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04-18-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #61

TRADEMARK TRIAL AND
APPEAL BOARD
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Attorneys for Sarcos L.C.
Opposed Mark: SERCOS
U.S. Trademark Application Serial Number 76/110,770

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

Sarcos L.C.)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
Interessengemeinschaft Sercos Interface E.V.)	
)	
Applicant.)	
)	

04/24/2002 TSMITH 00000002 76110770

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NOTICE OF OPPOSITION

Sarcos L.C. (hereinafter referred to as "Opposer"), a limited liability company existing under the laws of the State of Utah, having a principal place of business at 360 Wakara Way, Salt Lake City, Utah 84108, believes it will be damaged by the registration of the mark SERCOS in Application Serial No. 76/110,770, and opposes and alleges the following:

CERTIFICATE OF DEPOSIT

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Service", on the date indicated below in an envelope addressed to: Assistant Commissioner for Trademarks Box TTAB-Fee, 2900 Crystal Drive, Arlington, VA 22202-3513.

Date of Deposit 4/18/02 Mandy Siegel

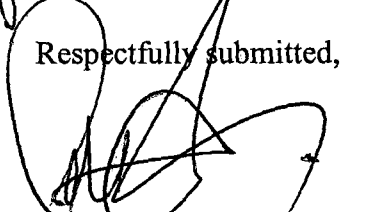
1. Interessengemeinschaft Sercos Interface E.V. (hereinafter referred to as "Applicant"), a Federal Republic of Germany corporation, having a principal place of business at IM Muhlenfeld 28, 53123 Bonn, Federal Republic of Germany, seeks to register the mark SERCOS as a trademark for "digital interfaces in numerically controlled machines for providing communication between controls," in International Class 9.
2. Opposer is the owner by assignment from Sarcos, Inc. of U.S. Trademark Registration No. 1,953,225, for the mark SARCOS, for use in connection with "scientific apparatus and equipment, namely robots and computer parts therefor, environment simulation equipment and rooms, apparel for sensing the movement of a person wearing the apparel, robotic manipulators, and anthropomorphic robots."
3. Opposer is currently using and has continuously used the mark SARCOS in Registration No. 1,953,225 in interstate commerce since at least as early as November, 1992.
4. Opposer has built up substantial goodwill in its mark SARCOS.
5. Registration of Applicant's mark SERCOS is likely to damage Opposer in that Applicant's mark, when used on or in connection with the identified services, so resembles the Opposer's mark SARCOS, as to be likely to cause confusion, to cause mistake or to deceive. Such confusion is likely to falsely suggest a connection between Applicant and Opposer.
6. Additionally, the services identified in Application Serial No. 76/110,770 are sufficiently similar to those in Registration No. 1,953,225, to cause a likelihood of confusion, mistake or to deceive.
7. Upon information and belief, Applicant selected its mark with full knowledge of Opposer's mark.

WHEREFORE, Opposer requests that Application Serial No. 76/110,770 be refused registration, that no registration be issued to Applicant for the mark SERCOS and that this Opposition be sustained in favor of Opposer.

That statutory Opposition Filing Fee of \$300.00 is included herewith. Please charge any additional fees and credit any overpayment to Deposit Account No. 20-0100. A duplicate copy of this Notice is enclosed as required by 37 CFR 2.11(a).

DATED this 16th day of April, 2002.

Respectfully submitted,


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Attorney for Opposer

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