

ESTTA Tracking number: **ESTTA124463**

Filing date: **02/12/2007**

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	AOL LLC
Granted to Date of previous extension	02/11/2007
Address	22000 AOL Way Dulles, VA 20166 UNITED STATES

Attorney information	James R. Davis Arent Fox LLP 1050 Connecticut Avenue, NW Washington, DC 20036 UNITED STATES henrye@arentfox.com, TMDocket@arentfox.com, Bertagna.blake@arentfox.com Phone:2028576000
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Applicant Information

Application No	76638506	Publication date	08/15/2006
Opposition Filing Date	02/12/2007	Opposition Period Ends	02/11/2007
Applicant	C-MAC INVOTRONICS INC. 365 Passmore Avenue Scarborough, Ontario, M1V 4B3, CANADA		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: telematic products, namely motor vehicle drive information systems consisting of transmitters, receivers, microprocessors and software providing vehicular mapping and directions to an operator of a vehicle, vehicle data bus communications, control algorithms, diagnostic algorithms
Class 039. All goods and services in the class are opposed, namely: providing real time road routing services, namely locator assistance through travel direction and navigational and instrumentation components all interacting with global positioning system satellite technology and a customer call center

Attachments	ayrquest.pdf (5 pages)(198496 bytes)
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Signature	/James R. Davis/
Name	James R. Davis
Date	02/12/2007

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

In re Application No. 76/638,506 for the mark AYRQUEST, filed May 12, 2005 and published August 15, 2006

AOL LLC,)	
)	
Opposer,)	
)	
v.)	Opp. No. _____
)	
C-MAC INVOTRONICS INC.)	
D/B/A SOLECTRON INVOTRONICS)	
CORPORATION)	
)	
Applicant.)	
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NOTICE OF OPPOSITION

AOL LLC (“Opposer”), a limited liability company organized and existing under the laws of the State of Delaware and having its principal place of business at 22000 AOL Way, Dulles, Virginia 20166, believes that it will be damaged by the registration of the mark shown in Application Serial No. 76/638,506 and hereby opposes the same under the provisions of Section 13 of the Trademark Act of 1946, 15 U.S.C. §1063.

As grounds for opposition, Opposer alleges the following:

1. Opposer is the owner of all right, title, and interest in and to various marks containing the word QUEST (collectively “Opposer’s Marks”), which Opposer uses in connection with a wide variety of services, including among other things interactive maps, driving directions, and obtaining destination information by means of an online website.

2. Opposer's rights in Opposer's Marks have been recognized by the United States Patent and Trademark Office, which has issued federal registrations to Opposer for Opposer's Marks, including the following registrations:

<u>Mark</u>	<u>Registration. No.</u>	<u>Date of Registration</u>
MAPQUEST	2,129,378	January 13, 1998
MAPQUEST	2,145,962	March 24, 1998
MAPQUEST.COM	2,496,784	October 9, 2001
MAPQUEST	2,500,767	October 23, 2001
MAPQUEST	2,523,219	December 25, 2001
MAPQUEST.COM	2,523,220	December 25, 2001
MAPQUEST.COM	2,523,221	December 25, 2001
MAPQUEST	2,523,222	December 25, 2001

3. Opposer's registrations are valid and subsisting, and Registration Nos. 2,129,378 and 2,145,962 are incontestable. These registrations provide conclusive evidence of Opposer's ownership of Opposer's Marks, of the validity of the marks, and of Opposer's exclusive right to use the marks in commerce.

4. Opposer or its predecessor in interest adopted and used Opposer's Marks at least as early as 1996, which is long prior to the filing date of Applicant's application and prior to any use by Applicant of the mark it seeks to register. Opposer has used Opposer's Marks in interstate commerce continuously since 1996.

5. Opposer or its predecessor in interest has extensively used, advertised, and promoted Opposer's Marks in connection with various products and services in interstate commerce.

6. As a result of that extensive use, advertising, and promotion, Opposer's Marks have become well-known and famous as distinctive indicators of the origin of Opposer's goods and services, and the marks have become valuable symbols of Opposer's goodwill.

