



11-18-05

TTAB

TM #

TRANSMITTAL LETTER

Serial No. 75/924,852
Mark: INSPIRE THE NEXT
Attorney Docket No. 3978-053516

COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

Sir:

Transmitted herewith for filing with the United States Patent and Trademark Office
is:

OPPOSER: INSPIRE PHARMACEUTICALS, INC.

FOR: ☐ Trademark Application
☐ Renewal of Trademark
☐ Declaration
☒ Notice of Opposition to the mark INSPIRE THE NEXT

☒ including:☒ Check in the amount of \$900.00

The Commissioner of Patents and Trademarks is hereby authorized to charge any additional payment of the fees associated with this communication to Deposit Account No. 23-0650. Please refund any overpayment to Deposit Account No. 23-0650.

The original and two copies of this transmittal sheet are enclosed.

Respectfully submitted,

THE WEBB LAW FIRM

By

Barbara E. Johnson
Registration No. 31,198
Kent E. Baldauf, Jr.
Registration No. 36,082
Attorney for Opposer
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1845
Telephone: (412) 471-8815
Facsimile: (412) 471-4094



11-17-2005

U.S. Patent & TMO/TM Mail Rpt Dt. #01

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

In the matter of:

Application Serial No. 75/924,852

Filed: February 22, 2000

Applicant: Kabushiki Kaisha Hitachi Seisakusho

Trademark: INSPIRE THE NEXT

Published: October 18, 2005

INSPIRE PHARMACEUTICALS, INC.,

Opposer,

v.

KABUSHIKI KAISHA HITACHI SEISAKUSHO,

Applicant.

Opposition No.

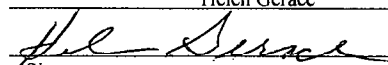
Pittsburgh, Pennsylvania
November 17, 2005

NOTICE OF OPPOSITION

The above-identified Opposer, INSPIRE PHARMACEUTICALS, INC., a Delaware corporation, having its principal place of business at 4222 Emperor Boulevard, Suite 470, Durham, North Carolina, 27703-8466 (hereinafter referred to as "Opposer") believes that it will be damaged by the registration of the mark INSPIRE THE NEXT shown in Application Serial No. 75/924,852,

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451 on November 17, 2005.

Helen Gerace


Signature

11/17/2005
Date

11/29/2005 HPHAH1 00000000 75924852

01 FC:6402

900.00 BP

filed February 22, 2000 (hereinafter referred to as "the Application") and hereby opposes same. The description of goods and services for the mark INSPIRE THE NEXT is set forth in Exhibit A attached hereto. This opposition is limited to the stated goods identified in International Classes 001, 009 and 010.

The specific grounds for opposition are as follows:

1. Opposer is a corporation existing under the laws of the State of Delaware, is located at Durham, North Carolina and is doing business at Durham, North Carolina and elsewhere throughout the United States.

2. Opposer is engaged in the field of pharmaceuticals and medical services, including diagnosis and treatment of conditions of the upper and lower respiratory tract and other epithelial surfaces using pharmaceuticals, medical devices, assays and computer software and models.

3. Over the years, Opposer's pharmaceuticals and medical services sold under its mark have gained major recognition and wide acceptance in the pharmaceuticals field of medicine, for quality services and good value.

4. Opposer is the owner of the corporate and trade name, Inspire Pharmaceuticals, Inc. and United States Service Mark Registration No. 2,117,424 issued on December 2, 1997 for "INSPIRE PHARMACEUTICALS, INC." and Design; United States Service Mark Registration No. 2,578,526 issued on June 11, 2002 for "INSPIRE" and Design; United States Service Mark Registration No. 2,578,523 issued on June 11, 2002, for "INSPIRE"; United States Trademark Registration No. 2,886,978 issued on September 21, 2004 for "INSPIRE" and Design; United States Trademark Registration No. 2,886,977 issued on September 21, 2004 for "INSPIRE";

U.S. Trademark Application Serial No. 76/618,380 filed October 29, 2004, as Intent-to-Use, for "INSPIRE" and Design; and U.S. Trademark Application Serial No. 76/618,379 filed October 29, 2004, as Intent-to-Use, for "INSPIRE", for goods and services in International Classes 005 and 042.

5. Opposer's goods and services sold under its various marks are varied in nature and stage of development, and pertain to ophthalmic, respiratory, and cardiovascular pharmaceuticals, as well as oncologic diagnostics, and include without limitation, dry eye, rhinitis and sinusitis pharmaceuticals, antithrombotic cardiovascular drugs, allergy medications, cystic fibrosis treatments, and medical services using pharmaceuticals, medical devices, assays and computer software and models.

6. Because of Opposer's extensive use of its corporate name, trade name and trademarks, it has substantial goodwill which is an extremely valuable asset of Opposer and purchasers of such goods and services have come to associate INSPIRE with Opposer.

7. On information and belief based on the Application, Applicant, KABUSHIKI KAISHA HITACHI SEISAKUSHO d/b/a Hitachi Ltd., is a Japanese corporation having a place of business at 6, Kanda-Surugadai 4 chome, Chiyoda-ku, Tokyo, JAPAN.

