

ESTTA Tracking number: **ESTTA946507**

Filing date: **01/09/2019**

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	Novatel Inc.
Granted to Date of previous extension	01/09/2019
Address	10921 14th Street NE Calgary, Alberta, T3K 2L5 CANADA

Attorney information	Gregory W. Carr Carr Law Firm, PLLC 6170 Research Rd.Suite 111 Frisco, TX 75033 UNITED STATES trademarks@carrip.com, gcarr@carrip.com 2147603030
----------------------	--

**Applicant Information**

Application No	79217670	Publication date	09/11/2018
Opposition Filing Date	01/09/2019	Opposition Period Ends	01/09/2019
International Registration No.	1367938	International Registration Date	05/05/2017
Applicant	NOVARES GROUP 361 avenue du G�n�ral de Gaulle F-92140 CLAMART FRANCE		

**Goods/Services Affected by Opposition**

<p>Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Navigation apparatus for vehicles in the nature of on-board computers, satellite navigation apparatus, hands-free kits for telephones, notebook computers, computers and luminous or mechanical signaling signs, namely, luminous OLED and OLCDdisplay panels for use with land vehicle dashboards and vehicle interior trims and luminous trims in the nature of electronic LED and optical fiber signs for interiors and exteriors of land vehicles;computer peripherals, automatic indicators of pressure loss in tires, radars inthe nature of radar apparatus, radar display, cameras inside and outside the vehicles, radio apparatus for vehicles, voltage regulators for vehicles, lifesaving devices, namely LCD monitors, OLED andOLCD screens for security purposes, alarms being warning devices; magnetic datamedia, namely, blank magnetic data carriers, pre-recorded magnetic data discs featuring travel information, optical data media, namely, blank optical data carriers, pre-recorded optical data discs featuring travel information, electronic display panels, control panels for electricity, switchboards, walkie-talkies, radio-paging apparat-</p>
---

us, remote control apparatus, namely, for starting vehicles, for controlling lighting, for controlling vehicle's parameters, portable telephones, teleprompters, temperature indicators, thermostats for vehicles, electric transistors, telecommunication transmitters, fuses for vehicles

## Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
--------------------------------------	----------------------------

## Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2468649	Application Date	05/02/1997
Registration Date	07/17/2001	Foreign Priority Date	NONE
Word Mark	NOVATEL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1992/06/00 First Use In Commerce: 1992/06/00 navigation and positioning transceivers, receivers, antennas, integrated circuits, circuit boards, data processors, instruments, computer hardware, firmware, GPS receivers in various configurations for use in global positioning systems, worldwide ground reference stations and related space-based satellite systems, having use in surveying, tracking, positioning, locating, mapping, measuring, communicating and other telemetry-enabled measuring and locating		

Attachments	Notice of Opposition - NOVARES - 1-9-2019.pdf(142580 bytes )
-------------	--

Signature	/Gregory W. Carr/
Name	Gregory W. Carr
Date	01/09/2019

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

NovAtel Inc.

Opposer

v.

NOVARES GROUP

Applicant

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Application No.: 79217670

**NOTICE OF OPPOSITION**

Opposer NovAtel Inc. (“Opposer”), a Canada Corporation with a place of business at 10921 14th Street N.E. Calgary, Alberta T3K 2L5 Canada, believes it is or will be damaged by the registration of the NOVARES mark and hereby opposes same.

As grounds for this Opposition, Opposer alleges:

1. Opposer has since at least June of 1992 used and continues to use the mark “NOVATEL” to identify, advertise, and promote its goods for navigation and positioning transceivers, receivers, antennas, integrated circuits, circuit boards, data processors, instruments, computer hardware, firmware, GPS receivers in various configurations for use in global positioning systems, world-wide ground reference stations and related space-based satellite systems, having use in surveying, tracking, positioning, locating, mapping, measuring, communicating and other telemetry-enabled measuring and locating (“Opposer’s Goods”). Opposer registered its mark NOVATEL on July 17, 2001 (Reg. No. 2468649) for the same goods after making an application for registration on May 2, 1997. Opposer’s right to use its NOVATEL mark has become incontestable. Opposer also uses the mark “NOVATEL” through a valid license to one or more

controlled licensees. A current status copy of Reg. No. 2468649 is attached and pleaded into the record.

