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**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 76/171,519



Filed: November 28, 2000

07-05-2002

For the Mark: **FLOWRING and Design**

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

Published in the *Official Gazette* on June 11, 2002

Lucent Technologies Inc. Opposer	
v.	Opposition No. _____
Flowring Technology Corporation Applicant	

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TRADEMARK TRIAL AND APPEAL BOARD

BOX TTAB - FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

NOTICE OF OPPOSITION

Lucent Technologies Inc. ("Opposer"), a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 600 Mountain Avenue, Murray Hill, New Jersey 07974, believes it will be damaged by registration of the mark shown in Serial No. 76/171,519 in International Classes 9 and 42 and hereby opposes the same. As grounds for opposition, it is alleged that:

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1. Opposer is the owner of Federal Trademark Registration Nos. 2,333,896 and 2,388,016 for the mark LUCENT DESIGN registered on March 21, 2000 and September 19, 2000, respectively, for use on or in connection with "TELECOMMUNICATIONS PRODUCTS NAMELY, TELEPHONES; TELEPHONE SYSTEMS COMPRISING A HANDSET AND CONSOLE UNIT WITH CONSOLE FEATURES - NAMELY, STANDARD TELEPHONE FUNCTIONS, ONE-TOUCH DIALING, CALL PROGRESS MONITORING, GROUP LISTENING, CLOCK/CALENDAR AND ALARM, ELECTRONIC DISPLAY, AND MODULES FOR FEATURES - NAMELY, AUTOMATIC DIALING, CALL RESTRICTION, STORED MESSAGE RECALL, AND CUSTOM CALLING, ALSO KNOWN AS TELESYSTEMS; CORDLESS TELEPHONES; SPEAKERPHONES, ALSO KNOWN AS HANDS FREE TELEPHONE APPARATUS; MOBILE TELECOMMUNICATION EQUIPMENT COMPRISING A CONTROL TELEPHONE UNIT, TRANSCEIVER AND ANTENNA; WIRELESS TELEPHONES AND COMPONENT PARTS THEREOF; BATTERIES FOR WIRELESS TELEPHONES; BATTERY POWER PLANTS FOR USE IN PROVIDING AND MANAGING ENERGY SUPPLY REQUIREMENTS IN THE TELECOMMUNICATIONS INDUSTRY; TELEPHONE ANSWERING MACHINES; TELEPHONES INCORPORATING CLOCK RADIOS; CALLER IDENTIFICATION DEVICES; LIGHTWAVE DATA LINKS, NAMELY, TRANSMITTERS AND RECEIVERS; MODEMS; COMPUTER PROGRAMS FOR TELECOMMUNICATIONS SWITCHES AND VOICE MAIL AND MESSAGING; TELEPHONE INSTALLATION APPARATUS - NAMELY, PHONEMOUNTS, DUAL OUTLET ADAPTORS, TELEPHONE OUTLETS, MODULAR JACKS, WIRE JUNCTIONS AND PLUG-IN CONVERTERS; INTERACTIVE TELEVISION UNITS FOR ACQUISITION OF INFORMATION FROM DATA BASES; TELECOMMUNICATIONS SWITCHES; COMPUTER PROGRAMS FOR MANAGING TELECOMMUNICATIONS NETWORKS; VOICE AND DATA TRANSMITTING, TRANSCEIVING AND RECEIVING EQUIPMENT - NAMELY, TELECOMMUNICATION TRANSCEIVERS, CENTRAL OFFICE AND REMOTE TERMINALS, CHANNEL BANKS, ELECTRONIC PLUG-INS AND PAIR-GAIN APPARATUS; NETWORK MULTIPLEXERS; DATA COMMUNICATION MULTIPLEXERS AND

CONCENTRATORS; VIDEOTEX TERMINALS; ELECTRIC EMERGENCY CALL UNITS; VIDEOPHONES; PAGERS; FIBER OPTIC CABLE; COPPER ELECTRICAL CABLE AND WIRE; FIBER OPTIC CONNECTORS; INTEGRATED CIRCUITS; MICROPROCESSORS; DIGITAL SIGNAL PROCESSORS; PERSONAL COMMUNICATORS, NAMELY, WRITING STYLI AND TABLETS THAT ENABLE INDIVIDUALS TO COMMUNICATE OVER A WIRED OR WIRELESS TELECOMMUNICATIONS NETWORK; VIDEO TELECONFERENCING PRODUCTS, NAMELY, VIDEO TRANSMITTERS AND RECEIVERS, VIDEO DISPLAY MONITORS, VIDEO CAMERAS, LOUD SPEAKERS, MICROPHONES, KEYPADS, CODERS, DECODERS, MULTIPOINT CONTROLLERS, COMPUTER PROGRAMS FOR OPERATING THE VIDEOCONFERENCING EQUIPMENT" (Class 9) and "THE DESIGN FOR OTHERS OF MICROPROCESSORS AND DIGITAL SIGNAL PROCESSORS; THE DESIGN FOR OTHERS AND MAINTENANCE OF COMPUTER PROGRAMS TO MANAGE, OPERATE, AND MAINTAIN TELECOMMUNICATIONS SYSTEMS AND TELECOMMUNICATIONS NETWORKS" (Class 42).