8. The Application was filed February 22, 2000 and seeks registration of the mark INSPIRE THE NEXT. Because the description of goods and services is extremely long, only those portions of the identification of goods for the mark INSPIRE THE NEXT that are believed to be the same as or related to the goods sold under Inspire Pharmaceuticals, Inc.'s various INSPIRE marks are recited below:

Chemicals for use in the manufacture of semiconductors, electrical parts, consumer appliances, and pharmaceuticals; packed columns for use in the manufacture of electronics, semiconductors, pharmaceuticals, and scientific research; polystyrene beads for use as assays in biology and genetic research; polystyrene beads

coated with reagents for use in biology and genetic research in International Class 001;

Scientific measuring instruments, namely, mass spectrometers, micro analyzers, microscopes, magnetic resonance spectrophotometers, spectrometers, photometers, PH meters, toselius electrophoresis apparatus, Geiger counters, gas chromatographs, nuclear magnetic resonance, amino acid analyzers, fluorescence spectrophotometers, atomic absorption spectrometers, liquid chromatographs; nuclear medical data processing systems comprised of personal computers, work station computers, nuclear medical data analysis processing software, and gamma cameras in International Class 009;

Electronic thermometers for medical purposes; medical equipment, namely, tomographs, tomography units, x-ray units, x-ray generators, ultrasonic blood flow monitors, ultrasound cardiogram units; CT scanners, sphygmomanometers, magnetic resonance imaging equipment, massagers and ultrasound scanners in International Class 010.

9. Applicant's mark was published for opposition on October 18, 2005. Opposer has up to and including November 17, 2005 to oppose. This opposition is being timely filed prior to the date to oppose.

10. Applicant's mark INSPIRE THE NEXT for the above-mentioned goods and services is sufficiently similar to Opposer's name and mark INSPIRE so as to be likely to cause confusion as to the source of the goods and services.

11. Applicant's use of INSPIRE THE NEXT on or in connection with its medical equipment and measuring instruments is likely to cause confusion or to cause mistake, or will deceive the public into believing that said medical equipment and measuring instruments emanate from Opposer and/or are licensed by Opposer and/or are approved by Opposer.

12. If Applicant is permitted to register INSPIRE THE NEXT, Applicant will be in a position to harass and annoy Opposer in offering its goods and services for sale to the public.

13. 15 U.S.C. § 1052(d) bars Applicant's mark from registration.

14. The mark of the opposed Application is confusingly and deceptively similar to Opposer's corporate name, trade name and its previously registered and used INSPIRE marks as applied to the respective goods and services of the parties.

15. In view of the foregoing, Opposer believes, and therefore alleges, that use and registration of the mark herein opposed will damage Opposer for the reasons, among others: (a) that purchasers, users and persons in the trade in related professions will be confused as to the source or origin of the opposed goods and/or services in connection with which the marks are alleged to be used; and (b) that purchasers, users and persons in the trade in related professions will assume, contrary to the fact, that Applicant's opposed goods are associated with, endorsed by, or in some way related to, or otherwise sponsored by or approved by Opposer.

16. Accordingly, Opposer will be damaged by registration of the mark INSPIRE THE NEXT to Applicant for the goods identified in International Classes 001, 009 and 010.

WHEREFORE, Opposer respectfully prays that the registration sought by Applicant be refused and that this opposition be sustained.

This Notice of Opposition is submitted in duplicate as required by 37 C.F.R. § 2.105.

If this Notice of Opposition is found to be deficient in any respect, please consider it as a request to extend time to oppose, pursuant to 37 C.F.R. § 2.102.

PAYMENT OF THE FILING FEE

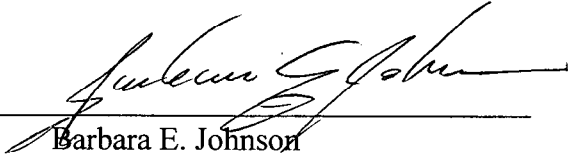
Pursuant to 37 C.F.R. § 2.6(a)(17), a check in the amount of \$900.00 accompanies this submission in payment of the requisite fee for this Notice of Opposition. The undersigned hereby authorizes the United States Patent and Trademark Office to charge any additional fees to Deposit Account No. 23-0650 and refund any overpayment to this Deposit Account.

INSPIRE PHARMACEUTICALS, INC.

November 17, 2005

Date

By


Barbara E. Johnson

Registration No. 31,198

Kent E. Baldauf, Jr.

Registration No. 36,082

The Webb Law Firm

700 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219-1818

Telephone No.: (412) 471-8815

Facsimile No.: (412) 471-4094

E-mail: webblaw@webblaw.com

Counsel for Opposer

Inspire Pharmaceuticals, Inc.

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

This page was generated by the TARR system on 2005-11-15 11:50:01 ET

Serial Number: 75924852

Registration Number: (NOT AVAILABLE)

Mark (words only): INSPIRE THE NEXT

Standard Character claim: No

Current Status: Application has been published for opposition.