2. It has come to the attention of Opposer that the entity Novares Group (“Applicant”) has applied for registration of the standard character mark NOVARES (the “NOVARES mark”) in the United States Patent and Trademark Office, as shown in U.S. Application Ser. No. 79/217,670 (the “Application”), having a filing date of May 5, 2017. The Application for the NOVARES mark seeks registration in Class 009 for Navigation apparatus for vehicles in the nature of on-board computers, satellite navigation apparatus, hands-free kits for telephones, notebook computers, computers and luminous or mechanical signaling signs, namely, luminous OLED and OLCD display panels for use with land vehicle dashboards and vehicle interior trims and luminous trims in the nature of electronic LED and optical fiber signs for interiors and exteriors of land vehicles; computer peripherals, automatic indicators of pressure loss in tires, radars in the nature of radar apparatus, radar display, cameras inside and outside the vehicles, radio apparatus for vehicles, voltage regulators for vehicles, lifesaving devices, namely LCD monitors, OLED and OLCD screens for security purposes, alarms being warning devices; magnetic data media, namely, blank magnetic data carriers, pre-recorded magnetic data discs featuring travel information, optical data media, namely, blank optical data carriers, pre-recorded optical data discs featuring travel information, electronic display panels, control panels for electricity, switchboards, walkie-talkies, radio-paging apparatus, remote control apparatus, namely, for starting vehicles, for controlling lighting, for controlling vehicle's parameters, portable telephones, teleprompters, temperature indicators, thermostats for vehicles, electric transistors, telecommunication transmitters, fuses for vehicles (the “Applicant’s Goods”).

3. Applicant seeks to register the NOVARES mark for Applicant's Goods in International Class 009 as evidenced by the publication of the Application in the Official Gazette on September 11, 2018.
4. The NOVARES mark used on and in connection with Applicant's Goods creates a likelihood of confusion with Opposer's NOVATEL mark.
5. By virtue of Opposer's prior and senior rights arising from use of its NOVATEL mark, Applicant is barred from obtaining a registration of the NOVARES mark, because the use and attempt to register by Applicant of the NOVARES mark for Applicant's Goods, without authorization by Opposer, creates a likelihood of confusion, under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d), that there exists a common source, affiliation, and sponsorship with the goods provided by Opposer in connection with its mark.

**Wherefore**, for all of the foregoing reasons and for such other reasons as the Board determines are appropriate, Opposer respectfully prays that this Opposition be sustained and the registration of U.S. Trademark Application No. 79217670 be refused.

Dated: January 9, 2019

Respectfully Submitted,

/s/ Gregory W. Carr

Gregory W. Carr  
Attorney for Opposer  
Carr Law Firm PLLC  
6170 Research Road  
Suite 111  
Frisco, Texas 75033  
Telephone: (214) 760-3000  
Email: gcarr@carrip.com

Generated on: This page was generated by TSDR on 2019-01-09 16:06:02 EST

Mark: NOVATEL

US Serial Number: 75285444

Application Filing Date: May 02, 1997

US Registration Number: 2468649

Registration Date: Jul. 17, 2001

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Nov. 27, 2010

Publication Date: Apr. 24, 2001

---

## Mark Information

---

Mark Literal Elements: NOVATEL

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

---

## Related Properties Information

---

Claimed Ownership of US Registrations: 1353296, 1989638

---

## 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:** navigation and positioning transceivers, receivers, antennas, integrated circuits, circuit boards, data processors, instruments, computer hardware, firmware, GPS receivers in various configurations for use in global positioning systems, world-wide ground reference stations and related space-based satellite systems, having use in surveying, tracking, positioning, locating, mapping, measuring, communicating and other telemetry-enabled measuring and locating

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 1992

Use in Commerce: Jun. 1992

---

## 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  
Filed 66A: No  
Filed No Basis: No

Currently 44E: No  
Currently 66A: No  
Currently No Basis: No

Amended 44E: No

## Current Owner(s) Information

**Owner Name:** NovAtel Inc.  
**Owner Address:** 10921 14th Street N.E.  
Calgary, Alberta T3K2L5  
CANADA  
**Legal Entity Type:** CORPORATION  
**State or Country Where Organized:** CANADA

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** GREGORY W CARR  
**Attorney Primary Email Address:** [trademarks@carrip.com](mailto:trademarks@carrip.com)  
**Docket Number:** 15994.K003US  
**Attorney Email Authorized:** No

### Correspondent

**Correspondent Name/Address:** GREGORY W CARR  
CARR LLP  
900 JACKSON STREET, SUITE 670  
DALLAS, TEXAS 75202  
UNITED STATES  
**Phone:** (214) 760-3000  
**Fax:** (214) 760-3003  
**Correspondent e-mail:** [trademarks@carrip.com](mailto:trademarks@carrip.com)  
**Correspondent e-mail Authorized:** No

