

**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513**

Mailed: August 14, 2002

Opposition No. 91152245

SAMSUNG OPTO-ELECTRONICS
AMERICA, INC.

v.

STANDARD TELECOM
AMERICA, INC.

Shelley Jamison, Legal Assistant

The Board inadvertently forwarded the notice instituting this proceeding and a copy of the notice of opposition that was intended for applicant to an incorrect address. The error is regretted.

Accordingly, the above notice, with enclosure, is remailed to applicant at the correct address: Lee & Sterba 1101 Wilson Blvd, Suite 2000 Arlington, VA 20009.

In view of the circumstances herein, the time for filing an answer to the notice of opposition is extended to forty days from the mailing date of this order. Any discovery requests or notices served that remain unanswered as of the mailing date of this order must be reserved in

accordance with the rules, unless otherwise agreed to by the parties.

In accordance with the Trademark Rules of Practice, discovery is open, and the close of discovery and testimony dates are set as indicated below. In each instance, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Discovery period to close: March 2,
2003(180 days)

Testimony period for party in
Position of plaintiff to close
(opening thirty days prior thereto): May 31,
2003(90 days)

Testimony period for party in
Position of defendant to close
(opening thirty days prior thereto): July 30,
2003(60 days)

Rebuttal testimony period to close
(opening fifteen days prior thereto): September 13,
2003(45 days)

Briefs shall be filed in accordance with Trademark Rule 1.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

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

In the Matter of Application Serial No. 75/807,764
Published in the Official Gazette on April 11, 2000
Trademark: MAXIMA

_____)		
Samsung Opto-Electronics America, Inc.,)		
)	
Opposer,)	Opposition No. _____	
)	
v.)		
)	
Standard Telecom America, Inc.)		
)	
Applicant.)		
_____)		

Box TTAB - FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 2202-3513

NOTICE OF OPPOSITION

Opposer, Samsung Opto-Electronics America, Inc., a New Jersey corporation, having its principal place of business at 40 Seaview Drive, Secaucus, New Jersey 07094 (hereinafter "Samsung"), states, as more fully set forth below, that it will be damaged by registration of the mark "MAXIMA" shown in Serial No. 75/780,764 in International Class 009 and hereby opposes the same.

As grounds for opposition, Samsung asserts:

(1) Applicant, Standard Telecom America, Inc., is a California corporation having a place of business at 2356 Walsh Avenue, Santa Clara, California 95051 (hereinafter "Standard Telecom").

(2) Upon information and belief, Standard Telecom is the record owner of Application Serial No. 75/780,764, filed on August 19, 1999, for the mark "MAXIMA", for "electronic telecommunications devices, namely, pagers," claiming a priority date of August 19, 1999.

(3) Samsung is the owner of United States Registration No. 1,742,194, registered on December 22, 1992, for the mark "MAXIMA", in International Class 009 for "photographic apparatus and instruments; namely, cameras; telescopic equipment; binoculars; video recorders and video camcorders," filed as an intent-to-use application on May 24, 1991, and having a date of first use at least as early as October 1991.

(4) Samsung has an earlier priority date and date of first use for "MAXIMA" than does Standard Telecom for the identical "MAXIMA" mark. Samsung has a priority date of May 24, 1991 and a date of first use of at least as early as October 1991; whereas Standard Telecom has a priority date of August 19, 1999.

(5) Standard Telecom seeks registration of its "MAXIMA" mark in connection with goods which are substantially similar and/or related to the goods of Samsung in the electronics industry, and such use so nearly resembles Samsung's use as to be likely to cause confusion, to cause mistake or to deceive within the meaning of 15 USC § 1052(d).

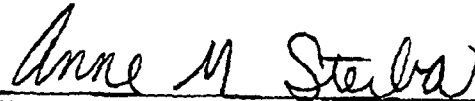
(6) The Samsung "MAXIMA" mark is symbolic of goodwill and consumer recognition built up by Samsung through substantial time and effort in advertising, promotion and sales throughout the United States.

(7) If Standard Telecom is granted the registration herein opposed, it would obtain thereby at least a prima facie exclusive right to the use of its mark for the goods recited in the application. Such registration would be a source of damage and injury to Samsung.

WHEREFORE, Samsung respectfully requests that the application be refused for registration.

A duplicate copy of this Notice of Opposition and the fees required are submitted herewith.

Respectfully Submitted,



Eugene M. Lee,
Anne M. Sterba, and
Kile McIntyre Harbin & Lee LLP
The Evening Star Building, Suite 800
1101 Pennsylvania Ave., N.W.
Washington, D.C. 20004
(202) 639-1260

Attorneys for Opposer
Samsung Opto-Electronics America, Inc.

Dated: May 30, 2000

10.248.106

KJLE, MCINTYRE, HARBIN & LEE

Receipt is hereby acknowledged of the following:

In re Trademark Application of
Samsung Opto-Electronics America, In c., Opposer
V. Standard Telecom America, Inc.

Serial No.: 75/780,764

Mark: MAXIMA

X Notice of Opposition in duplicate

X Check No. 1553 (\$300.00)



X File in the Mailroom:

Return to: FMI/cam

OCT. 10. 2001 2:58PM 1

NO. 0097 P. 9

THE LAW OFFICES OF EUGENE M. LEE, P.L.L.C.
2111 Wilson Boulevard, Suite 1200
Arlington, Virginia 22201
Telephone: (703) 525-0978

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

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TRADEMARK TRIAL AND
APPEAL BOARD
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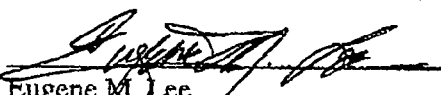
TRANSMITTAL OF PHOTOCOPY OF FEE PAYMENT CHECK

Box TTAB
Assistant Commissioner for Trademarks
Washington, D.C. 20231

Sir:
Submitted herewith is a photocopy of the original check (#1553) submitted May 30, 2000, in payment of the opposition fee for the captioned matter.

