

ESTTA Tracking number: **ESTTA484616**

Filing date: **07/20/2012**

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	E-Box, Inc.
Granted to Date of previous extension	07/22/2012
Address	101 AIR PARK INDUSTRIAL ROAD ALABASTER, AL 35007 UNITED STATES

Attorney information	Michael B. Lasky Altera Law Group 120 South 6th Street, Suite 1700 Minneapolis, MN 55402 UNITED STATES mlasky@alteralaw.com, trademark@alteralaw.com, jspencer@gbpatent.com Phone:952-253-4106
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**Applicant Information**

Application No	79094634	Publication date	01/24/2012
Opposition Filing Date	07/20/2012	Opposition Period Ends	07/22/2012
International Registration No.	1069878	International Registration Date	02/09/2011
Applicant	SILIKEN S.A. Ronda Isaac Peral y Caballero, 14 Parque TecnolÃ³gico E-46980 Paterna (Valencia), SPAIN		


**Goods/Services Affected by Opposition**

<p>Class 006. All goods and services in the class are opposed, namely: Common metals and their alloys; metal building materials, namely, soffits and fascia; transportable metal constructions; metal materials for railway tracks; non-electric cables and wires of metal; ironmongery and small items of metal hardware, namely, nails, bolts, rivets and screws; metal pipes and tubes; metal safes; metal goods not included in other classes, namely, metal castings, metal doors, metal lids; iron ores</p>
<p>Class 009. All goods and services in the class are opposed, namely: Photovoltaic modules for generating electric power; scientific apparatus and instruments, namely, ultra-high vacuum chambers; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, namely, electrical conductors, electrical switches, electrical transformers, electric accumulators, voltage regulators and electrical controllers</p>

**Grounds for Opposition**

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

U.S. Application No.	85549305	Application Date	02/22/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	E-BOX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: electrical enclosures, custom design and manufacturing of electrical enclosures		

Attachments	85549305#TMSN.jpeg ( 1 page )( bytes ) e-box Notice of Opposition Final.pdf ( 4 pages )(26391 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 Facsimile or email (by agreement only) on this date.

Signature	/Michael B. Lasky/
Name	Michael B. Lasky
Date	07/20/2012

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

U.S. Trademark Application Ser. No. 79/094634  
Trademark: e-Box

_____		)	
E-Box, Inc.		)	
	Opposer,	)	
		)	
v.		)	Opposition No. _____
		)	
SILIKEN S.A.		)	
	Applicant.	)	
_____		)	

NOTICE OF OPPOSITION

Opposer, E-Box, Inc. ("Opposer") believes that it will be damaged by registration of the mark e-Box, Application Serial No. 79/094634, filed by Siliken S.A. (hereinafter "Siliken") and states the following grounds for opposition:

1. E-Box, Inc. is an Alabama corporation, having an address of 101 Air Park Industrial Road, Alabaster, Alabama 35007 United States.
2. Opposer requested, and was granted by the TTAB, extensions of time to file an opposition against registration of the e-Box trademark until July 22, 2012.
3. Siliken has applied to register the mark, e-Box in connection with the following goods: Common metals and their alloys; metal building materials, namely, soffits and fascia; transportable metal constructions; metal materials for railway tracks; non-electric cables and wires of metal; ironmongery and small items of metal

hardware, namely, nails, bolts, rivets and screws; metal pipes and tubes; metal safes; metal goods not included in other classes, namely, metal castings, metal doors, metal lids; iron ores in International Class 7, and Photovoltaic modules for generating electric power; scientific apparatus and instruments, namely, ultra-high vacuum chambers; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, namely, electrical conductors, electrical switches, electrical transformers, electric accumulators, voltage regulators and electrical controllers in Class 9.

4. Opposer has used the E-BOX trademark in U.S. interstate commerce since at least as early as 22 July, 2002 in connection with electrical enclosures, related electrical supplies and custom design and manufacturing of electrical enclosures and related electrical supplies.
5. Opposer submits that its common law trademark rights to use E-Box are senior to those of Siliken's right to use the e-Box mark.
6. Opposer has also filed a trademark application to register the trademark E-BOX in connection with International Class 009: electrical enclosures, custom design and manufacturing of electrical enclosures on 22 February, 2012 (Serial No. 85549305). The application is pending.
7. Opposer alleges that Siliken's e-Box mark is identical to Opposer mark in appearance and sound, and it is likely to cause confusion, mistake or deception in the industry and will damage Opposer's trademark rights under Section 2(d) of the Lanham Act. .

8. Siliken has not asserted a date of first use of the mark e-Box in the opposed trademark application, but has a filing date of 9 February, 2011.
9. On information and belief, Opposer's use of the mark, E-Box precedes Siliken's use of the mark, e-Box.
10. The mark E-box as used by Opposer and e-Box as used by Siliken are confusingly similar in the same channels of trade.
11. Opposer further alleges that the goods named in Siliken's application are related to the goods and services provided by Opposer and it is likely to cause confusion, mistake or deception in the industry and will damage Opposer's trademark rights under Section 2(d) of the Lanham Act.

Wherefore, Opposer, E-Box, Inc. prays that this opposition be sustained, and that Application Serial No. 79/094634 be refused registration.

Respectfully submitted,

\_\_\_\_\_/Michael Lasky/\_\_\_\_\_  
Michael B. Lasky  
Attorney for Opposer – MN Bar  
Altera Law Group LLC  
120 South 6<sup>th</sup> Street, Suite 1700  
Minneapolis, MN 55402  
Phone: 952-253-4106  
Email: trademark@alteralaw.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this Opposition has been served upon Applicant, SILIKEN S.A. by e-mailing a copy to Applicant's attorney of record, at their e-mail address of record on this date.

JED SPENCER [jspencer@gbpatent.com](mailto:jspencer@gbpatent.com)  
Neil F. Greenblum  
Greenblum & Bernstein, P.L.C.  
1950 Roland Clarke Place  
Reston VA 20191

\_\_\_\_\_/Michael Lasky/\_\_\_\_\_  
Michael B. Lasky