Date of Status: 2005-10-18

Filing Date: 2000-02-22

The Information will be/was published in the Official Gazette on 2005-10-18

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 101

Attorney Assigned:
IM JEAN H Employee Location

Current Location: 650 -Publication And Issue Section

Date In Location: 2005-09-09

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Kabushiki Kaisha Hitachi Seisakusho

Address:

Kabushiki Kaisha Hitachi Seisakusho
6, Kanda-Surugadai 4 chome
Chiyoda-ku, Tokyo
Japan

Legal Entity Type: Corporation

State or Country of Incorporation: Japan

GOODS AND/OR SERVICES

International Class: 001

Manures; fire extinguishing composition; tempering and soldering chemicals for use in metalworking and for use in the manufacture of semiconductors, electrical parts, and consumer appliances; chemical substances for preserving foodstuffs; tanning substances, namely, tanning chemicals for use in the manufacture of leather; adhesives for use in the manufacture of semiconductors, electrical parts, and consumer appliances; absorbing carbons for general industrial use, carbon disulfide, carbon fluorochloride, carbon tetrachloride; chemicals for use in the manufacture of semiconductors, electrical parts, consumer appliances, and pharmaceuticals; chemicals for use in scientific research, namely, polyamides, carbides, ceramics, aluminum, and monomers; chemicals for use in the photography industry, namely, silanes, siloxanes and organosilicon copolymers; acid anhydride for use in the manufacture of epoxy resin, polyester resin and alkyd resin; dicyclopentadiene for use in the manufacture of unsaturated polyester resins, petroleum hydrocarbon resins, ethylene-propylene terpolymers, synthetic resins, plasticizers, accelerators, stabilizers and flame retardants, all for use in manufacturing pesticides, hardeners and dryers in linseed and soybean oil, paints, varnishes, metal derivatives, elastomers, metallocenes, epoxy resins, norbornene, adamantane, glutaraldehyde, perfumes, high quality optical lenses, flame retardants, medicines, and polycyclopentadiene; packed columns for use in the manufacture of electronics, semiconductors, pharmaceuticals, and scientific research; ceramic seals, and ceramic bondings for use in the manufacture of electronics and in scientific research; polystyrene beads for use as assays in biology and genetic research; polystyrene beads coated with reagents for use in biology and genetics research.

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

Basis: 1(b)

International Class: 006

Common metals and their alloys sold in bulk; metal building materials, namely, girders, doors, and window frames; transportable buildings of metal; metal materials for railway tracks, namely, rails and bolts; non-electric cables and wires of common metal; ironmongery and small items of metal hardware, namely, tacks, nails, window casement bolts, window fasteners of metal, furniture casters of metal, nuts of metal, and shims; pipes and tubes of metal for use in the manufacture of semiconductors, electrical parts, and consumer appliances; metal safes; goods of common metal, namely, metal ropes; ores, namely, zinc ores, antimony ores, uranium ores, gold ores, silver ores, chrome ores, cobalt ores, mercury ores, tin ores, bismuth ores, tungsten ores, iron ores, copper ores, thorium ores, lead ores, nickel ores, manganese ores, molybdenum ores, and iron pyrites, sold in bulk; soft ferrite, unwrought common metal, and semi-wrought common metal, all for use in optical network communication hardware, antennae, portable phones, magnet compass sensors, information technology sensors, noise reduction hardware, power supplies, magnets, motors, mobile telephones, personal digital assistants, pagers, flat panel displays, semiconductors, integrated circuits, automobiles, filters, pipes, metal manufacturing rolls, plastic manufacturing rolls, molds for plastic and metal manufacturing, and steel blades; iron, nickel, cobalt, chromium, molybdenum, aluminum, silver, copper, titanium, niobium, and zirconium alloys; aluminum alloy casting; aluminum wire and cable; bus ducts and trolley bus ducts; magnesium alloy castings, chains, rolling bars, pipe fittings; malleable cast iron for use in electronics manufacturing, car manufacturing, automotive components and materials, piping and infrastructure products, building construction and industrial building plant component and materials, electrical power supply and electrical power supply components, and aerospace devices; forging and cast steel for use in electronics manufacturing, car manufacturing, automotive components and materials, piping and infrastructure products, building construction and industrial building plant component and materials, electrical power supply and electrical power supply components, and aerospace devices; valves of metal, other than parts of machines; tool steel; copper and oxygen-free copper products, namely, bimetal, copper tubes, copper strips, copper tape, and copper bars; ropeways of metal; metal clad laminate; copper clad laminated

sheets; molding compounds of metal for use in electronics manufacturing; metal molds for use in electronics manufacturing; metal dies for use in electronics manufacturing; metal molds and dies for use in car manufacturing, automotive components and materials, piping and infrastructure products, construction and plant materials, power supply and power supply components, and aerospace devices; sintered metal parts for use in electronics manufacturing, car manufacturing, automotive components and materials, piping and infrastructure products, construction and plant materials, power supply and power supply components, and aerospace devices; powder metallurgy metals for use in electronics manufacturing, car manufacturing, automotive components and materials, piping and infrastructure products, construction and plant materials, power supply and power supply components, and aerospace devices; brass, sold in bulk

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

Basis: 1(b)

