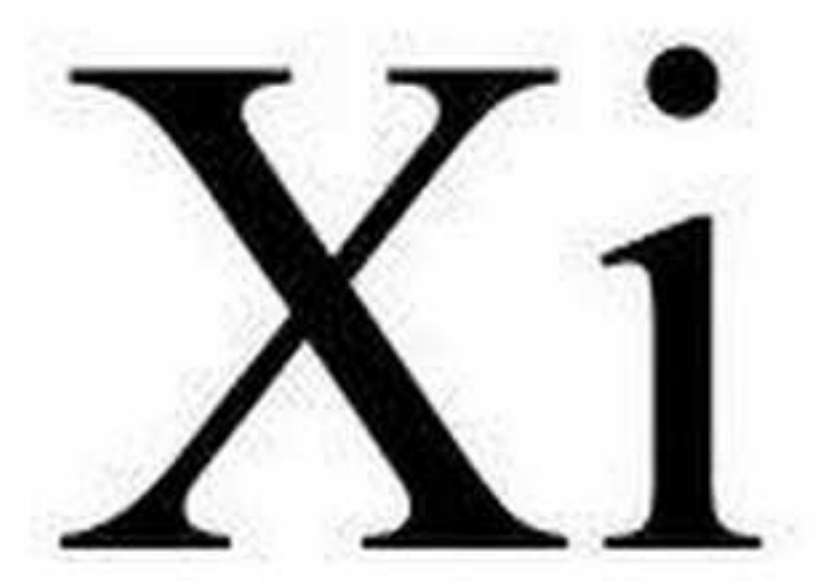
U.S. Registration No.	4635536	Application Date	09/26/2013
Registration Date	11/11/2014	Foreign Priority Date	NONE
Word Mark	CIRRUS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1999/07/20 First Use In Commerce: 1999/07/20 Aircraft inspection services; Aircraft quality assurance services; Aircraft design; Providing a website featuring resources, namely, non-downloadable software for flight and instrument training		

U.S. Registration No.	4853511	Application Date	09/26/2013
Registration Date	11/17/2015	Foreign Priority Date	NONE
Word Mark	CIRRUS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1999/07/20 First Use In Commerce: 1999/07/20 Airplane flight instruction; Educational services, namely, conducting live and on-line classes, symposia, seminars and webinars in the field of aircraft maintenance, modification, and repair and distribution of training materials in connection therewith		

U.S. Registration No.	4758288	Application Date	09/26/2013
Registration Date	06/23/2015	Foreign Priority Date	NONE

