Trademark Trial and Appeal Board Electronic Filing System. http://estta.uspto.gov

ESTTA Tracking number: **ESTTA140182**

Filing date: **05/11/2007**

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	The End-To-End Group Inc.
Granted to Date of previous extension	05/12/2007
Address	210 Cochrane Dr. Unit #1 Markham, ON L3R8E6 CANADA

Attorney information	Gregory F. Buhyoff Weide & Miller, Ltd. 7251 W. Lake Mead Blvd. Bank West Building, Suite 530 Las Vegas, NV 89128 UNITED STATES GBuhyoff@weidemiller.com Phone:(702) 382-4804

Applicant Information

Application No	76608723	Publication date	03/13/2007
Opposition Filing Date	05/11/2007	Opposition Period Ends	05/12/2007
Applicant	AEC GROUP, INC. 1735 Fifth Avenue McKeesport, PA 15132 UNITED STATES		

Goods/Services Affected by Opposition

Class 037. First Use: 2002/01/15 First Use In Commerce: 2002/01/15 All goods and sevices in the class are opposed, namely: Installation and maintenance of data, voice, cable and video network infrastructure systems
Class 042. First Use: 2002/01/15 First Use In Commerce: 2002/01/15 All goods and sevices in the class are opposed, namely: Consulting services in the field of design, selection, implementation and use of computer hardware and software systems for others; data, voice and video network infrastructure design; and planning; computer software development and design for others; computer system integration and network design; technical support services, namely troubleshooting of computer hardware and software problems; computer security service, namely restricting access to and by computer networks to and of undesired web sites, media and individuals and facilities

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1982012	Application Date	10/13/1994
Registration Date	06/25/1996	Foreign Priority Date	04/19/1994
Word Mark	END-TO-END NETWORKS INC.		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1993/06/00 First Use In Commerce: 1993/12/00 computer consulting services in the field of wide area and local area networks, computer network management, computer facilities management, computer network engineering, technical consultation in the field of computer network installation and maintenance		

U.S. Application No.	78791617	Application Date	01/13/2006
Registration Date	NONE	Foreign Priority Date	07/26/2005
Word Mark	END TO END NETWORKS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1999/09/21 First Use In Commerce: 1999/09/21 Computer consulting services relating to wide area and local area networks namely, network management, facilities management, network consulting and engineering, network support, provisioning of hardware and hardware replacement		

Attachments	78791617#TMSN.jpeg (1 page)(bytes) 2007-05-11 - LUDLOW0014G - USTM 76608723.pdf (6 pages)(216057 bytes)

Signature	/Gregory F. Buhyoff/
Name	Gregory F. Buhyoff
Date	05/11/2007

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

In the Matter of Trademark Application

Applicant:	AEC GROUP, INC.
Serial No.:	76/608,723
Filed:	August 26, 2004
Mark:	AEC GROUP END TO END TECHNOLOGY
Int'l Class	37
For:	installation and maintenance of data, voice, cable and video network infrastructure systems
Int'l Class:	42
For:	Consulting services in the field of design, selection, implementation and use of computer hardware and software systems for others; data, voice and video network infrastructure design; and planning; computer software development and design for others; computer system integration and network design; technical support services, namely troubleshooting of computer hardware and software problems; computer security service, namely restricting access to and by computer networks to and of undesired web sites, media and individuals and facilities
Published:	March 13, 2007

The End-to-End Group Inc.,

Opposer,

vs.

AEC Group, Inc.,

Applicant.

Opposition No._____

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

NOTICE OF OPPOSITION

Opposer, The End-To-End Group Inc., (the "Opposer" or "The End-To-End Group"), is a corporation duly organized and existing under the law of Ontario, Canada,

with its principal place of business at 210 Cochrane Dr. Unit #1, Markham, ONTARIO L3R8E6 Canada.

Opposer believes it will be damaged by registration of the mark AEC GROUP END TO END TECHNOLOGY ("Applicant's Mark") covering:

"installation and maintenance of data, voice, cable and video network infrastructure systems" in International Class 37, and

"consulting services in the field of design, selection, implementation and use of computer hardware and software systems for others; data, voice and video network infrastructure design; and planning; computer software development and design for others; computer system integration and network design; technical support services, namely troubleshooting of computer hardware and software problems; computer security service, namely restricting access to and by computer networks to and of undesired web sites, media and individuals and facilities" in International Class 42,

filed by applicant AEC Group, Inc., a Pennsylvania corporation with its principal place of business at 1735 Fifth Avenue, McKeesport, PA 15132 ("Applicant"), and hereby opposes the same.