International Class: 007

Incubators for eggs; motors and engines, namely, aircraft motors and engines, boat motors and engines, diesel engines for machines, electric motors for machines; electric generators; starters for motors and engines; capacitor production machines; starter alternators; alternators for land vehicles; industrial robots; elevators; escalators; moving stairways; moving walkways; mining machines; civil engineering machines, namely, concrete mixers, asphalt spreaders, crushing machines, centrifugal machines, compressors for machines, grinding machines, pay loaders, hoppers, bulldozers, graders, drainage machines, digging machines, crushing rollers, extracting machines, drilling machines for applying asphalt, mixing machines, and aerial platforms; cargo working machines, namely, derricks, unloaders, bucket elevators, winches, windlasses, capstans, chain blocks, and unloading hoppers; cranes; hoists; winches; conveyors; drag scrapers; loaders; sheet pilers; sheet feeders; lifts, namely, car lifts, hydraulic lifts, power-operated lifts used to transport and place portable storage containers, and power-operated lifts for moving, parking, and storing land vehicles; car dumpers; pneumatic unloaders; reclaimers; magnetic separators; loading shovels; tunneling machines; pile drivers; excavators; wheel loaders; earth drills; rotary casing drivers; reverse circulation drills; foundation machines; carriers; gas pipe tunnelers; amphibious soft terrain backhoes; load sensors; steam turbines; water turbines; gas turbines; diesel engines; internal combustion engines; speed changers, namely, gears, gear boxes, and transmissions; water wheels and turbines; pumps, namely, fuel pumps, water pumps for irrigation and sewage, feed pumps, vacuum pumps, high viscosity fluid pumps, and liquid metal pumps; oil-well pumping machines; centrifuges; air compressors; electric compressors; power-operated blowers and fans for machine engines; hysinc hammers, hydraulic truck cranes, shield machines, and machine tools, namely, mechanical and computer-controlled metal cutting, removing and forming machine tools; power driven hand/stationery tools, namely, circular saws, cutters, drills, grass cutters, grinders, hammers, miter saws, planer joiners, pneumatic nailers, polishers, rotary bandsaws, routers, sanders, trimmers, and thickness planers; rolling mills; strip mills; milling machines; industrial machine presses; offset presses; printing presses; mechanical milling presses and crushers; paper making machines; machines and equipment for chemical industry, namely, mixers, agitators, processors, drying machines and chemical filtering machines to remove impurities, and their fittings; electric dust collectors; printing machines, namely, flexographic printing machines; CNC drilling machines; CNC routing machines; electrical discharge machines, namely, electric discharge machine for precision die production and parts machining; digitizers, namely, analog-digital converters; metal working machines, namely, machining centers; welding machines, namely, electric welding machines and gas welding machines; water supply apparatus, namely, water pumps for use in land vehicle motors and land vehicle engines; mechanical screens; strainers; centrifugal separators; automatic conveying equipment; equipment and appliances for automobiles, namely, charging generators, distributors, ignition coils, spark plugs, carburetors, alternators, air pumps, and throttle bodies; household electric appliances, namely, clothes washing

machines, blenders, juicers, can openers, dishwashers, vacuum cleaners, disposers, and pumps; sewing machines; roll for rolling mills and printing machines; carbon products, namely, bearings, mechanical seals, gaskets, silicon carbide for batteries, graphite compound material for batteries, negative electrode materials for lithium ion batteries, graphite for batteries, poles made from carbon, anode materials for lithium ion batteries, and brushes made of carbon for use in automobile motors, appliance motors, and power tool motors; ceramic products for machine parts, namely, ceramic mechanical seals for automobiles, liquid crystal display manufacturing equipment made of ceramic and semiconductor manufacturing equipment made of ceramic; winding machines for coils and capacitors; friction products, namely, drum brake linings and disc brake pads; plastic machine components, namely, gears and bearings; electric food processors; electric knife sharpeners; power-operated floor polishers

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

Basis: 1(b)

International Class: 008

Cutlery, namely, forks, spoons, and knives; razors; household electric appliances, namely, electric shavers and razors; cutting tools, namely, metal cutting saws

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

Basis: 1(b)

International Class: 009

Automatic vending machines and mechanisms for coin-operated apparatus, namely, coin and bill acceptors; cash registers; calculating machines; data processing equipment and computers; fire-extinguishing apparatus; controlling apparatus for electric motors and generators, namely, controllers, resistors, contactors, relays, automatic voltage regulators, remote controlling apparatus; machines and equipment for electric power distribution, namely, transformers, electric current limiting reactors, arc-suppression coils, mercury rectifiers, semiconductor rectifiers, rotary converters, magnetic amplifiers, circuit breakers, switches, switch gears, switch boards and boxes, relays, frequency chargers, lightning arresters, load dispatchers; chargers; batteries; battery chargers; rechargeable batteries; nickel cadmium batteries; dry batteries; battery boxes; battery jars; power cable; telecommunication cable; insulated electrical cables, submarine electrical cables, electrical fiber-optic LAN cables, and electrical fiber-optic cables; electronic wires and cables; magnetic core; magnets; electric and magnetic meters, namely, power meters, ampere meters, volt meters, watt meters, watt-hour meters, insulation resistance meters; industrial measuring instruments, namely, thermometers, pressure meters, flow meters, dynamometers, wave sweep oscillators, oscillographs, wave form monitors; ultrasonic inspection and imaging instruments, namely, ultrasonic depth sounders, ultrasonic scanners and probes used to detect flaws, and ultrasonic sensors/sonars; ultrasonic flaw detectors; ultrasonic microscopes; electron tubes, namely, picture tubes, receiving tubes, transmission tubes, pickup tubes, cathode ray tubes, image pickup tubes, storage tubes, power tubes, x-ray tubes, magnetrons, rectifier tubes, vidicons, liquid crystal display devices, core memory, bubble memory; electric circuit parts using semiconductive material, namely, transistors, diodes, photo cells, photoconductive devices, namely, photo conductive drums; thermistors, varistors, electric condensers, integrated circuits, large scale integrated circuits, light emitting diodes, random access memory, read only memory, steppers, microprocessors, and thyristers; telephone sets; attendant consoles of telephone sets; telephone switchboards; semiconductor manufacturing apparatus, namely, dry etching equipment, inspection equipment for dust particles, through-put integrated circuit memory test equipment, wafer/mask blanks surface inspection equipment; clean benches comprised of benches with filters to prevent dust from entering the bench, used for manufacturing, inspection, research, and experiments in the fields of chemistry, agriculture, biotechnology, precision machinery,

