

ESTTA Tracking number: **ESTTA49848**

Filing date: **10/21/2005**

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

<b>Name</b>	Information Builders, Inc.		
<b>Entity</b>	Corporation	<b>Citizenship</b>	New York
<b>Address</b>	2 Penn Plaza New York, NY 10121-2898 UNITED STATES		

<b>Attorney information</b>	Alan H. Levine Levine & Mandelbaum 444 Madison Avenue, 35th Floor New York, NY 10022 UNITED STATES mail@levman.com Phone:(212) 588-9800		
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#### Applicant Information

<b>Application No</b>	76616005	<b>Publication date</b>	10/04/2005
<b>Opposition Filing Date</b>	10/21/2005	<b>Opposition Period Ends</b>	11/03/2005
<b>Applicant</b>	Lowrance Electronics, Inc. 12000 E. Skelly Drive Tulsa, OK 741282486 UNITED STATES		

#### Goods/Services Affected by Opposition

Class 009.

All goods and services in the class are opposed, namely: VEHICLE NAVIGATION SYSTEM CONSISTING OF A VISUAL DISPLAY UNIT AND/OR AUDIO OUTPUT, COMPUTER UTILIZING A DATABASE OF MAP COORDINATES AND OTHER LOCATIONS, GLOBAL POSITIONING SATELLITE RECEIVER, AND ELECTRICAL CABLE

### **Applicant Information**

<b>Application No</b>	76616006	<b>Publication date</b>	10/04/2005
<b>Opposition Filing Date</b>	10/21/2005	<b>Opposition Period Ends</b>	11/03/2005
<b>Applicant</b>	Lowrance Electronics, Inc. 12000 E. Skelly Drive Tulsa, OK 741282486 UNITED STATES		

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### **Applicant Information**

<b>Application No</b>	76616007	<b>Publication date</b>	10/04/2005
<b>Opposition Filing Date</b>	10/21/2005	<b>Opposition Period Ends</b>	11/03/2005
<b>Applicant</b>	Lowrance Electronics, Inc. 12000 E. Skelly Drive Tulsa, OK 741282486 UNITED STATES		

### **Goods/Services Affected by Opposition**

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All goods and services in the class are opposed, namely: VEHICLE NAVIGATION SYSTEM CONSISTING OF A VISUAL DISPLAY UNIT AND/OR AUDIO OUTPUT, COMPUTER UTILIZING A DATABASE OF MAP COORDINATES AND OTHER LOCATIONS, GLOBAL POSITIONING SATELLITE RECEIVER, AND ELECTRICAL CABLE

<b>Attachments</b>	NotofOppIBI5550US.pdf ( 9 pages )
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<b>Signature</b>	/Alan H. Levine/
<b>Name</b>	Alan H. Levine
<b>Date</b>	10/21/2005

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

In the matter of an application to register IWAY and Design, Serial No. 76/616,005, filed October 15, 2004, published for opposition on October 4, 2005, on Page TM 720 of the Official Gazette:

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INFORMATION BUILDERS, INC. :  
                                  Opposer, :  
                                  v. :       Opposition No.  
LOWRANCE ELECTRONICS, INC. :  
                                  Applicant. :  
-----X

**NOTICE OF OPPOSITION**

Information Builders, Inc., a corporation of the State of New York, having a principal place of business at 2 Penn Plaza, New York, New York 10121-2898, believes that it will be damaged by registration of the mark identified above, and hereby opposes such registration.

The grounds for the opposition are as follows:

1. Opposer produces and markets computer software for data base management, for use in decision support systems, and for information control and networking, including designing, building, and maintaining databases, and provides to its customers support services including education in the use of software, and technical support and consultation in connection

with implementation and installation of the software.

2. Since 1975, Opposer has been marketing its software to computer users in a wide variety of industries, including customers involved in geographical mapping, as well as government, and educational institutions.

3. Since 2001, Opposer has been marketing software under the trademarks IWAY and IWAY SOFTWARE, and Opposer has registered those marks in the Patent and Trademark Office under Nos. 2,778,885 and 2,812,045, respectively.

4. Applicant seeks to register IWAY and Design for "vehicle navigation system consisting of a visual display unit and/or audio output, computer utilizing a database of map coordinates and other locations, global positioning satellite receiver, and electrical cable".

5. Upon information and belief, Applicant's goods are so closely related to Opposer's software, that use of identical marks on the respective goods of the parties is likely to cause confusion or mistake, or to deceive purchasers as to the origin of the goods.

6. Upon information and belief, the registration by Applicant of IWAY and Design for goods closely related to Opposer's goods will impair Opposer's free use of its trademark, and will result in injury to the good will Opposer has acquired with respect to its trademark, all to Opposer's damage.

WHEREFORE, Opposer prays that the registration for which application has been made be disallowed, and that this opposition be sustained.

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

In the matter of an application to register IWAY, Serial No. 76/616,006, filed October 15, 2004, published for opposition on October 4, 2005, on Page TM 720 of the Official Gazette:

-----X  
INFORMATION BUILDERS, INC. :  
                                  Opposer, :  
                                  v. :       Opposition No.  
LOWRANCE ELECTRONICS, INC. :  
                                  Applicant. :  
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5. Upon information and belief, Applicant's goods are so closely related to Opposer's software, that use of identical marks on the respective goods of the parties is likely to cause confusion or mistake, or to deceive purchasers as to the origin of the goods.

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

In the matter of an application to register IWAY and Design, Serial No. 76/616,007, filed October 15, 2004, published for opposition on October 4, 2005, on Page TM 721 of the Official Gazette:

-----X  
INFORMATION BUILDERS, INC. :  
                                  Opposer, :  
                                  v. :           Opposition No.  
LOWRANCE ELECTRONICS, INC. :  
                                  Applicant. :  
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