

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

U.S. Patent & TM Office Form **OT-57**

12-23-2002

In the matter of trademark application Serial No. 76156189
For the mark ARGUS NAVBOT
Published in the Official Gazette on November 26, 2002

ARGUS INDUSTRIES, INC.

v.

Opposition No. _____

EARTHSHIP CORPORATION CALIFORNIA

Trademark Opposer: ARGUS INDUSTRIES, INC. ("Trademark Opposer," "Opposer," "Opposer Argus"), an Illinois corporation, 1100 Howard Street, Elk Grove Village, IL 60007.

The Opposer identified above believes that it will be damaged by registration of the mark shown in the above-identified application Serial No. 76156189 for "ARGUS NAVBOT," in Class 9, and hereby opposes the same in Class 9.

The grounds for Opposition are as follows:

1. Opposer Argus is the owner of four (4) separate United States Trademark Registrations as follows: (1) No. 2,504,047, in Class 9 for the mark **ARGUS**, which was Registered on the Principal Register on November 6, 2001, for "digital cameras, scanners, and printers" goods, (2) No. 2,157,457, in Class 9 for the mark **ARGUS**, which was Registered on the Principal Register on May 12, 1998, for "computer software and hardware for electronic imaging" goods, (3) No. 701,327, in Class 9 for the mark **ARGUS**, which was Registered on the Principal Register on July 19, 1960, for "photographic equipment and parts thereof—namely, cameras, motion picture cameras, slide projectors, motion picture projectors, lenses, exposure meters,

cases for cameras and projectors, transparency viewing devices, slide changing devices for projectors, and usual accessories for cameras and projectors such as filters and filter adapters, auxiliary lenses, sunshades, view finders, range finders, and photoflash apparatus" goods, (4) No. 390,487, in Class 9 for the stylized mark ARGUS, which was Registered on the Principal Register on September 23, 1941, for "telescopes and binoculars" goods.

2. The aforesaid four (4) Registered marks owned by Opposer Argus are valid and subsisting, and are prima facie evidence of Opposer's exclusive right to use said marks in commerce on the goods specified in said Registrations.
3. Because of the exact similarity of the respective marks and the related nature of the goods of the respective parties, applicant's mark so resembles Opposer Argus' Registered ARGUS® marks as to be likely if not certain to cause confusion, or to cause mistake, or to deceive.

Respectfully submitted by:



JAMES C. TUTTLE,
Counsel for Opposer Argus
Law Offices of James C. Tuttle
82 Wall Street, Suite 1105
New York, NY 10005
Phone: 212-742-7965
Fax: 212-742-7965, or 732-248-1847

Dated: December 20, 2002

FEDEX express air courier mail label no.: 836631014277

Date of Deposit: December 20, 2002

I hereby certify that this Notice of Opposition and related \$300 filing fee are being deposited with FEDEX on the date indicated above, and are being addressed to the Commissioner of Patents and Trademarks, Trademark Trial and Appeal Board, USPTO, 2900 Crystal Drive, Arlington, VA 22202.



JAMES C. TUTTLE,
COUNSEL FOR OPPOSER ARGUS®

Flab

LAW OFFICES OF
JAMES C. TUTTLE

82 Wall Street
Suite 1105
New York, NY 10005
Phone: 212-742-7965
Fax: 212-742-7965 or
732-248-1847

1707 L Street, NW
Suite 725
Washington, DC 20036
Phone: 202-223-4433
Fax: 202-659-3904

Affiliate Offices:
Singapore
Phone: 65-538-1800
Fax: 65-538-1900
Alicante, Spain
Phone: 34-96-592-3142
Fax: 34-96-592-2946

December 20, 2002

United States Patent and Trademark Office
Trademark Trial and Appeal Board
Dockets—new Opposition Filing
2900 Crystal Drive
Arlington, VA 22202

RE: NOTICE OF OPPOSITION TO TM APPLICATION SERIAL NO. 76156189 FOR "ARGUS NAVBOT", AND RELATED \$300 FILING FEE

Dear Sir/Madame:

Please find enclosed the following:

1. Notice of Opposition Against Application No. 76156189 for ARGUS NAVBOT.
2. Opposition Filing Fee of \$300, being check dated 12/20/02, and
3. postage-prepaid return postal card.

Please acknowledge receipt of the enclosed materials by stamping the Notice of Opposition filing date on the enclosed postage-prepaid postal card and returning same to the undersigned.

If event of any question or request, you may contact us at phone: 212-742-7965.

Respectfully submitted,

James C. Tuttle
JCT/cmb
enclosures

cc: Joan K. Larkin, Esq., counsel for applicant, c/o Sher, Sherr, Gelb & Co., 15060 Ventura Blvd., Ste. 300, Sherman Oaks, CA 91403.

J.S. Patent & TMO/c/TM Mail Rcpt. Dt. #57



12-23-2002

COPIES
10/20/02
10/20/02

CERTIFICATE OF MAILING BY "FEDEX" EXPRESS AIR COURIER

Number: USA Airbill 836631014277
Date of Deposit: December 20, 2002

I hereby certify that this Notice of Opposition and the enclosures herewith are being deposited with FEDEX express air courier on the date indicated and are addressed to the United States Patent and Trademark Office, Trademark Trial and Appeal Board, Dockets—new Opposition Filing, 2900 Crystal Drive, Arlington, VA 22202:

JAMES C. TUTTLE