

ESTTA Tracking number: **ESTTA613471**

Filing date: **07/02/2014**

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	ITC Infotech India Limited
Granted to Date of previous extension	07/02/2014
Address	Virginia House 37 Jawaharlal Nehru Road Kolkata, 700071 INDIA

Attorney information	Deborah Squiers Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES trademark@cll.com, dks@cll.com, rxa@cll.com, lmr@cll.com
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Applicant Information

Application No	86009990	Publication date	03/04/2014
Opposition Filing Date	07/02/2014	Opposition Period Ends	07/02/2014
Applicant	Information Technology Consulting Company 5310 Lexington Woods Lane Johns Creek, GA 30005 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. First Use: 2006/10/15 First Use In Commerce: 2006/10/15 All goods and services in the class are opposed, namely: Arranging subscriptions to telecommunication services; Professional staffing and recruiting services
Class 042. First Use: 2006/10/15 First Use In Commerce: 2006/10/15 All goods and services in the class are opposed, namely: Information technology consulting services

Grounds for Opposition

Other	Please see attached pleading.
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Attachments	ITC2 NOO.pdf(1043571 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 First Class Mail on this date.

Signature	/Lindsay Rodman/
Name	Lindsay M. Rodman
Date	07/02/2014

or licensed entities (collectively referred to hereinafter as “Opposer”) have used the mark ITC, alone or with other word, letter and/or design elements including “INFOTECH” (“Opposer’s Marks”), in connection with the offering, performance and sale of a wide variety of information technology services, including, but not limited to consulting services, staffing and recruiting services, computer hardware and software services, computer network configuration services, computer monitoring services, computer programming services, computer systems analysis services and related services.

2. Opposer owns U.S. federal registrations for Opposer’s Marks including Registration Nos. 4,294,272 and 4,294,273. Attached as Exhibit A are printouts of such registrations from the TSDR and TESS sections of the USPTO website.

3. Since prior to July 15, 2013, the filing date of the Application, and October 15, 2006, the claimed date of first use of Applicant’s Mark, Opposer has promoted and advertised the sale and distribution of such services bearing or offered in connection with Opposer’s Marks, and has rendered such services in commerce.

4. As a result of the sales and promotion of such services bearing or offered in connection with Opposer’s Marks, Opposer has built up highly valuable goodwill in Opposer’s Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

5. On July 15, 2013, Applicant filed the Application for Applicant’s Mark for “arranging subscriptions to telecommunication services; professional staffing and recruiting services” in Class 35 and “information technology consulting services” in Class 42.

6. Upon information and belief, Applicant is also known as ITC² and is a Georgia corporation located at 5310 Lexington Woods Lane, Johns Creek, Georgia 30005.

7. The services covered by the Application are identical and/or closely related to the services rendered in connection with Opposer's Marks.

8. Applicant's Mark so resembles Opposer's Marks as to be likely, when used in connection with Applicant's services, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's services have their origin with Opposer and/or that such services are approved, endorsed or sponsored by Opposer or associated in some way with Opposer. Opposer would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's Mark.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's Mark and requests that the opposition be sustained and said registration be denied.

Please recognize as attorney for Opposer in this proceeding Deborah K. Squiers (member of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 1133 Avenue of the Americas, New York, New York 10036.

Dated: New York, New York
July 2, 2014

Respectfully submitted,

COWAN LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

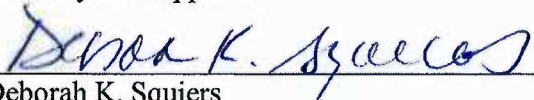
By: 
Deborah K. Squiers
1133 Avenue of the Americas
New York, New York 10036
(212) 790-9200

EXHIBIT A

Generated on: This page was generated by TSDR on 2014-06-26 13:18:22 EDT

Mark: ITC INFOTECH

ITC INFOTECH

US Serial Number: 85393234 Application Filing Date: Aug. 09, 2011
US Registration Number: 4294272 Registration Date: Feb. 26, 2013
Register: Principal
Mark Type: Service Mark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Feb. 26, 2013
Publication Date: Dec. 11, 2012

Mark Information

Mark Literal Elements: ITC INFOTECH
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK
Disclaimer: "INFOTECH"

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability, and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Computer hardware and software consultation services, none of the aforementioned services relating to the field of infrared thermography technology and applications; computer network configuration services, none of the aforementioned services relating to the field of infrared thermography technology and applications; providing quality assurance services in the field of computer hardware and software, none of the aforementioned services relating to the field of infrared thermography technology and applications; computer software design for others, none of the aforementioned services relating to the field of infrared thermography technology and applications; computer monitoring service which tracks hardware performances and processes and sends out historical reports and alerts and computer systems administration services for others, none of the aforementioned services relating to the field of infrared thermography technology and applications; computer programming and computer systems analysis services, none of the aforementioned services relating to the field of infrared thermography technology and applications

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 2001

Use in Commerce: Feb. 2001

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: ITC Infotech India Limited
Owner Address: Virginia House 37 Jawaharlal Nehru Road
Kolkata 700071
INDIA
Legal Entity Type: CORPORATION State or Country Where Organized: INDIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lawrence W. Greene
Attorney Primary Email: trademark@cll.com
Address:

Docket Number: 25925-013 LW
Attorney Email: No
Authorized:

Correspondent

Correspondent Name/Address: LAWRENCE W. GREENE
COWAN, LIEBOWITZ & LATMAN, P.C.
1133 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10036
UNITED STATES