Word Mark	CIRRUS
Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 1987/08/01 First Use In Commerce: 1987/08/01 Computer Hardware for Aircraft; AvionicSensor Systems, Namely, Navigation Systems, Aircraft Airspeed Sensors, and Aircraft Altitude Indicators; Navigation andCommunication Systems in the Field of Avionics, Namely, GPS Receivers, Communication Transceivers, Transponders, Audio Panels Comprising Hardware and Software for Controlling Transmission and Reception of Radio Signals, Weather Radar, Terrain Awareness and Warning Systems (TAWS)Comprising Hardware and Software for Determining when a Terrain Hazard Exists and for Outputting Corresponding Alerts to an Aircraft Pilot or Crew, Automatic Flight Control Systems (AFCS) Comprising Hardware and Software for Automatically Controlling Flight of an Aircraft, Attitude Heading and Reference Systems (AHRS)Comprising Hardware and Software for Providing Aircraft Attitude and Heading Information for use by a Pilot, Flight Crew or Other Avionics, Primary Flight Displays (PFDs) Comprising Hardware and Software for Displaying Navigation and Flight Information and for Controlling Avionics Instruments, and Multi-Function Flight Displays (MFDs) Comprising Hardware and Software for Displaying Navigation andFlight Information and for Controlling Avionics Instruments; Aircraft Flight Planning Software; Electromechanical Controls for Use in Avionics; Electronic Communications Systems Comprised of ComputerHardware and Software for the Transmission of Data Between Two Points; On-BoardAvionic Devices and Equipment, Namely aSuite of Computer Software Applicationsfor Integrating the Operation of FlightControl Systems, Flight Management System, Electronic Calculators, Modular Computers, Autopilots, Navigation Computers and Instruments, Namely, Electronic Logs, Wind Instruments for Measuring and Indicating Force, Speed, and Direction, Compasses, Global Positioning Systems (GPS)Instruments, Autopilots for Automatic Navigation, Electronic Chart Plotters, Navigational Computers, Navigational Monitors, Automatic Flight Control System, Comprising of Stick Force Sensors, ControlWheels, Transducers, Amplifiers, RemoteActuators, Remote Terminals Computers and Computer Programs for Use Therewith, Radars and Muzzle Velocity Meters, Altitude Controls, Throttle Controls and Pitch Controls, Central Panel Displays, Radio Transceivers, Displays, All for Controlling Flight Parameters; Sensors and Automatic Testers for Command and Flight Control, Namely, Altitude Controls and Pitch Controls and Visual Radio Approach Systems, Monitoring Display; Aviation Engine Monitoring Instrumentation; Aviation Fuel Tracking Instrumentation; Enhanced Vision Systems, for Installation on Aircraft, Namely, Cameras, Sensors, Signal Processors, and Video Monitors; Servos; Hypoxia Checking Apparatus, Namely, an Interactive Software and Hardware System Which Requires Pilots to Check in at Certain Altitudes, and Upon Failure to do so, Automatically Adjusts Flight Altitude;Computer Application Software for Use by Aircraft Pilots or Aircraft Operators to Make and File Flight Plans, Make and Use Electronic Checklists, Obtain Current Information on Landing Facilities, Weather, Travel Accommodations, Airspace, Aircraft, and Regulatory Advisories, All for Use on Mobile Phones, Portable Electronic Devices, Computers, and the Internet; none

	of the foregoing being in relation to credit cards, debit cards, payment cards, automatic teller machines (ATMs), point of sale payment terminals, ATM,financial, banking, credit and payment services, electronic funds and currency transfer services, computer hardware andsoftware for carrying out the aforementioned services

U.S. Registration No.	3736949	Application Date	07/23/2009
Registration Date	01/12/2010	Foreign Priority Date	NONE
Word Mark	XI		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 012. First use: First Use: 2009/07/01 First Use In Commerce: 2009/07/01 Airplanes and structural parts therefor		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	CIRRUS XI		
Goods/Services	aircraft and structural parts therefor		

Attachments	86140044#TMSN.png(bytes) 86075707#TMSN.png(bytes) 86075726#TMSN.png(bytes) 86075718#TMSN.png(bytes) 86075679#TMSN.png(bytes) 77788383#TMSN.png(bytes) Notice of Opposition - CIRRIS XI.pdf(286428 bytes)

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	/Cathleen F. Dahl/
Name	Cathleen F. Dahl
Date	10/17/2016

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

In the matter of trademark application Serial No.:	86/650,230
Filed:	June 3, 2015
For the mark:	**CIRRIS XI**
Published in the Official Gazette on:	April 19, 2016

Cirrus Design Corporation Opposer, vs. ULC Pipeline Robotics, LLC Applicant.	Opposition No: _____ Opposer's File No.: M259858

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Opposer, Cirrus Design Corporation, organized and existing under the laws of the state of Wisconsin and having a place of business at 4515 Taylor Circle, Duluth, Minnesota 55811, 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 opposition are as follows:

1) Applicant, ULC Pipeline Robotics, organized and existing under the laws of New York and having a place of business at 55 Corbin Avenue, Bay Shore, New York 11706, has applied for registration on the Principal Register for the mark **CIRRIS XI**, for use in connection with "industrial robotic device, namely robotic crawling apparatus for navigating and traveling through pipelines used to inspect and acquire data for the assessment and repair of pipelines, expressly excluding goods related to electronic

cable testing" in International Class 7; "Robotic device, namely, electronic robots in the nature of electronic sensors and cameras used to inspect and acquire data for the assessment and repair of pipelines, expressly excluding goods related to electronic cable testing" in International Class 9; and "pipeline inspection services, expressly excluding services related to electronic cable testing" in International Class 42, filed on June 3, 2015, assigned serial number 86/650,230, and published on April 9, 2016.