and optical instruments; electronic beam lithography systems for use in the production of semiconductors and computer chips, consisting of a thermostatic control chamber, lasers, electron guns, electron optical columns, electron beam lenses, electron beam deflectors, sample chambers, substrate stages, wafer transporters and loaders, vacuum pump and controllers, control and data storage computers, operating software for same, operator consoles, power supplies, and parts therefor; electronic applied apparatus, namely, electronic computers, data processors, data-typewriters, line printers, cassette data readers, card reader punch, color copying machines, cathode ray tube display copiers, micro fiche retrievers, inventory control machines, electronic cash registers, mark sheet readers, copying machines, electric plotters, optical character readers, magnetic discs, drum memory, magnetic tape units, automatic electrical controlling apparatus, electron microscopes, particle accelerators, radar apparatus, electronic calculators, word processors; computer programs for use in the fields of accounting, human resources, namely, for management and operation of enterprise human resource departments and management of human resources data and information, and industry, namely, computer programs for controlling and analyzing devices for plants, transportation, power generation, and medical treatment; computer programs for use in the manufacture of semiconductors and consumer appliances; enterprise application integration software and enterprise system management software; projector management and control software; data storage software; software for computer network management and maintenance; computer programs for use in the field of general purpose mainframe computer operating systems, diagnostics and maintenance; printers, namely, computer printers, laser printers, and ink jet printers; radio telephone equipment and accessories, namely, call boxes and systems, dialing assemblies, telephone units, audio operated relays, signaling devices, receiving devices, termination equipment, filters, protectors and automatic signaling and control equipment; telephone exchangers; asynchronous transfer modes, namely, network hubs, network cards, routers, switches, connectors and software used to transmit video, audio, and computer data over the same network in packet of fixed size; attendant consoles of telephones and telegraphs; carrier telephones; television conference equipment, namely, televisions, video cameras, network hubs, network routers, software for television conferencing, and video viewers; private telephone branch exchanges; facsimiles; voice response systems, namely, interactive voice response units and telephones; television, analog, and digital signal field pick-up for broadcasting, namely, interphones, waveguides, antennae; wireless communications apparatus, namely, wireless and cellular telephones, pagers, paging equipment, wireless portable computer devices, namely, mobile data receivers, internet protocol and telecommunications network transmitters, modems, receivers, converters, and routers; wireless facsimile transmitters and receivers, wireless fax machines, wireless personal communications equipment, namely, personal digital assistants; electronic controlling equipment for rolling stock, namely, chopper controllers, rectifiers, transformers, inverters; scientific measuring instruments, namely, mass spectrometers, micro analyzers, microscopes, magnetic resonance spectrophotometers, spectrometers, photometers, P;H; meters, toselius electrophoresis apparatus, Geiger counters, gas chromatographs, nuclear magnetic resonance, amino acid analyzers, fluorescence spectrophotometers, atomic absorption spectrometers, liquid chromatographs; cargo machines, namely, lifting magnets; steam condensers; magnetic appliances, namely, magnetic separators and magnetic strainers; electrostatic emission control devices, namely, electrostatic precipitators for reducing particulate emissions in industrial applications; equipment and appliances for automobiles, namely, batteries and relays; transmitting and receiving apparatus for radio and television broadcasting and for long-distance transmission; radio receiving sets; freeze-picture transmission systems comprised of video transmitters, receivers, computer chips, and software; television receiving sets; television translators; television cameras; video cameras; industrial television equipment; electric gramophones; record players; automatic sync sound filmstrip projectors; stereo equipment, namely, receivers, amplifiers, tuners, speaker systems, speaker units, disc cartridges, tape decks, headphones, electric cleaners for record discs, magnetic tape recorders; stereo modular combination with 8-track player, cassette tape recorders, record auto changers, cassette tape decks, video projectors, video monitors; blank magnetic recording tapes; blank video tapes; blank magnetic floppy discs; liquid crystal displays and their parts; blank cartridge tapes; blank videodiscs, blank audio discs; blank cassette tapes; video tape recorders;

video disc players; audio disc players; optical disc players; cassette players; cassette recorders; car radios; transceivers; household electric appliances, namely, hair setters, electric irons, timer switches; electronic thermometers; ferrite magnets; copper and copper alloy, namely, bus bars and induction coils; graphite products, namely, graphite electrodes; ceramic products for electric and electronic parts, namely, ceramic scintillators, ceramics for use in semiconductors and integrated circuits, and ceramics for electro-magnetic heads; measuring instruments, namely, electric indicators, indicating controllers, sequential controllers, recorders, insulation testers, electronic pressure transmitters, pneumatic pressure transmitters, level gauges, thickness gauges, moisture gauges, density gauges, oxygen meters, recording controllers; electric and electronic parts, namely, printed wiring boards, capacitors, coils, resistors, printed circuit boards, printed circuit board materials, semiconductor materials; anisotropic conductive film; wiring devices, namely, electrical switches, electrical receptacles, electrical plugs and plug caps, electrical connectors, electrical and electronic wiring device cover plates and wall plates, and electrical grounding, socket and outlet adapters; local area network and integrated service digital network apparatus, namely, hubs, switches, and routers, network cards, and network access server hardware and software; electric door bells, alarm buzzers, electric dust collectors; electric hair brushes; electric control equipment for rolling mills; electric arc welders; nuclear medical data processing systems comprised of personal computers, work station computers, nuclear medical data analysis processing software, and gamma cameras; polystyrene beads for use as laboratory equipment in biology and genetics research