Phone: 212-790-9200

Fax: 212-575-0671

Correspondent e-mail: trademark@cll.com lwg@cll.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 26, 2013	REGISTERED-PRINCIPAL REGISTER	
Dec. 11, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 11, 2012	PUBLISHED FOR OPPOSITION	
Nov. 21, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Nov. 05, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	76568
Nov. 05, 2012	ASSIGNED TO LIE	76568
Oct. 21, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 21, 2012	EXAMINER'S AMENDMENT ENTERED	88888
Oct. 21, 2012	EXAMINER'S AMENDMENT ENTERED	88888
Oct. 21, 2012	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Oct. 21, 2012	EXAMINERS AMENDMENT E-MAILED	6328
Oct. 21, 2012	EXAMINERS AMENDMENT -WRITTEN	72150
Sep. 28, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 27, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 28, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
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Dec. 01, 2011	ASSIGNED TO EXAMINER	72150
Aug. 15, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 12, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Feb. 26, 2013



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ITC INFOTECH

Word Mark ITC INFOTECH

Goods and Services IC 042. US 100 101. G & S: Computer hardware and software consultation services, none of the aforementioned services relating to the field of infrared thermography technology and applications; computer network configuration services, none of the aforementioned services relating to the field of infrared thermography technology and applications; providing quality assurance services in the field of computer hardware and software, none of the aforementioned services relating to the field of infrared thermography technology and applications; computer software design for others, none of the aforementioned services relating to the field of infrared thermography technology and applications; computer monitoring service which tracks hardware performances and processes and sends out historical reports and alerts and computer systems administration services for others, none of the aforementioned services relating to the field of infrared thermography technology and applications; computer programming and computer systems analysis services, none of the aforementioned services relating to the field of infrared thermography technology and applications. FIRST USE: 20010200. FIRST USE IN COMMERCE: 20010200

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85393234

Filing Date August 9, 2011

Current Basis 1A

Original 1A

Filing Basis**Published**

for December 11, 2012

Opposition**Registration
Number** 4294272**Registration
Date** February 26, 2013**Owner** (REGISTRANT) ITC Infotech India Limited CORPORATION INDIA Virginia House 37 Jawaharlal Nehru Road Kolkata INDIA 700071**Attorney of
Record** Lawrence W. Greene**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "INFOTECH" APART FROM THE MARK AS SHOWN**Type of
Mark** SERVICE MARK**Register** PRINCIPAL**Live/Dead
Indicator** LIVE[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICT](#)[SEARCH OG](#)[TOP](#)[HELP](#)[| HOME | SITE INDEX | SEARCH | eBUSINESS | HELP | PRIVACY POLICY](#)

Owner Name: ITC Infotech India Limited
Owner Address: Virginia House 37 Jawaharlal Nehru Road
Kolkata 700071
INDIA
Legal Entity Type: CORPORATION

State or Country Where Organized: INDIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lawrence W. Greene
Attorney Primary Email Address: trademark@cll.com

Docket Number: 25925-013 LW
Attorney Email Authorized: No

Correspondent

Correspondent Name/Address: LAWRENCE W. GREENE
COWAN, LIEBOWITZ & LATMAN, P.C.
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NEW YORK, NEW YORK 10036
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Phone: 212-790-9200

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Dec. 01, 2011	ASSIGNED TO EXAMINER	72150
Aug. 13, 2011	NOTICE OF DESIGN SEARCH CODE MAILED	
Aug. 12, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

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TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

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Word Mark ITC INFOTECH BUSINESS-FRIENDLY SOLUTIONS

Goods and Services IC 042. US 100 101. G & S: Computer hardware and software consultation services, none of the aforementioned services relating to the field of infrared thermography technology and applications; computer network configuration services, none of the aforementioned services relating to the field of infrared thermography technology and applications; providing quality assurance services in the field of computer hardware and software, none of the aforementioned services relating to the field of infrared thermography technology and applications; computer software design for others, none of the aforementioned services relating to the field of infrared thermography technology and applications; computer monitoring service which tracks hardware performances and processes and sends out historical reports and alerts and computer systems administration services for others, none of the aforementioned services relating to the field of infrared thermography technology and applications; computer programming and computer systems analysis services, none of the aforementioned services relating to the field of infrared thermography technology and applications. FIRST USE: 20010200. FIRST USE IN COMMERCE: 20010200

Mark

Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design

Search Code 26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved

Serial

Number 85393260

Filing Date August 9, 2011

Current Basis 1A

Original 1A

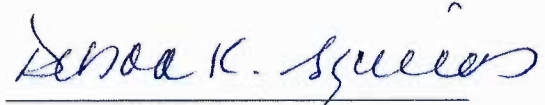
Filing Basis**Published**

for December 11, 2012

Opposition**Registration
Number** 4294273**Registration
Date** February 26, 2013**Owner** (REGISTRANT) ITC Infotech India Limited CORPORATION INDIA Virginia House 37 Jawaharlal Nehru Road Kolkata INDIA 700071**Attorney of
Record** Lawrence W. Greene**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "INFOTECH" AND "BUSINESS-FRIENDLY SOLUTIONS" APART FROM THE MARK AS SHOWN**Description
of Mark** The color(s) black, purple and green is/are claimed as a feature of the mark. The mark consists of the words "ITC INFOTECH" in black uppercase stylized letters, with a set of a purple and green eclipse shapes going around the black words "ITC INFOTECH" below which appears the black letters "Business-Friendly Solutions".**Type of
Mark** SERVICE MARK**Register** PRINCIPAL**Live/Dead
Indicator** LIVE[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICT](#)[SEARCH OG](#)[TOP](#)[HELP](#)[| HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on July 2, 2014, I caused a true and correct copy of the foregoing Notice of Opposition to be sent via First Class Mail, postage prepaid, to Applicant's Correspondent of Record, Information Technology Consulting Company, 5310 Lexington Woods Ln, Johns Creek, GA 30005-4640.



Deborah K. Squiers