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

Be Here Corporation,

Opposer,

vs.

InTouch Technologies, Inc.

Applicant.

OPPOSITION NO.

NOTICE OF OPPOSITION

TRADEMARK: TOTALVIEW

Serial Number 78/505,640

TRADEMARK FEE PROCESS RECEIVED
2006 MAR 24 HP 2:39
U.S. PATENT & TRADEMARK OFFICE

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3514

Sir:

The following Trademark Processing Fees are due in connection with this document:

Fee Code 6402, Notice of Opposition, per class, one class in the amount of \$300.00

Please charge this fee to Deposit Account No. 03-3975 Order No. 017287-0000007.

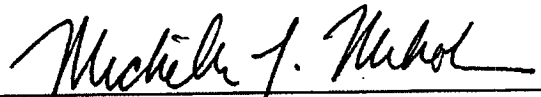
Filed by **Michelle L. Mehok** on March 24, 2006.

Respectfully submitted,

NIKE, INC.

03/27/2006 10:00:00 AM 78/505,640
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By:



GABRIELLE A. HOLLEY
MICHELLE L. MEHOK
PILLSBURY WINTHROP SHAW PITTMAN LLP
11682 El Camino Real, Suite 200
San Diego, CA 92130-2092
(619) 234-5000 - Phone
(858) 509-4010 - Fax
sdipdocket@pillsburylaw.com

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03-24-2006

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Applicant's application for the mark TOTALVIEW ("Applicant's Mark"), Serial Number 78/505,640, is listed as abandoned on the TARR data base. However, Applicant claims the abandonment status is in error. Thus, Opposer requests the timely processing of this Notice of Opposition despite the afore-mentioned status of Applicant's Mark.

Opposer, Be Here Corporation, believes that it is or will be damaged by registration of Applicant's Mark and hereby opposes same. As grounds of opposition, Opposer avers as follows:

1. Opposer owns and uses in commerce U.S. Registration No. 2,823,757 for the mark TOTALVIEW for camera lenses, computer hardware, computer software for receiving, processing, manipulating, compressing, decompressing and editing images, computer software for manipulating, compressing and decompressing images for transmission.

2. Applicant has applied based on intent-to-use to register Applicant's Mark, for the following: computer station, namely, computer hardware, computer operating software, double and triple wide monitors, camera, keyboard and joystick for controlling a

wireless, mobile robotic system via a broadband Internet connection for use in the field of wireless, Internet telecommunications.

3. On information and belief, no actual or constructive use was made of Applicant's Mark prior to October 14, 2004.

4. Opposer's TOTALVIEW mark was used in commerce and registered long prior to the first actual or constructive use of Applicant's Mark.

5. Applicant's Mark so resembles Opposer's TOTALVIEW mark, registered in the Patent and Trademark Office and previously used in the United States and not abandoned, as to be likely, when used on or in connection with the goods of Applicant, to cause confusion, or to cause mistake, or to deceive in violation of Section 2(d) of the Act.

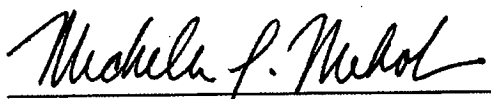
WHEREFORE, the Board should sustain this opposition and Application 78/505,640 should be refused registration.

A fee in the amount of \$300 is incurred for filing this Notice. The Commissioner is hereby authorized to charge any fee that may be due in connection with this to Account No. 03-3975 Order No. 017287-0000007.

Date: March 24, 2006

Respectfully submitted,

NIKE, INC.

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GABRIELLE A. HOLLEY
MICHELLE L. MEHOK
PILLSBURY WINTHROP SHAW PITTMAN LLP
11682 El Camino Real, Suite 200
San Diego, CA 92130-2092
(619) 234-5000 - Phone
(858) 509-4010 - Fax
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