7. Notwithstanding Opposer's prior established rights in the Opposer's Marks, Applicant filed an application with the United States Patent and Trademark to register the mark AYRQUEST (Ser. No. 76/638,506) for "telematic products, namely motor vehicle drive information systems consisting of transmitters, receivers, microprocessors and software providing vehicular mapping and directions to an operator of a vehicle, vehicle data bus communications, control algorithms, diagnostic algorithms," in Class 009, and for "providing real time road routing services, namely locator assistance through travel direction and navigational and instrumentation components all interacting with global positioning system satellite technology and a customer call center," in Class 038.

8. Upon information and belief, Applicant knew or had reason to know of Opposer's prior rights in the Opposer's Marks when Applicant filed its application to register a mark that contains the word "QUEST" as its dominant feature for use in connection with goods and services that are identical or similar to those that Opposer offers under Opposer's Marks.

Likelihood of Confusion - §2(d)

9. The mark that Applicant seeks to register so closely resembles Opposer's Marks that the use and registration thereof is likely to cause confusion, mistake, and deception as to the source or origin of Applicant's goods and services and will injure and damage Opposer and the goodwill and reputation symbolized by the Opposer's Marks.

10. Applicant's goods and services are so closely related to Opposer's goods and services that the public is likely to be confused, to be deceived, and to assume erroneously that Applicant's goods and services are those of Opposer, or that Applicant is in some way connected or affiliated with, or approved or sponsored by, Opposer.

Deception/False Suggestion of Connection - §2(a)

11. Applicant's mark so closely resembles Opposer's Marks that it is likely to cause deception in violation of Section 2(a) of the Trademark Act, in that the mark misdescribes the nature or origin of the goods and services, purchasers are likely to believe that the misdescription actually describes the nature or origin of the goods and services, and this is likely to materially alter purchasers' decisions whether to acquire Applicant's goods and services.

12. Applicant's alleged mark so closely resembles Opposer's Marks that it falsely suggests a connection with Opposer in violation of Section 2(a) of the Trademark Act because Applicant's alleged mark points uniquely to Opposer, and purchasers will assume that goods and services offered under Applicant's alleged mark are affiliated or connected with Opposer.

13. Applicant's mark is deceptive in that it falsely suggests a connection with or approval by the Opposer.

Dilution - §43(c)

14. Opposer's Marks have been widely used and extensively advertised in the United States and, therefore, the marks have become well-known and famous as distinctive symbols of Opposer's goodwill.

15. Opposer's Marks became well-known and famous before Applicant filed its application for or made any use of the mark Applicant seeks to register.

16. Applicant's use and registration of the mark it seeks to register will cause dilution of the distinctive quality of Opposer's Marks.

17. Use or registration by Applicant of the mark it seeks to register will lessen the capacity of Opposer's famous Marks to identify and distinguish Opposer's goods and services.

18. Applicant's use or registration of the mark it seeks to register will tarnish the

goodwill symbolized by Opposer's Marks.

19. Likelihood of tarnishment and damage to Opposer's goodwill is enhanced here by the fact that prospective customers who encounter defects in the quality of Applicant's products and services will attribute those defects to Opposer, which will tarnish Opposer's reputation and goodwill.

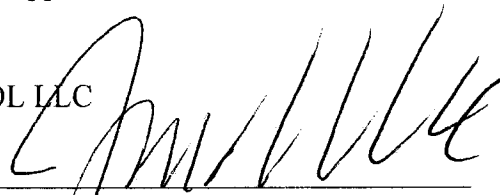
20. Likelihood of confusion, dilution, and deception is enhanced here by the fact that the word QUEST is the dominant feature of both Opposer's Marks and the mark Applicant seeks to register.

21. Likelihood of confusion, dilution, and deception is further enhanced here by the fact that the parties' goods and services will be sold through some of the same trade channels and to some of the same classes of prospective purchasers.

22. Likelihood of confusion in this case is enhanced by the widespread fame of Opposer's Marks and by the fact that consumers strongly associate these marks with goods and services sold, approved, or endorsed by Opposer.

WHEREFORE, Opposer prays that the Board sustain this opposition and deny registration of the mark identified in Applicant's application.

Dated: 2/12/07

By: 
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