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

Basis: 1(b)

International Class: 010

Artificial limbs, eyes and teeth; orthopedic articles, namely, dermatologic orthopedic instruments, namely, scalpels and forceps, orthopedic support bandages and artificial limbs; suture materials, namely, sutures, thread, and needles, for medical use; electronic thermometers for medical purposes; medical equipment, namely, tomographs, tomography units, x-ray units, x-ray generators, ultrasonic blood-flow monitors, ultrasound cardiogram units; radio therapeutic microtron systems; scintillation cameras for medical use used to detect gamma rays emitted from radioactive medical agents and to image the distribution of radioactive medical agents injected into a patient; bio-clean units for hospital operating rooms comprised of sanitized and sterile air conditioning, sanitary and electrical apparatus to block entry of bacteria, to prevent collection of bacteria, to prevent generation of bacteria, and to eliminate bacteria; CT scanners, sphygmomanometers, magnetic resonance imaging equipment, massagers, ultrasound scanners

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

Basis: 1(b)

International Class: 011

Nuclear power plants, namely, nuclear reactors; boilers, feed water purifier for boilers; heat exchangers; refrigerating machines; water coolers; chillers; refrigerating display cases; air conditioning equipment; electric portable water coolers; electric dehumidifiers; electric furnaces; air pollution control apparatus; water supply apparatus; water pollution control apparatus; sludge collector apparatus; grit collector apparatus; oil and gas ranges; oil and gas stoves; kerosene heaters; lighting equipment, namely, mercury lamps, infrared lamps, fluorescent lamps, incandescent lamps, lamp fixtures, flashlights, electric torches, electric lanterns, underwater lights; atomic furnaces; household electric appliances, namely, oil heaters, space heaters, food warmers, towel warmers; toasters, electric rice cookers, egg cookers, electric pots, roasters; microwave ovens, refrigerators, ice makers, coffee makers, fountains, water cleaners, hair dryers, clothes dryers, dehumidifiers, humidifiers, desk fans, floor fans, ceilings fans, ventilating fans,

room air conditioners, floor heating panels; household appliances, namely, home baths and bath units, kitchen sinks, disposal tanks, sewage tanks, home boilers, solar water heaters; clean rooms

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

Basis: 1(b)

International Class: 012

Vehicles, namely, automobiles and submersible remotely operated vehicles; railway rolling stock; electric locomotives; diesel locomotives; diesel electric locomotives; diesel engines for land vehicles; passenger coaches; electric cars; diesel cars; mono-rail cars; cable cars; ropeways, namely, conveyances to transport passengers or freight in carriers suspended from cables and supported by a series of towers; freight cars; wagons; vans; tank cars; industrial rolling stock; industrial trailers; dump-trucks; trailers; hydro railway and trailer coupling; hydro torque converters for land vehicles; automatic conveying vehicles; leisure appliances, namely, boats, golf carts; clutch facing

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

Basis: 1(b)

International Class: 014

Precious metals and their alloys and goods in precious metals or coated therewith, namely, gold, silver, and platinum; jewelry, precious stones; horological, and chronometric instruments, namely, stopwatches, watches, chronographs for use as watches, pocket watches, wristwatches, clocks; chronometers; electric/electronic clocks and watches

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

Basis: 1(b)

International Class: 016

Printed matter, namely, newsletters, manuals, pamphlets, brochures, annual reports, and journals in the fields of semiconductor manufacturing, computer software and hardware, power systems, metals, chemicals, power tools, engineering, telecommunications, medical devices, audio-visual communications, multimedia presentations, charitable foundations, digital media, home electronics, consumer appliances, engineering, and information technology; bookbinding materials, namely, bindings, bookbinding tape, bookbinding glue, bookbinding wire, and cloth for bookbinding; stationery; adhesives for stationery or household purposes; artists' materials, namely, paints, pencils, markers, and stencils; paint brushes; typewriters; office supplies, namely, punches, rubber bands, staplers, paper embossers, and paper cutters; printed instructional and teaching materials in the fields of semiconductor manufacturing, computer software and hardware, power systems, metals, chemicals, power tools, telecommunications, medical devices, audio-visual communications, multimedia presentations, charitable foundations, digital media, home electronics, consumer appliances, engineering, and information technology; plastic materials for packaging, namely, plastic envelopes and plastic bubble packs for wrapping or packaging; playing cards; printers' type; printing blocks; catalogs in the fields of semiconductor manufacturing, computer software and hardware, power systems, metals, chemicals, power tools, telecommunications, medical devices, audio-visual communications, multimedia presentations, charitable foundations, digital media, home electronics, consumer appliances, engineering, and information technology; PVC stretch film for food; pencil sharpeners; electric letter openers; electric pencil sharpeners

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

Basis: 1(b)