2) Opposer requested and was granted a 90-day extension of the deadline to file an opposition of the subject application for good cause by the Trademark Trial and Appeal Board, which extended the deadline to August 17, 2016.

3) Opposer requested and was granted an additional 60-day extension of the deadline to file an opposition of the subject application for good cause by the Trademark Trial and Appeal Board, which extended the deadline to October 16, 2016.

4) Opposer is the owner of U.S. Trademark Registration No. 1,907,261, for the mark **CIRRUS**, filed May 9, 1994, and registered July 25, 1995, on the Principal Register for "aircraft and structural parts therefor" in International Class 12.

5) Opposer is the owner of U.S. Trademark Registration No. 4,651,692, for the mark **CIRRUS**, filed December 10, 2013 , and registered December 9, 2014, on the Principal Register for "jet aircraft and structural parts therefor; parachutes; safety devices for aircraft, pilots and passengers, namely, parachutes and parachute deployment equipment" in International Class 12.

6) Opposer is the owner of U.S. Service Mark Registration No. 4,635,535, for the mark **CIRRUS**, filed September 26, 2013 , and registered November 11, 2014, on the

Principal Register for "airplane maintenance and repair; information with relation to aircraft construction, repair and maintenance" in International Class 37.

7) Opposer is the owner of U.S. Service Mark Registration No. 4,635,536, for the mark **CIRRUS**, filed September 26, 2013 , and registered November 11, 2014, on the Principal Register for "aircraft inspection service, aircraft quality assurance services; aircraft design; providing a website featuring resources, namely non-downloadable software for flight and instrument training" in International Class 42.

8) Opposer is the owner of U.S. Service Mark Registration No. 4,853,511, for the mark **CIRRUS**, filed September 26, 2013, and registered November 17, 2015, on the Principal Register for "aircraft flight instructions; educational services, conducting live and online classes, symposia, seminars and webinars in the field of aircraft maintenance, modification, and repair and distribution of training materials in connection therewith" in International Class 41.

9) Opposer is the owner of U.S. Trademark Registration No. 4,758,288, for the mark **CIRRUS**, filed September 26, 2013, and registered June 23, 2015, on the Principal Register for "computer hardware for aircraft; avionic sensor systems, namely, navigation systems, aircraft airspeed sensors, and aircraft altitude indicators; navigation and communication systems in the field of avionics, namely, GPS receivers, communication transceivers, transponders, audio panels comprising hardware and software for controlling transmission and reception of radio signals, weather radar, terrain awareness and warning systems (TAWS) comprising hardware and software for determining when a terrain hazard exists and for outputting corresponding alerts to an aircraft pilot or crew, automatic flight control systems (AFCS) comprising hardware and software for automatically controlling flight of an aircraft, attitude heading and reference systems

(AHRS) comprising hardware and software for providing aircraft attitude and heading information for use by a pilot, flight crew or other avionics, primary flight displays (PFDs) comprising hardware and software for displaying navigation and flight information and for controlling avionics instruments, and multi-function flight displays (MFDs) comprising hardware and software for displaying navigation and flight information and for controlling avionics instruments; aircraft flight planning software; electromechanical controls for use in avionics; electronic communications systems comprised of computer hardware and software for the transmission of data between two points. On-board avionic devices and equipment, namely a suite of computer software applications for integrating the operation of flight control systems, flight management system, electronic calculators, modular computers, autopilots, navigation computers and instruments, namely, electronic logs, wind instruments for measuring and indicating force, speed, and direction, compasses, global positioning systems (GPS) instruments, autopilots for automatic navigation, electronic chart plotters, navigational computers, navigational monitors, automatic flight control system, comprising of stick force sensors, control wheels, transducers, amplifiers, remote actuators, remote terminals computers and computer programs for use therewith, radars and muzzle velocity meters, altitude controls, throttle controls and pitch controls, central panel displays, radio transceivers, displays, all for controlling flight parameters; sensors and automatic testers for command and flight control, namely, altitude controls and pitch controls and visual radio approach systems, monitoring display; aviation engine monitoring instrumentation; aviation fuel tracking instrumentation; enhanced vision systems, for installation on aircraft, namely, cameras, sensors, signal processors, and video monitors; servos; hypoxia checking apparatus, namely, an interactive software and hardware system which requires pilots to check in at certain altitudes, and upon failure to do so, automatically adjusts flight altitude; computer application software for use by aircraft pilots or aircraft operators to