As grounds for opposition, Opposer alleges:

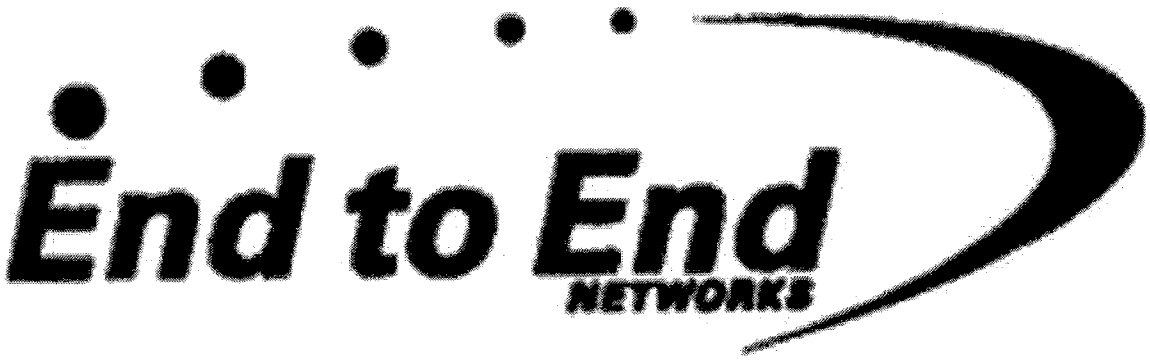
1. Opposer, by duly recorded assignment, is the owner of all right, title and interest in United States Trademark Registration No. 1,982,012, registered June 25, 1996, on the Principal Register for the trademark END-TO-END NETWORKS INC., covering the following services in International Class 42:

> "computer consulting services in the field of wide area and local area networks, computer network management, computer facilities management, computer network engineering, technical consultation in the field of computer network installation and maintenance"

Affidavits under Section 8 and 15 of the Trademark Act (15 U.S.C. §1065) were filed, accepted and acknowledged, which renders incontestable Opposer's right to use the END-TO-END NETWORKS INC. mark in respect of said services.

2. Indeed, Opposer has been actively and continuously using the END-TO-END NETWORKS INC. mark in United States Commerce for the subject services since December 1993. As a result, the relevant consuming public has come to recognize Opposer's END-TO-END NETWORKS, INC. mark as favorably distinguishing Opposer's services from the goods and services of others.

3. Since September 21, 1999, Opposer has also been actively and continuously using the mark



(hereinafter "End to End Networks & Design Mark") in United States commerce for "computer consulting services relating to wide area and local area networks, specifically, network management, facilities management, network consulting and engineering, network support, and the provisioning of hardware and hardware replacement." The End to End Networks & Design Mark is the subject of Application Serial No. 78791617, which is currently pending before the United States Patent and Trademark Office.

4. The relevant consuming public has also come to recognize the End to End Networks & Design Mark as favorably distinguishing Opposer's services from the goods and services of others.

5. Opposer clearly has priority with respect to the use and registration of END-TO-END NETWORKS INC. and the End to End Networks & Design Mark, or any marks confusingly similar thereto, in connection with "computer consulting services in the field of wide area and local area networks, computer network management, computer facilities management, computer network engineering, technical consultation in the field of computer network installation and maintenance", and related goods and services.

6. Applicant now seeks to register a mark, namely, AEC GROUP END TO END TECHNOLOGY, that is confusingly similar to END-TO-END NETWORKS, INC. and the End to End Networks & Design Mark (hereinafter "Opposer's Marks"). Each of these marks consists of the elements "END-TO-END" or "End to End", and therefore present a confusingly similar commercial impression.

7. Applicant's Mark is also used in connection with services that are the same or very similar to Opposer's services, and which are offered though the same or similar channels of trade, and to the same or similar class of consumers as Opposer's services.

8. In view of the similarity of the Applicant's Mark and Opposer's Marks and the related nature of the respective services of the parties, it is alleged that Applicant's Mark so resembles Opposer's Marks previously used in the United States, and not abandoned, as to be very likely to cause confusion, or to cause mistake, or to deceive.

9. Consumers, upon purchasing, using or otherwise receiving Applicant's services bearing the Applicant's Mark are likely to be confused and deceived, and are very likely

to believe in the existence of some affiliation, association, connection or sponsorship relationship between the Applicant and/or Applicant's services and Opposer and/or Opposer's services, all to the injury of Opposer's and Opposer's Marks.

10. In addition, Applicant's use and registration of Applicant's Mark will dilute the distinctive quality of and diminish or detract from the prior rights firmly established by Opposer in and to Opposer's Marks.

Based on the foregoing, Opposer prays that Application Serial Number 76/608,724 be rejected, and that the mark sought for the services therein in International Classes 37 and 42 be refused registration.

Please charge any additional fees to Deposit Account 502200 and direct all correspondence in connection with this opposition to the undersigned.

Dated: May 11, 2007

Respectfully submitted,

The End-to-End Group Inc.

Gregory F. Buhyoff, Esq.
Weide & Miller, Ltd.
Bank of Nevada Building
7251 W. Lake Mead Blvd.
Las Vegas, NV 89128
Tel: (702) 382-4804
Fax: (702) 383-3805

Attorneys for Opposer

GFB-W-1572.clean

CERTIFICATE OF SERVICE

I, Nicole Littlejohn, hereby certify that on May 11, 2007, I mailed a copy of the foregoing **NOTICE OF OPPOSITION** to each of the following by depositing the same in the United States Mail, priority mail postage fully prepaid thereon, addressed to:

AEC GROUP, INC.
Attn: President
1735 Fifth Avenue
McKeesport, PA 15132

Julie R. Kline
Morella & Associates
706 Rochester Road
Pittsburgh, PA 15237-1706

Nicole Littlejohn