International Class: 017

Plastics in extruded form for use in manufacture; packing, stopping, and insulating materials, namely, plastic and polystyrene packing and insulation for use in the fields of semiconductor manufacturing, computer software and hardware, power systems, power tools, engineering, telecommunications, medical devices, audio-visual communications, home electronics, consumer appliances, and engineering; building insulation; flexible pipes, not of metal, for use in the fields of semiconductor manufacturing, computer software and hardware, power systems, metals, chemicals, power tools, engineering, telecommunications, medical devices, audio-visual communications, home electronics, and consumer appliances; flexible plastic plumbing pipes; industrial rubber, namely, container bags and high pressure hoses; electric insulating materials, namely, laminates, varnishes, varnished cloth, tapes, mica, ceramics, paints, film, pipes, rods, tubes, bars; plastics in the form of powders, liquid or paste, for industrial use, namely, molding compound for electrical insulating materials; semi-finished plastic molded substances for use in electronics, electronics manufacturing, and semiconductor manufacturing; partly-processed friction material for clutch facing; plastics in the form of sheet, block, rods, pipes, tube, tape for use in manufacturing; weatherable thermoplastics for use in manufacturing in a wide variety of industries; expandable polystyrene beads for use in packing materials; rubber, namely, crude rubber, rubber cushioning for stuffing, electrical insulating rubber and foam rubber; industrial rubber, namely, rubber for escalator handrails and rubber belts; waterproof rubber sheets; rubber hoses; rubber hoses for automobiles

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

Basis: 1(b)

International Class: 035

Business management; business administration; office functions, namely, bookkeeping, secretarial services, clerical services, telephone answering services, document reproduction services, typing and word processing services, data processing of computer data, and accounting services; business organization and business consulting, marketing research and marketing analyses, business marketing and management consulting, procurement of contracts for others for the purchase and sale of goods, business administration; consultation, design of business strategies, research and development in the fields of advertisement, business management, electronic commerce, supply chain management, customer relationship management; providing on-line exchange services of goods and services for users through a network of computers, servers, databases, and solution applications; leasing of office machines and equipment; business consulting services relating to logistics; research of strategies for business management innovations and for human resources management; providing databases in the fields of sending and receiving product orders, manufacturing estimates, inventory control, products distribution and circulation, management of customer information, employee personnel information management, student personal information management for use by potential employers and educational institutions, library management, document management, office equipment supply management, personal medical history record management

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

Basis: 1(b)

International Class: 036

Financial planning services; monetary services, namely, bill payment services, real estate leasing services, and loan services, credit card services, issuing of credit cards, credit consulting and agencies; real estate brokerage services; real estate agency; real estate management; electronic commerce services, namely, electronic credit card and debit transactions, funds transfers and payment processing; financial analysis and consultation; financial information provided by electronic means; financial information processing; financial consultation services, namely, assisting others with the completion of financial transactions for stocks, bonds, securities, and equities; financial management; financial transaction services, namely, investment fund and investment securities transaction services; real estate investment services, investment brokerage services, and all utilizing the global information network or provided by electronic means; leasing of commercial real estate; loan services for the acquisition of offices, apartments, flats, buildings, construction facilities, and commercial real estate; package leasing combined with loans or installment plans making land, buildings, facilities and equipment all available in one package, for hotels, hospitals, plants or stores, lease-purchase loans; providing databases in the field of making financial transactions

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

Basis: 1(b)

International Class: 037

Commercial and residential building construction; building and construction by engineers; rental of construction machines; installation and repair of industrial plants; installation and repair of machinery, namely, air-conditioning, water supply, sewers, sanitation equipment, electrical equipment, clean rooms, environmental control systems; materials handling systems, and air pollution control systems; construction, installation, maintenance and repair of computer network systems utilizing the global information network; maintenance of office machines and equipment; technical services in the maintenance of networked computer systems by maintaining computer software; maintaining computer hardware and software for telecommunications networks

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

Basis: 1(b)

International Class: 038

Telecommunications services, namely, the electronic transmission of voice, facsimile, data, video and information; providing telecommunications connections to world-wide global computer networks, other computing networks, on-line services and bulletin boards; communications by computer terminals and on computer network; electronic data transmission and interchange services; providing multiple-user access to a global communication information network; leasing and rental of communication equipment; providing on-line chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

Basis: 1(b)

International Class: 039

Logistics and reverse logistics services, namely, storage, transportation and delivery of documents, packages, raw materials, and other freight for others by air, rail, ship or truck; vehicle rentals; rental of warehouses; providing travel information services through a global computer network; providing databases in the fields of transportation and delivery of products, and product transportation control

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

Basis: 1(b)

International Class: 040

Material treatment services, namely, drying, dyeing, fireproofing, waterproofing of cloth, clothing, fur, and leather; electroplating, metal and glass annealing; metal tempering; galvanizing; thermal-sprayed metal coating services to protect and reclaim metal surfaces from abrasion, corrosion, cavitation, erosion, and fatigue; semiconductor and integrated circuit foundry services, namely, the custom manufacture and assembly of electrical and electronic products, computer components, integrated circuits, and semiconductors to the order and specification of others; semiconductor and integrated circuit foundry services, namely, prototype manufacturing of semiconductors to the order and specification of others; rental of industrial machinery, namely, industrial robots, machine tools, printing and bookbinding machines, photoengraving machines, chemical machines for molding and processing plastic, and for manufacturing medicines and chemicals, casting apparatuses in the nature of apparatuses for sand control, molding machines, smelters, industrial furnaces, boilers, turbines, generators, co-generators, and switchboards

