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002604-084101

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


INNOVIS DATA SOLUTIONS, INC.,

Opposer,

v.

INNOVICS WIRELESS, INC.,

Applicant.


02-23-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #56

Opposition No. _____

NOTICE OF OPPOSITION

In the matter of Application Serial No. 76/443,487, filed by Innovics Wireless, Inc. (“Applicant”) on August 26, 2002, and published in the Official Gazette on October 21, 2003, Innovis Data Solutions, Inc., a Missouri corporation, having its principal place of business at 250 East Town Street, P.O. Box 1838, Columbus, Ohio 43216, believes that it will be damaged by registration of the mark shown in that application and therefore opposes it. The time to file a Notice of Opposition has been extended to February 18, 2004.

The grounds for this opposition are as follows:

1. Innovis Data Solutions, Inc. and its predecessors-in-title (collectively, “Opposer”), since at least as early as April 1999, and continuing to the present, have used the mark INNOVIS and Design in commerce in connection with the following services:

Class 35: "business marketing consulting services for others, namely, list selection and list fulfillment services; providing statistical information and business consultation and reporting services for others, namely, financial data analysis, governmental data analysis, statistical data analysis and business data analysis for fraud detection;" and

Class 36: "furnishing credit histories and information and skip-tracing services; providing debtor location services; providing collection reporting services, namely, recent payment/activity reports and joint account report; credit inquiry and consultation, namely, preparing account scoring and prediction reports."

2. Since at least as early as July 1, 2001, and continuing to the present, Opposer has used the mark INNOVIS and Design in commerce in connection with "computer database management software regarding consumer payment practices, namely, credit reporting, list fulfillment, collection reporting, account scoring and prediction, and fraud detection services," in Class 9.

3. Opposer owns the following registrations for the mark INNOVIS and Design:

<u>Registration No.</u>	<u>Registration Date</u>
2,505,001	November 6, 2001
2,505,004	November 6, 2001
2,628,564	October 1, 2002

Abstracts of these registrations are attached as Exhibit A, and certified copies showing status and title will be filed in due course.

4. On August 26, 2002, subsequent to the filing dates of the applications that matured into Opposer's registrations and subsequent to the issuance of Opposer's Registration Nos. 2,505,001 and 2,505,004, Applicant filed Application Serial No.

76/443,487 for the mark INNOVICS WIRELESS and Design, based upon Applicant's claimed use of this mark in commerce since May 22, 2002, for "computer software for the processing of wireless transmissions; integrated circuits and printed circuit board assemblies for the same; wireless modems and network cards," in Class 9. An abstract of Applicant's application is attached as Exhibit B.

5. The dominant term in Applicant's mark, INNOVICS, is nearly identical to the only word in Opposer's mark, INNOVIS. Moreover, the design feature of Applicant's mark closely resembles the design feature of Opposer's mark. As a result, the overall commercial impressions Applicant's mark and Opposer's mark are highly similar.

6. Applicant's mark so closely resembles Opposer's mark that the use and registration of Applicant's mark are likely to damage Opposer by causing confusion, mistake, and deception as to whether Applicant's goods originate with or are licensed, endorsed, or sponsored by Opposer, or as to whether Applicant is associated or connected with Opposer.

WHEREFORE, Opposer prays that this opposition be sustained.

The Commissioner is authorized to charge the fee for this opposition to Deposit Account No. 22-0585.

Respectfully submitted,

February 18, 2004

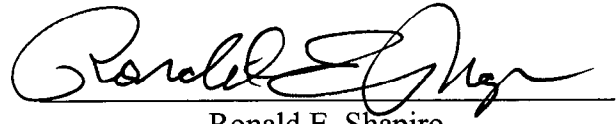


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Tel: (202) 467-8815
Attorneys for Opposer

CERTIFICATE OF MAILING

I certify that this paper is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514, on the date shown below.

Date: February 18, 2004


Ronald E. Shapiro



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Word Mark INNOVIS

Goods and Services IC 035. US 100 101 102. G & S: business marketing consulting services for others, namely, list selection and list fulfillment services; providing statistical information and business consultation and reporting services for others, namely, financial data analysis, governmental data analysis, statistical data analysis and business data analysis for fraud detection. FIRST USE: 19990400. FIRST USE IN COMMERCE: 19990400

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 260103

Serial Number 75590676

Filing Date November 13, 1998

Current Filing Basis 1A

Original Filing Basis 1B

Published for Opposition July 4, 2000

Registration Number 2505001

Registration Date November 6, 2001

Owner (REGISTRANT) Consumer Credit Associates, Inc. CORPORATION MISSOURI 950
Threadneedle Suite 200 Houston TEXAS 77079

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**Attorney of
Record** CORY M. AMRON

Type of Mark SERVICE MARK

Register PRINCIPAL

**Live/Dead
Indicator** LIVE

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Word Mark INNOVIS

Goods and Services IC 036. US 100 101 102. G & S: furnishing credit histories and information and skip-tracing services; providing debtor location services; providing collection reporting services, namely, recent payment/activity reports and joint account report; credit inquiry and consultation, namely, preparing account scoring and prediction reports. FIRST USE: 19990400. FIRST USE IN COMMERCE: 19990400

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 260103

Serial Number 75590681

Filing Date November 13, 1998

Current Filing Basis 1A

Original Filing Basis 1B

Published for Opposition July 11, 2000

Registration Number 2505004

Registration Date November 6, 2001

Owner (REGISTRANT) Consumer Credit Associates, Inc. CORPORATION MISSOURI 950
Threadneedle Suite 200 Houston TEXAS 77079

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**Attorney of
Record** CORY M. AMRON

Type of Mark SERVICE MARK

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Word Mark	INNOVIS
Goods and Services	IC 009. US 021 023 026 036 038. G & S: computer database management software regarding consumer payment practices, namely, credit reporting, list fulfillment, collection reporting, account scoring and prediction, and fraud detection services. FIRST USE: 20010601. FIRST USE IN COMMERCE: 20010701
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	260103
Serial Number	75590677
Filing Date	November 13, 1998
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	August 8, 2000
Registration Number	2628564
Registration Date	October 1, 2002

Owner (REGISTRANT) INNOVIS DATA SOLUTIONS, INC. CORPORATION MISSOURI 250
EAST TOWN STREET P.O. BOX 1838 COLUMBUS OHIO 43216

**Assignment
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**Attorney of
Record** CORY M. AMRON

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Word Mark INNOVICS WIRELESS

Goods and Services IC 009. US 021 023 026 036 038. G & S: COMPUTER SOFTWARE FOR THE PROCESSING OF WIRELESS TRANSMISSIONS; INTEGRATED CIRCUITS AND PRINTED CIRCUIT BOARD ASSEMBLIES FOR THE SAME; WIRELESS MODEMS AND NETWORK CARDS. FIRST USE: 20020522. FIRST USE IN COMMERCE: 20020522

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 260301 260303

Serial Number 76443487

Filing Date August 26, 2002

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition October 21, 2003

Owner (APPLICANT) Innovics Wireless, Inc. CORPORATION CALIFORNIA 11500 W. Olympic Blvd. Suite 398 Los Angeles CALIFORNIA 90064

Attorney of

Record Jai H. Rho
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "WIRELESS" APART FROM THE MARK AS SHOWN
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