

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

In the Matter of Trademark Application Serial No. 76/302713
Published in the Official Gazette: July 30, 2002

TTAB
TRADEMARK TRIAL AND
APPEAL BOARD
03 MAR 19 AM 9:30

INOVONICS CORPORATION,)
)
Opposer,)
)
v.)
)
INNOV-ICS,)
)
Applicant.)

Opposition No. _____

CERTIFICATE OF MAILING
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER FOR TRADEMARKS, 2900 CRYSTAL DRIVE, ARLINGTON, VIRGINIA 22202-3513 ON *25th* of February
SHERIDAN ROSS P. C.
BY: *[Signature]*

NOTICE OF OPPOSITION

Opposer, Inovonics Corporation, doing business as Inovonics Wireless Corporation, a Colorado corporation organized and existing under the laws of the state of Colorado, and having a place of business at 315 CTC Boulevard, Louisville, CO 80027, believes that it will be damaged by registration of the INNOV-ICS mark for "computer software for the processing of wireless transmissions and the design and manufacturing of semiconductors for the same" in International Class 9 as shown in U.S. Application Serial No. 76/302713, and hereby opposes the same.

As grounds for this Opposition, Opposer alleges:

1. Opposer's filing of this Notice of Opposition is timely. Applicant's U.S. Application Serial No. 76/302713 for INNOV-ICS published for opposition in the July 30, 2002 Trademark Office Official Gazette. Opposer has filed timely extensions of time to extend the deadline to oppose until February 25, 2003. This Notice of Opposition is being filed on February 25, 2003 under a Certificate of Mailing.

2. Opposer is the owner of U.S. Trademark Registration No. 2,331,914 for the mark INOVONICS for on-site apparatus for wireless communication, signaling and control, namely, transmitters, receivers, repeaters, printed circuit boards with circuitry, transceivers, computer hardware and operating software in International Class 9. TESS/TARR documentation regarding this registration is attached hereto as Exhibit 1.

3. Opposer also uses and is the owner of an Colorado Assumed Name for the mark INOVONICS WIRELESS.

4. Starting in 1993, prior to Applicant's filing of Application Serial No. 76/302713 or use of INNOV-ICS, Opposer has devoted substantial time, money and effort to establishing and maintaining a high standard of quality for all products sold under and in connection with the INOVONICS and INOVONICS WIRELESS marks. As a consequence, Opposer's INOVONICS and INOVONICS WIRELESS marks have become widely and favorably known to the relevant public. By virtue of the public's recognition of Opposer's INOVONICS and INOVONICS WIRELESS marks, Opposer has developed substantial goodwill in the marks.

5. Upon information and belief, Innov-ics is the owner of U.S. Trademark Application Serial No. 76/302713 for the mark INNOV-ICS for "for computer software for the processing of wireless transmissions and the design and manufacturing of semiconductors for the same" in International Class 9, said application being filed on an intent-to-use basis on August 21, 2001.

6. Upon information and belief, subsequent to the application filing date of August 21, 2001, Applicant has used INNOV-ICS on products in commerce in the United States.

7. Applicant's intended use and registration of the mark INNOV-ICS is likely to cause confusion, mistake or deception as to the source, origin or affiliation of Applicant's products.

8. If U.S. Trademark Application Serial No. 76/302713 for INNOV-ICS is permitted to issue, despite this likelihood of confusion, Opposer's right to exclusive use of its INOVONICS and INOVONICS WIRELESS marks will be impaired and Opposer will be damaged.

9. Opposer's INOVONICS and INOVONICS WIRELESS marks are famous marks under 15 U.S.C. § 1125(c).

10. Applicant's registration and use of INNOV-ICS will cause dilution of the distinctive quality of Opposer's famous INOVONICS and INOVONICS WIRELESS marks under 15 U.S.C. § 1125(c).

WHEREFORE, Opposer prays that this Opposition be sustained and that the application for registration of U.S. Trademark Application Serial No. 76/302713 for INNOV-ICS be denied and refused. A duplicate copy of this Notice of Opposition and the filing fee of \$300.00 is enclosed. Please debit or credit any under or overpayment to our Deposit Account No. 19-1970.

Respectfully submitted,

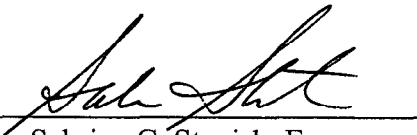
SHERIDAN ROSS P.C.

Date:

2/25/03

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By:



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Miriam D. Trudell, Esq.
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Denver, Colorado 80202-5141
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Fax: (303) 863-0223

EXHIBIT 1



UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Electronic Search System (TESS)

TESS was last updated on Tue Feb 25 04:14:34 EST 2003

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	BOTTOM	HELP	PREV LIST
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR **Jump** to record: **Record 1 out of 2**

Check Status (TARR contains current status, correspondence address and attorney of record for this mark. Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark INOVONICS

Goods and Services IC 009. US 021 023 026 036 038. G & S: ON-SITE APPARATUS FOR WIRELESS COMMUNICATION, SIGNALING AND CONTROL, NAMELY, TRANSMITTERS, RECEIVERS, REPEATERS, PRINTED CIRCUIT BOARDS WITH CIRCUITRY, TRANSCEIVERS, COMPUTER HARDWARE AND OPERATING SOFTWARE. FIRST USE: 19930400. FIRST USE IN COMMERCE: 19930600

Mark Drawing Code (1) TYPED DRAWING

Serial Number 75631633

Filing Date February 1, 1999

Published for Opposition December 28, 1999

Registration Number 2331914

Registration Date March 21, 2000

Owner (REGISTRANT) Inovonics Corporation CORPORATION COLORADO 2100 Central Avenue Boulder COLORADO 80301

Attorney of Record David F. Zinger

Prior Registrations 1992437

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

PTO HOME	TRADEMARK	TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSER DICT	TOP	HELP	PREV LIST
CURR LIST	NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC				

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2003-02-25 18:01:19 ET

Serial Number: 75631633

Registration Number: 2331914

Mark (words only): INOVONICS

Current Status: Registered.

Date of Status: 2000-03-21

Filing Date: 1999-02-01

Registration Date: 2000-03-21

Law Office Assigned: TMEG Law Office 102

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -Warehouse (Newington)

Date In Location: 2000-05-24

CURRENT APPLICANT(S)/OWNER(S)

1. Inovonics Corporation

Address:

Inovonics Corporation

2100 Central Avenue

Boulder, CO 80301

United States

State or Country of Incorporation: Colorado

Legal Entity Type: Corporation

GOODS AND/OR SERVICES

ON-SITE APPARATUS FOR WIRELESS COMMUNICATION, SIGNALING AND CONTROL, NAMELY, TRANSMITTERS, RECEIVERS, REPEATERS, PRINTED CIRCUIT BOARDS WITH CIRCUITRY, TRANSCEIVERS, COMPUTER HARDWARE AND OPERATING SOFTWARE

International Class: 009

First Use Date: 1993-04-00

First Use in Commerce Date: 1993-06-00

Basis: 1(a)

ADDITIONAL INFORMATION

Prior Registration Number(s):
1992437

PROSECUTION HISTORY

2000-03-21 - Registered - Principal Register
1999-12-28 - Published for opposition
1999-11-26 - Notice of publication
1999-09-28 - Approved for Pub - Principal Register (Initial exam)
1999-09-09 - Examiner's amendment mailed
1999-07-29 - Non-final action mailed
1999-07-22 - Case file assigned to examining attorney

CONTACT INFORMATION

Correspondent (Owner)
David F. Zinger (Attorney of record)

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