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

Basis: 1(b)

International Class: 041

Publication and issuing of books, journals, magazines and other publications; providing educational and training information in the fields of computers, manufacturing, construction, industrial machinery, engineering, mathematics, physics, chemistry, telecommunications, transportation, logistics, employment, business management, and software, via a global computer communication network; providing information in the fields of sports, namely, golf, baseball, tennis, football, hockey, basketball, and volleyball, and cultural activities, namely, operas, plays, musical concerts and festivals, via a global computer communications network; providing entertainment services, namely, providing online computer games and providing pre-recorded music, via a global computer communications network; rental of photographic, cinematographic, audio and video, and lighting equipment and apparatus

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

Basis: 1(b)

International Class: 042

Development, designing, and updating computer hardware and software for telecommunications networks; development and design of monitoring systems and networks; development and design of products in the area of electronic information communication systems; designing and planning of telecommunications equipment; providing computer network systems integration services; database development services; providing databases in the field of product quality and process control; technical support services, namely, troubleshooting of computer hardware and software problems; technical support, namely, monitoring of network systems; technical support, namely, providing back-up computer programs and facilities; research for others in the fields of electronic money, network payment systems and network security; research for others in the fields of telecommunication and information technology networks and systems; consultation for others in the design of computer network sites; technical services in the operation of networked computer systems, namely, providing computer programming for others, and protecting the security of data transmitted over computer networks by

means of an authentication of user identity and message content, verification of non-repudiation of transmissions and access control; consulting for a variety of business enterprises related to providing computer network systems and providing computer network services for sending and receiving product orders, product and manufacturing estimates, drawings, documents and inventory lists; providing product quality control and process control for others by means of computer networks, computer hardware, and computer software; loading, revising, and updating computer software for electronic data interchange and telecommunications networks for others; computer network support services, namely, protecting the security of data transmitted over computer networks by means of encryption and cryptography; architectural consultation and construction drafting; services of engineers; design and engineering of power plants; development of internet/intranet/extranet systems and firewall systems; services of chemists, of engineers and of physicists; technical consultation in a wide variety of scientific and engineering fields, namely, logistics, chemistry, nuclear science, environmental science, biology, software engineering, electrical engineering, mechanical engineering, industrial engineering, chemical engineering, civil engineering, biomedical engineering, environmental engineering, aerospace engineering; land surveying, farm surveying, geological surveying, oil field surveying, and surveying of historic buildings; scientific and industrial research in the fields of electronics and semiconductor manufacturing; development of technologies for the purification of soil and underground water resources; research within the fields of economic and political stability; leasing of computer software; rental of measuring apparatus and instruments; computer services, namely, providing a network of computers, servers, database and solution applications for the on-line exchange of goods and services; rental of networking hardware and software that provide information technology infrastructure and environment for electronic communication; leasing and rental of communication computers; leasing and rental of equipment for educational, training, entertaining, sporting and cultural purposes, namely, computer hardware, computers, and computer software

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

Basis: 1(b)

International Class: 044

Rental of medical appliances, namely, x-ray diagnostic equipment, x-ray CT equipment, MRI equipment, and ultrasound equipment, all for medical use; providing databases in the field of accumulation of genetic information

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

Basis: 1(b)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2005-10-18 - Published for opposition

2005-09-28 - Notice of publication

2005-06-30 - Law Office Publication Review Completed

2005-06-24 - Assigned To LIE

2005-06-20 - Approved for Pub - Principal Register (Initial exam)

2005-06-20 - EXAMINERS AMENDMENT E-MAILED

2005-06-20 - Examiners Amendment -Written

2005-06-09 - Attorney Revoked And/Or Appointed

2005-06-09 - TEAS Revoke/Appoint Attorney Received

2005-05-31 - TEAS Change of Correspondence Received

2005-05-03 - Amendment From Applicant Entered

2005-04-21 - Communication received from applicant

2005-04-21 - PAPER RECEIVED

2005-04-18 - Ex parte appeal - Instituted

2005-04-18 - Jurisdiction Restored To Examining Attorney

2005-04-18 - EXPARTE APPEAL RECEIVED AT TTAB

2004-10-18 - Final refusal mailed

2004-10-17 - Final Refusal Written

2004-08-22 - Amendment From Applicant Entered

2004-08-09 - Communication received from applicant

2004-08-09 - PAPER RECEIVED

2004-02-05 - Non-final action mailed

2003-11-09 - Case File in TICRS

2002-11-29 - PAPER RECEIVED

2002-11-20 - Letter of suspension mailed

2002-10-02 - Non-final action mailed

2001-06-18 - Letter of suspension mailed

2001-02-12 - Communication received from applicant

2000-08-10 - Non-final action mailed

2000-07-25 - Case file assigned to examining attorney

CORRESPONDENCE INFORMATION

Correspondent

Michelle C. Burke (Attorney of record)

Michelle C. Burke
McDermott Will & Emery LLP
Suite 4400
227 West Monroe Street
Chicago IL 60606

Phone Number: 3123722000

Fax Number: 3129847700

Domestic Representative

Michelle C. Burke

Phone Number: 3123722000

Fax Number: 3129847700