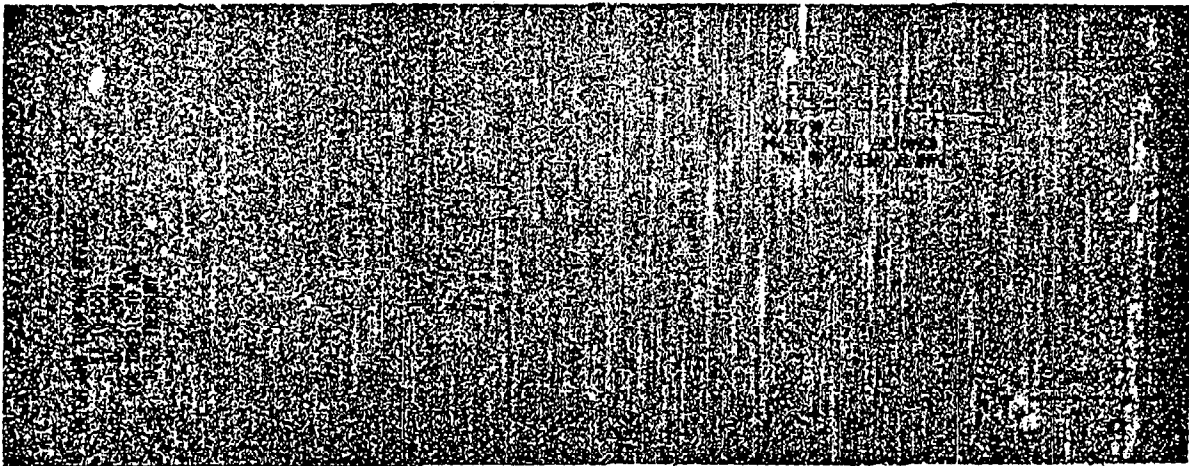
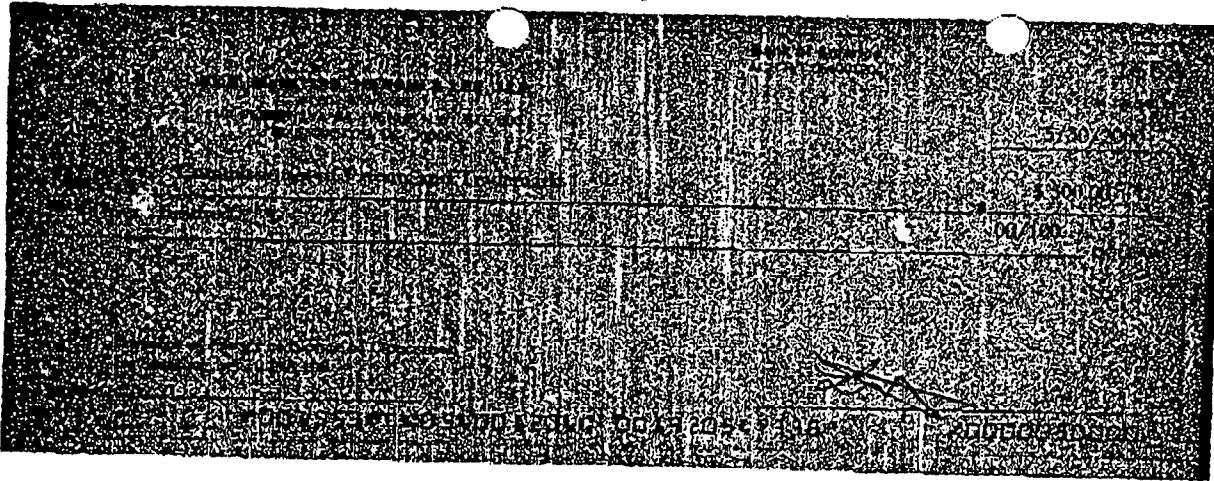
Respectfully submitted,

December 5, 2001
Date


Eugene M. Lee
Registration No. 32,039

THE LAW OFFICES OF EUGENE M. LEE, P.L.L.C.
1101 Wilson Boulevard, Suite 2000
Arlington, Virginia 22209
Telephone: (703) 525-0978

SUSAN - 703 - 525 - 4269



BEST PHOTOCOPY AVAILABLE

R

Requester: KARINA WALKER
Request #: 200111190430 (01)
Date: 20000612 Roll: 015479
Seq #: 000003510505531 Amt: 300.00
WS:IDW11 OPR:VW

KILE MCINTYRE HARBIN & LEE LLP
1101 PENNSYLVANIA AVE NW STE 800
WASHINGTON DC 20004-2526

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BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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TRADEMARK TRIAL AND APPEAL BOARD
01 DEC -5 AM 9:13

Box TTAB
Assistant Commissioner for Trademarks
Washington, D.C. 20231

NOTICE OF CHANGE OF ADDRESS

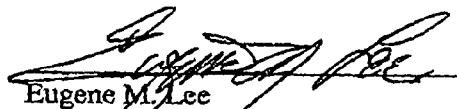
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

All future correspondence in connection with the above-captioned matter should be sent to the address listed below:

THE LAW OFFICES OF EUGENE M. LEE, P.L.L.C.
1101 Wilson Boulevard, Suite 2000
Arlington, Virginia 22209
Telephone: (703) 525-0978

Respectfully submitted,


Eugene M. Lee
Registration No. 32,039

December 5, 2001
Date