2. Opposer has used its mark in commerce continuously since at as early as June 1996.

3. Flowring Technology Corporation ("Applicant") seeks to register the mark FLOWRING and DESIGN as a trademark for "COMPUTER SOFTWARE AND COMPUTER PROGRAMS FOR USE IN ISO-9000 STANDARD CERTIFICATION ENVIRONMENT FOR AUTOMATIC TASK CONTROL AND MONITORING OF DESIGN/MANUFACTURE ACTIVITIES; COMPUTER SOFTWARE AND PROGRAMS FOR USE IN E-OFFICIAL DOCUMENTS MANAGEMENT SYSTEM FOR ROUTING AND DISPATCHING ELECTRONIC DOCUMENTS TO DESIGNATED USERS IN THE INTERNET-BASED ENVIRONMENT; COMPUTER SOFTWARE AND PROGRAMS FOR USE IN INTERNET WORKFLOW MANAGEMENT SYSTEM FOR MODELING ENTERPRISE BUSINESS PROCESS AND EXECUTING THE PROCESS DEFINITION IN THE INTERNET ENVIRONMENT; COMPUTER SOFTWARE AND PROGRAMS FOR USE IN BUSINESS PROCESS RE-ENGINEERING FOR

REVIEWING PROCESS EXECUTION HISTORY IN ORDER TO ADJUST BUSINESS PROCESS FOR MORE EFFICIENT EXECUTION OF BUSINESS PROCESSES; COMPUTER SOFTWARE AND PROGRAMS FOR USE IN ENTERPRISE RESOURCE PLANNING FOR BOUNDING DISJOINTED AND PASSIVE DATA INPUT/OUTPUT TASKS INTO ONE INTEGRATED AND ACTIVE BUSINESS PROCESS; COMPUTER SOFTWARE AND PROGRAMS FOR USE IN KNOWLEDGE MANAGEMENT FOR KNOWLEDGE DOCUMENT REVIEW, APPROVAL AND DISTRIBUTION THROUGH WORKFLOW APPLICATION PLATFORM; COMPUTER SOFTWARE AND PROGRAMS FOR USE IN WEB-BASED LIBRARY ADMINISTRATION SYSTEM FOR THE LIBRARIAN TO HANDLE THE LOANING OR RETURNING OF BOOKS AND PUBLICATION IN MID-SCALE LIBRARIES; COMPUTER SOFTWARE AND PROGRAMS FOR USE IN WEB-BASED SCHOOL ADMINISTRATION SYSTEM FOR CREATING AND MAINTAINING STUDENT PROFILES AND RECORDS; COMPUTER E-COMMERCE SOFTWARE TO ALLOW USERS TO PERFORM ELECTRONIC BUSINESS TRANSACTIONS VIA GLOBAL COMPUTER NETWORK” in International Class 9 and “COMPUTER PROGRAMMING FOR OTHERS, NAMELY DESIGNING, MAINTAINING, TESTING AND ANALYZING COMPUTER SOFTWARE SYSTEMS AND PROGRAMS” in International Class 42. This application is based on intent to use, as evidenced by the publication of said mark in the *Official Gazette* on page TM142 of the June 11, 2002 issue.

4. The trademark proposed for registration by Applicant is confusingly similar to Opposer’s mark, is used in connection with closely related goods and therefore is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Applicant with Opposer, or as to the origin, sponsorship, or approval of the products bearing Applicant’s mark. If application Serial No. 76/171,519 is permitted to be registered on the Principal Register, Opposer will suffer significant injury in violation of 15 U.S.C. 1125(a).

5. If Applicant is permitted to register the mark FLOWRING and DESIGN for its goods, as specified in the application herein opposed, confusion in the industry resulting in

damage and injury to the Opposer would be caused and would result because Applicant's mark is confusingly similar to Opposer's mark. Customers familiar with Opposer's mark would be likely to purchase Applicant's goods as and for the goods provided by Opposer.

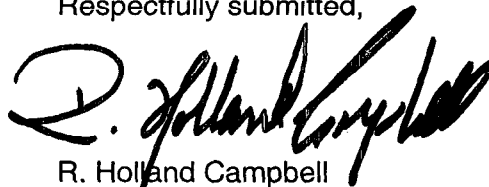
6. Upon information and belief, allowing registration of Applicant's mark would allow Applicant to unfairly trade upon Opposer's substantial goodwill developed in its FLOWRING and DESIGN mark. Registration of Applicant's mark would run counter to the public interest with respect to the ability to accurately ascertain the source of goods and services in the marketplace.

WHEREFORE, the Opposer prays that application Serial No. 76/171,519 be rejected and that the mark therein sought for the goods herein specified in International Class 9 be denied and refused.

Please charge the filing fee of \$300.00 or such other amount as necessary to the Opposer's deposit account number 12-2316.

This Notice of Opposition is being filed in duplicate.

Respectfully submitted,



R. Holland Campbell
Attorney for Opposer

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Date:

July 3, 2002