### Domestic Representative

**Domestic Representative Name:** Gregory W. Carr

## Prosecution History

Date	Description	Proceeding Number
Oct. 29, 2018	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Oct. 29, 2018	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Nov. 27, 2010	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	70132
Nov. 27, 2010	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Nov. 23, 2010	TEAS SECTION 8 & 9 RECEIVED	
Oct. 21, 2008	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 16, 2007	CASE FILE IN TICRS	
Nov. 11, 2006	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	70132
Nov. 01, 2006	ASSIGNED TO PARALEGAL	70132
Sep. 05, 2006	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Sep. 05, 2006	PAPER RECEIVED	
Jul. 17, 2001	REGISTERED-PRINCIPAL REGISTER	
Apr. 24, 2001	PUBLISHED FOR OPPOSITION	
Apr. 11, 2001	NOTICE OF PUBLICATION	
Jan. 31, 2001	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 08, 2001	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Aug. 14, 2000	UNRESPONSIVE/DUPLICATE PAPER RECEIVED	
Jul. 07, 2000	NON-FINAL ACTION MAILED	
Jul. 06, 2000	ASSIGNED TO EXAMINER	76145
Mar. 31, 2000	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Oct. 21, 1999	NON-FINAL ACTION MAILED	
Apr. 12, 1999	CORRESPONDENCE RECEIVED IN LAW OFFICE	

Mar. 15, 1999 REINSTATED  
 Jul. 20, 1998 ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE  
 Dec. 23, 1997 NON-FINAL ACTION MAILED  
 Dec. 17, 1997 ASSIGNED TO EXAMINER

74301

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted  
**Affidavit of Incontestability:** Section 15 - Accepted  
**Renewal Date:** Jul. 17, 2011

## TM Staff and Location Information

### TM Staff Information - None File Location

**Current Location:** GENERIC WEB UPDATE **Date in Location:** Nov. 27, 2010

## Proceedings

### Summary

**Number of Proceedings:** 1

### Type of Proceeding: Opposition

**Proceeding Number:** [91241609](#) **Filing Date:** Jun 05, 2018  
**Status:** Pending **Status Date:** Jun 05, 2018  
**Interlocutory Attorney:** ELIZABETH A DUNN

### Defendant

**Name:** Enovate Engineering, LLC  
**Correspondent Address:** ONA DUDONIS  
 2 NORTH AVENUE WEST SUITE 301  
 CRANFORD NJ , 07016  
 UNITED STATES  
**Correspondent e-mail:** [odudonis@enovateengineering.com](mailto:odudonis@enovateengineering.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
ENOVATE ENGINEERING	Opposition Pending	<a href="#">87712171</a>	

### Plaintiff(s)

**Name:** Novatel Inc.  
**Correspondent Address:** GREGORY W CARR  
 CARR LAW FIRM PLLC  
 6170 RESEARCH RD  
 FRISCO TX , 75033  
 UNITED STATES  
**Correspondent e-mail:** [gcarr@carrip.com](mailto:gcarr@carrip.com) , [trademarks@carrip.com](mailto:trademarks@carrip.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
NOVATEL	REGISTERED AND RENEWED	<a href="#">75285444</a>	<a href="#">2468649</a>

### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 05, 2018	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 06, 2018	Jul 16, 2018



3	PENDING, INSTITUTED	Jun 06, 2018
4	D MOT FOR EXT W/ CONSENT	Jul 09, 2018
5	EXTENSION OF TIME GRANTED	Jul 12, 2018
6	STIP FOR EXT	Aug 03, 2018
7	EXTENSION OF TIME GRANTED	Aug 03, 2018
8	D MOT FOR EXT W/ CONSENT	Aug 24, 2018
9	EXTENSION OF TIME GRANTED	Aug 24, 2018
10	D MOT FOR EXT W/ CONSENT	Sep 21, 2018
11	EXTENSION OF TIME GRANTED	Sep 21, 2018
12	D MOT FOR EXT W/ CONSENT	Oct 26, 2018
13	EXTENSION OF TIME GRANTED	Oct 26, 2018
14	D MOT FOR EXT W/ CONSENT	Dec 04, 2018
15	EXTENSION OF TIME GRANTED	Dec 04, 2018
16	D MOT FOR EXT W/ CONSENT	Jan 02, 2019
17	EXTENSION OF TIME GRANTED	Jan 02, 2019