

ESTTA Tracking number: **ESTTA186219**

Filing date: **01/14/2008**

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	OSRAM GmbH
Granted to Date of previous extension	01/13/2008
Address	DEPT. GC IP TM; Hellabrunnerstr. 1 MUNICH, D-81543 GERMANY

Attorney information	Milton M. Oliver, Esq. WARE, FRESSOLA, VDS & ADOLPHSON, LLP 755 Main St., Bldg. 5; PO BOX 224 MONROE, CT 06468 UNITED STATES mmo@wfva.net, miltonoliver@ieee.org Phone:203-261-1234
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Applicant Information

Application No	76659220	Publication date	07/17/2007
Opposition Filing Date	01/14/2008	Opposition Period Ends	01/13/2008
Applicant	International Communications Manufacturing Corp. 6260 Downing Street Denver, CO 802161226 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 2000/01/06 First Use In Commerce: 2000/01/00 All goods and services in the class are opposed, namely: POWER SUPPLIES, NAMELY, TRANSFORMER CONTROLLED POWER REGULATORS FOR THE TELECOMMUNICATIONS INDUSTRY
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Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)
Other	Paris Convention Article 6bis: well-known

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1694215	Application Date	10/22/1990
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Registration Date	06/16/1992	Foreign Priority Date	NONE
Word Mark	QUICKTRONIC		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 011. First use: First Use: 1981/01/00 First Use In Commerce: 1987/05/00 ballasts for fluorescent lamps		

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	POWERTRONIC		
Goods/Services	power supplies for electric lamps		

Attachments	POWERTRONICS-OPP-NT.pdf (2 pages)(25483 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by USPS Express Mail Post Office to Addressee on this date.

Signature	/Milton M. Oliver/
Name	Milton M. Oliver, Esq.
Date	01/14/2008

IN THE U.S. PATENT & TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re S.N. 76/659,220)
for mark POWERTRONICS, CL.9)
published JULY 17, 2007)
Osram GmbH, Opposer) Opposition # _____
v.)
International Communications) NOTICE OF OPPOSITION
Manufacturing Corp.)
Applicant)
_____)

1. Applicant is a Colorado corporation doing business as ICM Corp. and having a place of business at 6260 Downing Street, Denver, Colorado 80216.

2. Applicant on APR. 27, 2006 filed application serial number 76/659,220, seeking registration in Int. Class 9 of the mark POWERTRONICS, alleging use in commerce since JAN 6, 2000.

3. As published on JULY 17, 2007 for opposition, application SN 76/659,220 recited the goods "Power supplies, namely transformer controlled power regulators for the telecommunications industry."

4. Opposer OSRAM GmbH is a German limited liability company having a place of business at Hellabrunnerstr. 1, D-81543, Munich, Germany.

5. OSRAM GmbH on AUG. 14, 2007 was granted a first 90-day extension of the opposition period and on NOV. 14, 2007 was granted a further 60-day extension of the opposition period.

6. Opposer OSRAM GmbH is among the world's half-dozen largest manufacturers of lighting products, with operations in scores of nations, and many of its products include power supplies.

7. Opposer OSRAM GmbH is the owner of Trademark Reg. No. 403 355 in Canada for POWERTRONIC for "Ballasts for electric lamps," reciting use in Canada since 1990.

8. As used in the electrical trade, a "ballast" is a kind of power supply which generates electrical pulses necessary to cause an arc in certain lamps, such as a fluorescent tube or lamp.

9. Opposer OSRAM GmbH has used its POWERTRONIC mark in interstate commerce in the United States continuously during the

period 1995-2000 for "Ballasts for electric lamps."

10. On information and belief, Opposer has continued to use its POWERTRONIC mark in interstate commerce since 2000 and, in any case, has never intended to abandon its POWERTRONIC mark.

11. In addition to Canada, Opposer OSRAM GmbH further owns registrations in numerous other nations for POWERTRONIC for related power supply products.

12. Opposer's POWERTRONIC is a well-known mark in the United States, within the meaning of article 6bis of the Paris Convention.

13. Opposer is the owner of US Reg. No. 1,694,215 for QUICKTRONIC for "ballasts for fluorescent lamps."

14. The mark POWERTRONICS for power supplies so resembles the marks POWERTRONIC for ballasts for electric lamps and QUICKTRONIC for ballasts for fluorescent lamps that that confusion, deception, or mistake would likely result from registration of the mark shown in application SN 76/659,220.

WHEREFORE, OSRAM GmbH believes that it would be damaged by the grant of a registration based on S.N. 76/659,220 and opposes the same.

Respectfully submitted,
OSRAM GmbH

by /Milton Oliver/
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Attorney for Opposer
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