

ESTTA Tracking number: **ESTTA24725**

Filing date: **01/31/2005**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Truck-Lite Co., Inc.
Granted to Date of previous extension	01/30/2005
Address	310 East Elmwood Avenue Falconer, NY 14733 UNITED STATES

Attorney information	Byron A. Bilicki THE BILICKI LAW FIRM, P.C. 111 West Second Street Suite 1000 Jamestown, NY 14701 UNITED STATES docadm@bilickilaw.com Phone:716-664-5600
-----------------------------	---

Applicant Information

Application No	76523304	Publication date	08/03/2004
Opposition Filing Date	01/31/2005	Opposition Period Ends	01/30/2005
Applicant	Yamaha Corporation of America 6600 Orangethorpe Avenue Buena Park, CA 90620		

UNITED STATES

Goods/Services Affected by Opposition

Class 009.

All goods and services in the class are opposed, namely: Computer software for use in music composition

Attachments	Notice of Opposition.pdf (3 pages)
--------------------	--------------------------------------

Signature	/bab/
------------------	-------

Name	Byron A. Bilicki
-------------	------------------

Date	01/31/2005
-------------	------------

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

TRUCK-LITE CO., INC.,)	
)	
Opposer,)	Opposition No.
)	
v.)	
)	
YAMAHA CORPORATION)	
OF AMERICA,)	
Applicant.)	

NOTICE OF OPPOSITION

TRUCK-LITE CO., INC., (“Truck-Lite”) a corporation organized and existing under the laws of the state of New York and having its principal place of business at 310 East Elmwood Avenue, Jamestown, New York, believes that it would be damaged by the registration of trademark application Serial No. 76/523,304 for the mark SMARTLIGHTS, for computer software for use in music composition. Said application was filed by Yamaha Corporation of America on June 16, 2003, and published on August 3, 2004, in International Class 9.

As grounds for opposition, it is alleged that:

1. Opposer produces and sells, and for a number of years has produced and sold in commerce which may be regulated by Congress, a variety of products in the lighting field.
2. Opposer has used the trademark SMART-LITE in connection with its said products since at least as early as 1996. Said use has been valid and continuous and has not been abandoned.

3. The SMART-LITE trademark identifies Opposer's products and represents valuable and substantial goodwill of Truck-Lite in its business.

4. Truck-Lite owns a federal trademark registration for the mark featuring the distinctive SMART-LITE mark, which is registered in the United States Patent and Trademark Office. This registration, listed below, is in full force and effect:

<u>MARK</u>	<u>REG. NO.</u>
SMART-LITE	2,408,947

5. Applicant's trademark SMARTLIGHTS so resembles Opposer, Truck-Lite's trademark for and featuring SMART-LITE, registered in the United States Patent and Trademark Office for closely related goods, so as to be likely, when applied to Applicant's goods, to cause confusion, or to cause mistake, or to deceive and/or is dilutive of Truck-Lite's trademark.

6. Applicant's trademark SMARTLIGHTS so resembles Opposer, Truck-Lite's SMART-LITE trademark, used in commerce for closely related goods, so as to be likely, when applied to Applicant's goods, to cause confusion, or to cause mistake or to deceive and/or is dilutive of Truck-Lite's trademark.

WHEREFORE, Opposer prays that this opposition be sustained and that Applicant be held not entitled to registration of the mark set forth in its application Serial No. 76/523,304 filed June 16, 2003, in International Class 9.

The required fee accompanies this notice. Any insufficiency should be charged to Deposit Account No. 50-1021.

Truck-Lite Co., Inc.

Date: January 31, 2005

By /bab/
Byron A. Bilicki
Attorney for Opposer
The Bilicki Law Firm, P.C.
1285 North Main Street
Jamestown, NY 14701
(716) 664-5600