

ESTTA Tracking number: **ESTTA1089704**

Filing date: **10/19/2020**

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	LEVITON MANUFACTURING CO., INC.
Granted to Date of previous extension	10/21/2020
Address	201 NORTH SERVICE ROAD MELVILLE, NY 11747 UNITED STATES
Attorney information	RALPH H. CATHCART LADAS & PARRY, LLP 1040 AVE OF THE AMERICAS 1040 AVE OF THE AMERICAS NEW YORK, NY 10018-3738 UNITED STATES Primary Email: rathcart@ladas.com Secondary Email(s): jkwon@ladas.com, rroa@ladas.com, mmercado@ladas.com 212-708-1920
Docket Number	C120735891

Applicant Information

Application No.	88873392	Publication date	06/23/2020
Opposition Filing Date	10/19/2020	Opposition Period Ends	10/21/2020
Applicant	Amphenol Corporation 358 HALL AVENUE WALLINGFORD, CT 06492 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 2018/02/01 First Use In Commerce: 2018/02/01
All goods and services in the class are opposed, namely: electrical connectors

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. Registration No.	2482917	Application Date	10/06/1998
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Registration Date	08/28/2001	Foreign Priority Date	NONE
Word Mark	EXTREME		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1998/07/00 First Use In Commerce: 1998/07/00 JACKS, PATCH CORDS, INSULATION DISPLACEMENT CONNECTOR BLOCKS, CONNECTOR MODULES, AND CONNECTORS FOR * THE * TRANSMISSION AND INTERCONNECTION OF VOICE, DATA, VIDEO, AND AUDIO SIGNALS; AND PATCH PANELS, PATCH BLOCKS, PATCH CORDS, AND INSULATION DISPLACEMENT CONNECTOR BLOCKS IN WHICH JACKS, PLUGS, CONNECTOR MODULES, AND CONNECTORS FOR THE TRANSMISSION AND INTERCONNECTION OF VOICE, DATA, VIDEO, AND AUDIO [SIGNAL] *SIGNALS* ARE MOUNTED OR OTHERWISE RETAINED		

Attachments	Leviton Notice of Opposition - Amphenol EXTREMEPORT.pdf(305583 bytes)
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Signature	/Ralph H. Cathcart/
Name	RALPH H. CATHCART
Date	10/19/2020

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

-----X	:	
LEVITON MANUFACTURING CO., INC.,	:	
	:	
Opposer,	:	Opposition No. _____
	:	
v.	:	Serial No. 88/873,392
	:	
AMPHENOL CORPORATION,	:	Mark: EXTREMEPORT
	:	
Applicant.	:	
	:	
-----X		

NOTICE OF OPPOSITION

In the matter of Application Serial No. 88/873,392 filed on April 15, 2020, by Amphenol, a Delaware corporation with an address at 358 Hall Avenue, Wallingford, Connecticut 06492 (“Applicant”), seeking registration on the Principal Register of EXTREMEPORT in connection with “electrical connectors” in International Class 9 (“Applicant’s EXTREMEPORT Mark”), which application was published for opposition on June 23, 2020, with extensions of time to oppose granted to Opposer up to and including October 21, 2020;

WHEREAS Leviton Manufacturing Co., Inc., a Delaware corporation with an address at 201 North Service Road Melville, New York 11747 (“Opposer”) believes that it will be damaged by the registration Applicant’s EXTREMEPORT Application Serial No. 88/873,392 and hereby opposes registration of Applicant’s EXTREMEPORT Mark on the following ground:

PRIORITY AND LIKELIHOOD OF CONFUSION

1. Opposer is the owner of the common law rights and goodwill to the mark EXTREME, including incontestable EXTREME Registration No. 2,482,917, registered in International Class 9 in connection with “jacks, patch cords, insulation displacement connector blocks, connector modules, and connectors for the transmission and interconnection of voice, data, video, and audio signals; and patch panels, patch blocks, patch cords, and insulation displacement connector blocks in which jacks, plugs, connector modules, and connectors for the transmission and interconnection of voice, data, video, and audio signals are mounted or otherwise retained” (Opposer’s “EXTREME Mark”). The TESS electronic status record and a copy of the Certificate of Registration for foregoing registration, which is valid, subsisting, and in full force and effect, are attached hereto as **Exhibit A**.

2. Commencing as early as July 1998, nearly two decades before Applicant’s earliest claimed priority date, Opposer has continuously used Opposer’s EXTREME Mark in connection with a wide range of goods in Class 9, including electrical connectors and complimentary and related goods.

3. Opposer has advertised, promoted, marketed, and sold products under its EXTREME Mark such that consumers have come to know and recognize its EXTREME Mark as identifying goods which originate with, are authorized by, or otherwise identify, Opposer.

