

TTAB

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January 22, 2003



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

01-23-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #30

**RE: NOTICE OF OPPOSITION TO TM APPLICATION SERIAL NO. 76321840 FOR "TARGUS" IN CLASS 9, AND RELATED \$300 FILING FEE**

Dear Sir/Madame:

Please take note that, following telephone discussion this date with Ms. Tracy Alexander of your office, we are enclosing herewith a Duplicate-Copy of our above-described Notice of Opposition, via U.S. Express Mail under Certification of Mailing, below, in order to assure timely filing at TTAB by the pertinent Opposition Deadline date of tomorrow, Thursday, January 23, 2003.

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

Respectfully submitted,

James C. Tuttle  
JCT/cmb  
enclosure

COPY

**CERTIFICATE OF MAILING BY U.S. EXPRESS MAIL**

U.S. Express Mail Number: ET921218285US  
Date of Deposit: January 22, 2003

I hereby certify that this Duplicate-Copy Notice of Opposition is being deposited with the U.S. Postal Service on the date indicated and is 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  
Dated: 1/22/03

DUPLICATE

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To any file sample:*

January 22, 2003

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2900 Crystal Drive  
Arlington, VA 22202

01-23-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #33

**RE: NOTICE OF OPPOSITION TO TM APPLICATION SERIAL NO. 76321840 FOR "TARGUS" IN CLASS 9, AND RELATED \$300 FILING FEE**

Dear Sir/Madame:

Please find enclosed the following:

1. Notice of Opposition Against Application No. 76321840 for TARGUS, and duplicate copy of same.
2. Opposition Filing Fee of \$300, being check dated 1/22/03, 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: Louis J. Knobbe, Esq., Knobbe, Martens, Olson & Bear, 2040 Main Street, 14/Fir., Irvine, CA 92614.

**CERTIFICATE OF MAILING BY "FEDEX" EXPRESS AIR COURIER**

Number: FEDEX USA Airbill 836648430063  
Date of Deposit: January 22, 2003

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

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



**In the matter of trademark application Serial No. 76321840  
For the mark TARGUS  
Published in the Official Gazette on November 26, 2002**

01-23-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #30

**ARGUS INDUSTRIES, INC.**

v.

Opposition No. \_\_\_\_\_

**TARGUS GROUP INTERNATIONAL, INC.**

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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. 76321840 for "TARGUS," 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 exceptionally phonetic similarity of the respective marks and the related and exact 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: January 22, 2003

FEDEX express air courier mail label no.: 836648430063

Date of Deposit: January 22, 2003

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®

JAMES C. TUTTLE DL T95033836303434  
MARINA P. TUTTLE DL T95035197753595  
1011 WATERFORD DR. 732-248-1847  
EDISON, NJ 08817

55-271-302  
212

7726

Date 1/22/03

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For *ARCUS TM OPFTD*  
*ARCUS TM APP* 36321848 FILING FEE  
⑆021202719⑆ ⑆5104248249⑆ 7726

*James C. Tuttle*

**From** Please print and press hard  
Date 1/22/03 Sender's FedEx Account Number

Sender's Name JAMES C. TUTTLE Phone (212) 742-7965

Company LAW OFFICES OF JAMES C. TUTTLE

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Does this shipment contain dangerous goods?  
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**8 Release Signature** Sign to authorize delivery without obtaining signature

By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims.

**446**