

ESTTA Tracking number: **ESTTA471257**

Filing date: **05/07/2012**

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	Plexus Corp.
Granted to Date of previous extension	05/06/2012
Address	One Plexus Way P.O. Box 156 Neenah, WI 54957-0156 UNITED STATES

Attorney information	Michael T. Griggs Boyle Fredrickson SC 840 N. Plankinton Ave. Milwaukee, WI 53203 UNITED STATES mtg@boylefred.com
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Applicant Information

Application No	85345138	Publication date	11/08/2011
Opposition Filing Date	05/07/2012	Opposition Period Ends	05/06/2012
Applicant	ST Logistics (USA) Inc. 815-817, West Arbor Vitae Street Inglewood, CA 90301 UNITED STATES		

Goods/Services Affected by Opposition


Class 035. First Use: 1988/01/00 First Use In Commerce: 1988/01/00 All goods and services in the class are opposed, namely: Arranging for pickup, delivery, storage and transportation of packages, freight and parcels via ground and air carriers; freight information management services, and shipment processing; freight logistics management
Class 039. First Use: 1988/01/00 First Use In Commerce: 1988/01/00 All goods and services in the class are opposed, namely: Freight forwarding services; freight transportation by land vehicles, train, air and sea; freight transportation brokerage; freight and transport brokerage; dangerous goods transportation services; freight transportation consultation in the field of freight transportation by truck, rail, air and sea; freight loading services; freight ship transport


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Application	85397611	Application Date	08/15/2011
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No.			
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PLEXUS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 1997/00/00 First Use In Commerce: 1997/00/00 Inventory management in the fields of electronics, mechatronics, and software; procurement, namely, purchasing components for electronic products and mechatronic products for others; transportation logistics services, namely, arranging the transportation of goods for others; and business consultation in the fields of supply-chain design, supply-chain planning, and supply-chain optimization</p> <p>Class 037. First use: First Use: 1997/00/00 First Use In Commerce: 1997/00/00 Repair and maintenance of electronic products and mechatronic products</p> <p>Class 040. First use: First Use: 1989/02/01 First Use In Commerce: 1989/02/01 Manufacture of electronic products and mechatronic products for use in the aerospace, avionics, communications, computer, defense, industrial, law enforcement, medical, micro electronics, military, security, software, telecommunications, and weapons industries, to the order and/or specification of others</p> <p>Class 042. First use: First Use: 1989/02/01 First Use In Commerce: 1989/02/01 Design of, engineering of, research and development of, and testing of new electronic products and mechatronic products for use in the aerospace, avionics, communications, computer, defense, industrial, law enforcement, medical, micro electronics, military, security, software, telecommunications, and weapons industries, to the order and/or specification of others; repair and maintenance of software and firmware</p>		

U.S. Application No.	85397608	Application Date	08/15/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PLEXUS		
Design Mark			
Description of Mark	The mark consists of the word PLEXUS against a solid rectangular background.		

Goods/Services	<p>Class 035. First use: First Use: 1997/00/00 First Use In Commerce: 1997/00/00 Inventory management in the fields of electronics, mechatronics, and software; procurement, namely, purchasing components for electronic products and mechatronic products for others; transportation logistics services, namely, arranging the transportation of goods for others; and business consultation in the fields of supply-chain design, supply-chain planning, and supply-chain optimization</p> <p>Class 037. First use: First Use: 1997/00/00 First Use In Commerce: 1997/00/00 Repair and maintenance of electronic products and mechatronic products</p> <p>Class 040. First use: First Use: 1989/02/01 First Use In Commerce: 1989/02/01 Manufacture of electronic products and mechatronic products for use in the aerospace, avionics, communications, computer, defense, industrial, law enforcement, medical, micro electronics, military, security, software, telecommunications, and weapons industries, to the order and/or specification of others</p> <p>Class 042. First use: First Use: 1989/02/01 First Use In Commerce: 1989/02/01 Design of, engineering of, research and development of, and testing of new electronic products and mechatronic products for use in the aerospace, avionics, communications, computer, defense, industrial, law enforcement, medical, micro electronics, military, security, software, telecommunications, and weapons industries, to the order and/or specification of others; repair and maintenance of software and firmware</p>
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U.S. Application No.	85397616	Application Date	08/15/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PLEXUS THE PRODUCT REALIZATION COMPANY		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 1997/00/00 First Use In Commerce: 1997/00/00 Inventory management in the fields of electronics, mechatronics, and software; procurement, namely, purchasing components for electronic products and mechatronic products for others; transportation logistics services, namely, arranging the transportation of goods for others; and business consultation in the fields of supply-chain design, supply-chain planning, and supply-chain optimization</p> <p>Class 037. First use: First Use: 1997/00/00 First Use In Commerce: 1997/00/00 Repair and maintenance of electronic products and mechatronic products</p> <p>Class 040. First use: First Use: 1997/11/00 First Use In Commerce: 1997/11/00 Manufacture of electronic products and mechatronic products for use in the aerospace, avionics, communications, computer, defense, industrial, law</p>		