4. If allowed to mature to registration, Applicant’s use and registration of its confusingly similar Applicant’s EXTREMEPORT Mark in connection with the recited goods in International Class 9, which are identical and related to the goods marketed and sold by Opposer under its EXTREME Mark, constitutes use and registration of a mark confusingly similar to Opposer’s EXTREME Marks.

5. Applicant's EXTREMEPORT Mark wholly subsumes and so resembles Opposer's EXTREME Mark such that the average consumer is likely to be confused, mistaken, or deceived into believing that Applicant's goods originate with Opposer or are in some way associated with or connected, sponsored, or authorized by Opposer, to the damage and detriment of Opposer and its reputation.

WHEREFORE, Opposer believes that it will be damaged by the registration of Applicant's EXTREMEPORT Mark and requests that the opposition be sustained and that registration of Application Serial No. 88/873,392 be refused.

Respectfully submitted,

LADAS & PARRY LLP

Dated: October 19, 2020

By: /s/ Ralph H. Cathcart
Ralph H. Cathcart
Jennifer Kwon
1040 Avenue of the Americas
New York, New York 10018
(212) 708-1920
(L&P Ref.: C120735891)

*Attorneys for Opposer
Leviton Manufacturing Co., Inc.*

CERTIFICATE OF TRANSMISSION

I, Reinaldo M. Roa, hereby certify that a copy of the foregoing **NOTICE OF OPPOSITION** has been transmitted electronically to the United States Patent and Trademark Office on the date indicated:

Dated: October 19, 2020

/s/ Reinaldo M. Roa

Reinaldo M. Roa

EXHIBIT A

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 2,482,917

Registered Aug. 28, 2001

**TRADEMARK
PRINCIPAL REGISTER**

EXTREME

LEVITON MANUFACTURING CO., INC. (DELA-
WARE CORPORATION)
59-25 LITTLE NECK PARKWAY
LITTLE NECK, NY 11362

FOR: JACKS, PATCH CORDS, INSULATION DIS-
PLACEMENT CONNECTOR BLOCKS, CONNec-
TOR MODULES, AND CONNECTORS FOR
TRANSMISSION AND INTERCONNECTION OF
VOICE, DATA, VIDEO, AND AUDIO SIGNALS;
AND PATCH PANELS, PATCH BLOCKS, PATCH

CONNECTOR MODULES, AND CONNECTORS
FOR THE TRANSMISSION AND INTERCONNec-
TION OF VOICE, DATA, VIDEO, AND AUDIO
SIGNAL ARE MOUNTED OR OTHERWISE RE-
TAINED, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 7-0-1998; IN COMMERCE 7-0-1998.

SN 75-565,035, FILED 10-6-1998.

CORDS, AND INSULATION DISPLACEMENT CON-
NECTOR BLOCKS IN WHICH JACKS, PLUGS,

MELVIN AXILBUND, EXAMINING ATTORNEY



Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Mon Oct 19 04:07:24 EDT 2020

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EXTREME

Word Mark EXTREME

Goods and Services IC 009. US 021 023 026 036 038. G & S: JACKS, PATCH CORDS, INSULATION DISPLACEMENT CONNECTOR BLOCKS, CONNECTOR MODULES, AND CONNECTORS FOR * THE * TRANSMISSION AND INTERCONNECTION OF VOICE, DATA, VIDEO, AND AUDIO SIGNALS; AND PATCH PANELS, PATCH BLOCKS, PATCH CORDS, AND INSULATION DISPLACEMENT CONNECTOR BLOCKS IN WHICH JACKS, PLUGS, CONNECTOR MODULES, AND CONNECTORS FOR THE TRANSMISSION AND INTERCONNECTION OF VOICE, DATA, VIDEO, AND AUDIO [SIGNAL] *SIGNALS* ARE MOUNTED OR OTHERWISE RETAINED. FIRST USE: 19980700. FIRST USE IN COMMERCE: 19980700

Mark Drawing Code (1) TYPED DRAWING

Serial Number 75565035

Filing Date October 6, 1998

Current Basis 1A

Original Filing Basis 1B

Published for March 14, 2000 Opposition

Change In Registration CHANGE IN REGISTRATION HAS OCCURRED

Registration Number 2482917

International Registration Number 1007089

Registration Date August 28, 2001

Owner (REGISTRANT) Leviton Manufacturing Co., Inc. CORPORATION DELAWARE 201 North Service Road Melville NEW YORK 11747

Attorney of Record Daniel F. Zendel
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20110226.
Renewal 1ST RENEWAL 20110226
Live/Dead Indicator LIVE

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