make and file flight plans, make and use electronic checklists, obtain current information on landing facilities, weather, travel accommodations, airspace, aircraft, and regulatory advisories, all for use on mobile phones, portable electronic devices, computers, and the internet" in International Class 9.

10) Opposer is the owner of U.S. Trademark Registration No.3,736,949, for the mark **XI**, filed July 23, 2009, and registered January 12, 2010, on the Principal Register for "aircraft and structural parts therefor" in International Class 12.

11) There is no question as to priority. Opposer's **CIRRUS** and **XI** registrations detailed in paragraphs 4 through 10 above were filed well before the filing date of the opposed application. Furthermore, Opposer has offered goods under its **CIRRUS** trademark since at least as early as 1987. Opposer has offered the goods listed above for its **XI** mark since at least as early as July 1, 2009.

12) Opposer also has valuable common law trademark rights in the mark **CIRRUS XI**. Opposer on several occasions has referred to its products as **CIRRUS XI** in advertisements and brochures. Further, third parties also sometimes refer to Opposer's products as **CIRRUS XI**.

13) The mark **CIRRIS XI** proposed for registration by Applicant is identical in sound and nearly identical in appearance to the combination of Opposer's **CIRRUS** and **XI** marks. The only visual difference between the marks is Applicant's substitution of the letter 'i' for the letter 'u' in Opposer's mark.

14) Opposer and Applicant's marks provide a virtually identical connation and commercial impression. The substitution of the letter 'i' for the letter 'u' provides no difference, and consumers would likely see no difference between these marks.

15) Opposer's goods and services and Applicant's goods and services are closely related. Pipelines are often inspected by aircraft including unmanned aircraft as well as small airplanes. Applicant lists goods and services including "robotic device, namely, electronic robots in the nature of electronic sensors and cameras used to inspect and acquire data for the assessment and repair of pipelines," and "pipeline inspection services." These goods and services could include the use of aircraft or be used with aircraft. Thus, Opposer's goods and services and Applicant's goods and services are likely to be offered to overlapping customers and in overlapping channels of commerce.

16) As a result of the confusing similarity between Opposer's and Applicant's marks and because Applicant's goods and services and Opposer's goods are closely related, are likely to be sold in overlapping channels of commerce, and are likely to be directed to overlapping customers, registration of Applicant's mark **CIRRIS XI** proposed for use in connection with Applicant's goods and services is likely to cause confusion or mistake or is likely to deceive purchasers as to the source or sponsorship of such goods and services.

WHEREFORE, Opposer, Cirrus Design Corporation, prays that application Serial No. 86/650,230 for the mark **CIRRIS XI** be rejected and that registration of the mark be refused.

Respectfully submitted,

CIRRUS DESIGN CORPORATION

Date: October 17, 2016

By: _____

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Attorney for Opposer

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being transmitted electronically through ESTTA pursuant to 37 C.F.R. § 2.195(a) on this 17th day of October, 2016.

Jamie N. Nafziger

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been served via first-class mail, postage prepaid, to Anna K. Robinson of Brooks & Kushman P.C., attorney for Applicant, at 1000 Town Center, Southfield, Michigan 48075, this 17th day of October, 2016.

Jamie N. Nafziger