	<p>enforcement, medical, micro electronics, military, security, software, telecommunications, and weapons industries, to the order and/or specification of others</p> <p>Class 042. First use: First Use: 1997/11/00 First Use In Commerce: 1997/11/00</p> <p>Design of, engineering of, research and development of, and testing of new electronic products and mechatronic products for use in the aerospace, avionics, communications, computer, defense, industrial, law enforcement, medical, micro electronics, military, security, software, telecommunications, and weapons industries, to the order and/or specification of others; repair and maintenance of software and firmware</p>
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Related Proceedings	Opposition of 85/345,143
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Attachments	<p>85397611#TMSN.jpeg (1 page)(bytes)</p> <p>85397608#TMSN.jpeg (1 page)(bytes)</p> <p>85397616#TMSN.jpeg (1 page)(bytes)</p> <p>Notice of Opposition - PLEXIS SERVICES.pdf (4 pages)(15147 bytes)</p>
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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 First Class Mail on this date.

Signature	/Michael T. Griggs/
Name	Michael T. Griggs
Date	05/07/2012

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

Plexus Corp.,

Opposer,

v.

Opposition No. _____

ST Logistics (USA) Inc.,

Serial No: 85/345,138

Applicant.

NOTICE OF OPPOSITION

Plexus Corp., (“Opposer”) believes that it will be damaged by the registration of U.S. Trademark Application Serial No. 85/345,138 for PLEXIS SERVICES, INC. by ST Logistics (USA) Inc. (“Applicant”), and opposes the issuance of such registration. In support of its opposition, Opposer states as follows:

1. Opposer first began using its PLEXUS mark in 1979, which is long before Applicant’s stated date of first use of its PLEXIS SERVICES, INC. mark. Since 1979, Opposer has used its mark in connection with various products and services, including the manufacture of electronic and mechatronic products for use in the aerospace, avionics, communications, computer, defense, industrial, law enforcement, medical, micro electronics, military, security, software, telecommunications and weapons industries. Opposer also has used, and continues to use, its PLEXUS mark in connection with inventory management, procurement services, transportation logistic services, and business consultation services. Thus, Opposer has consistently and continuously used its PLEXUS mark in connection with a wide variety of products and services since 1979.

2. On August 15, 2011, Opposer filed U.S. Trademark Application Serial No. 85/397,611 for its PLEXUS mark, Application Serial No. 85/397,608 for its PLEXUS mark (plus design), and Application Serial No. 85/397,616 for its PLEXUS THE PRODUCT REALIZATION COMPANY mark.

3. On December 12, 2011, the United States Patent and Trademark Office (“USPTO”) issued Office Actions in connection with Opposer’s Application Nos. 85/397,611, 85/397,608 and 85/397,616 identifying Applicant’s Application Serial No. 85/345,138 as a prior pending application, indicating that if the mark in Applicant’s application registers, Opposer’s mark may be refused registration in Class 35 under Trademark Act Section 2(d) because of a likelihood of confusion between the two marks. Applicant’s application for PLEXIS SERVICES, INC. is directed generally to freight-related services in Classes 035 and 039. The full listing of Applicant’s services is included in Applicant’s application.

4. Upon information and belief, Applicant’s use of the PLEXIS SERVICES, INC. mark began after Opposer’s first use of its PLEXUS mark.

5. Pursuant to 15 U.S.C. § 1052(d), Applicant is not entitled to a registration due to Opposer’s prior use of the PLEXUS mark if the Examining Attorney’s assertion regarding a likelihood of confusion as raised in the December 12, 2011 Office Action is maintained.

6. Opposer has been harmed by the denial of Opposer’s applications for PLEXUS, PLEXUS (with design), and PLEXUS THE PRODUCT REALIZATION COMPANY over Applicant’s application for PLEXIS SERVICES, INC.

7. Opposer will be harmed by the issuance of Applicant's application for PLEXIS SERVICES, INC. because it may prevent Opposer from obtaining a U.S. trademark registration for its PLEXUS, PLEXUS (with design), and PLEXUS THE PRODUCT REALIZATION COMPANY marks. Opposer is entitled to a U.S. trademark registration for its PLEXUS, PLEXUS (with design), and PLEXUS THE PRODUCT REALIZATION COMPANY marks as set forth above.

The statutory filing fee of \$600 is now being paid. Please debit our deposit account no. 50-1170 accordingly.

WHEREFORE, Opposer believes that it will be damaged by registration of the Applicant's mark in Classes 35 and 39, Application Serial No. 85/345,138, and opposes registration thereof on the grounds set forth above. Opposer respectfully requests that Applicant's Application Serial No. 85/345,138 be denied registration.

Dated: May 7, 2012

/Michael T. Griggs/
Michael J. Gratz
Michael T. Griggs
Boyle Fredrickson
840 N. Plankinton Ave.
Milwaukee, WI 53203

Attorneys for Plexus Corp.

CERTIFICATE OF MAILING AND SERVICE

The undersigned certifies that a copy of this Notice of Opposition was mailed via first class mail, postage prepaid on May 7, 2012 to:

John P. Rynkiewicz
Kaye Scholer LLP
The McPherson Building
901 Fifteenth Street, NW
Washington D.C. 20005

Date of signature and deposit: May 7, 2012

/Michael T. Griggs/
Michael J. Gratz