

ESTTA Tracking number: **ESTTA250848**

Filing date: **11/24/2008**

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	Brightpoint, Inc.
Granted to Date of previous extension	11/22/2008
Address	7635 Interactive Way, Ste. 200 Indianapolis, IN 46278 UNITED STATES

Attorney information	Daniel J. Lueders Woodard Emhardt Moriarty McNett & Henry LLP 111 Monument Circle, Suite 3700 Indianapolis, IN 46204-5137 UNITED STATES docketdept@uspatent.com, lsweet@uspatent.com, lueders@uspatent.com Phone:317-634-3456
----------------------	---

### Applicant Information

Application No	77457871	Publication date	09/23/2008
Opposition Filing Date	11/24/2008	Opposition Period Ends	11/22/2008
Applicant	BrightPoint Management, LLC Suite A-260 187 Ballardvale Street Wilmington, MA 01887 UNITED STATES		

### Goods/Services Affected by Opposition


Class 036. All goods and services in the class are opposed, namely: investment services in the fields of venture capital and private equity
--


### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)
Other	Lanham Act section 1(b) no bona fide intent to use

### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2170782	Application Date	10/16/1996
Registration Date	07/07/1998	Foreign Priority	NONE

		Date	
Word Mark	BRIGHTPOINT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1995/09/15 First Use In Commerce: 1995/09/15 distributorships in the field of wireless communications equipment, namely, distributorships for wireless telephones and wireless telephone battery chargers, battery eliminators, replacement batteries, wattage boosters, hands free headsets and kits, holders and cradles, carrying cases and bags, earphones, microphones, cigarette lighter adapters, antennae, hang-ups, handset extension cables, power cables, and data cables		

U.S. Registration No.	2353363	Application Date	11/10/1998
Registration Date	05/30/2000	Foreign Priority Date	NONE
Word Mark	BRIGHTPOINT		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 1995/09/15 First Use In Commerce: 1995/09/15 distributorships in the field of wireless communications equipment, namely, distributorships for wireless telephones and wireless telephone battery chargers, battery eliminators, replacement batteries, wattage boosters, hands free headsets and kits, holders and cradles, carrying cases and bags, earphones, microphones, cigarette lighter adapters, antennae, hang-up cups, handset extension cables, power cables and data cables to order and specification; management of inventory</p> <p>Class 036. First use: First Use: 1996/07/13 First Use In Commerce: 1996/07/13 financial services relating to wireless communication equipment, namely accounts receivable management, credit and collection processing, and credit risk retention</p> <p>Class 037. First use: First Use: 1996/07/13 First Use In Commerce: 1996/07/13 repair and refurbishing of wireless communication equipment</p> <p>Class 039. First use: First Use: 1996/07/13 First Use In Commerce: 1996/07/13 inventory storage and management of wireless communication equipment for others</p> <p>Class 042. First use: First Use: 1996/07/13 First Use In Commerce: 1996/07/13</p>		

	packaging design for wireless communications equipment for others		
U.S. Registration No.	2729911	Application Date	12/22/2000
Registration Date	06/24/2003	Foreign Priority Date	NONE
Word Mark	BRIGHTPOINT ONLINE		
Design Mark	<p style="text-align: center;"><b>BRIGHTPOINT ONLINE</b></p>		
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 2001/05/08 First Use In Commerce: 2001/05/08 Distributorships in the field of wireless communication equipment, namely, distributorships for wireless telephones and wireless telephone battery chargers, battery eliminators, replacement batteries, wattage boosters, hands free headsets and kits, holders and cradles, carrying cases and bags, earphones, microphones, cigarette lighter adapters, antennae, hang-up cups, handset extension cables, power cables and data cables; mail order catalog services featuring wireless communication equipment and accessories therefor; computerized on-line ordering and product order fulfillment services in the field of wireless communication equipment and accessories therefor; inventory management of wireless communication equipment and accessories therefor for others; packaging wireless communication equipment and accessories therefor to the order and specification of others; accounts receivable management services in the field of wireless communication equipment and accessories therefore</p> <p>Class 036. First use: First Use: 2001/05/08 First Use In Commerce: 2001/05/08 Financial services relating to wireless communication equipment and accessories therefor, namely, credit and debt recovery collection services, and credit risk management services</p> <p>Class 037. First use: First Use: 2001/05/08 First Use In Commerce: 2001/05/08 Repair and refurbishing of wireless communication equipment and accessories therefor</p> <p>Class 039. First use: First Use: 2001/05/08 First Use In Commerce: 2001/05/08 Inventory storage services, namely, storage of wireless communication equipment and accessories therefor for others</p> <p>Class 042. First use: First Use: 2001/05/08 First Use In Commerce: 2001/05/08 Packaging design for wireless communication equipment and accessories therefor to the order and specification of others</p>		
Attachments	75182057#TMSN.gif ( 1 page )( bytes ) 75591726#TMSN.gif ( 1 page )( bytes ) 76185967#TMSN.gif ( 1 page )( bytes ) Opposition BRIGHTPOINT Management LLC.pdf ( 12 pages )(398759 bytes )		

### 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	/Daniel J. Lueders/
Name	Daniel J. Lueders
Date	11/24/2008

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

In re application Serial No. 77/457,871  
Published in the Office Gazette of  
September 23, 2008

Brightpoint, Inc.	)	Opposition No. _____
Opposer	)	
v.	)	
Brightpoint Management, LLC	)	
Applicant	)	

**NOTICE OF OPPOSITION**

Application for registration of the service mark BRIGHTPOINT for “investment services in the fields of venture capital and private equity” in International Class 36 was filed in the U.S. Patent and Trademark Office on April 25, 2008 naming as Applicant Brightpoint Management, LLC, 187 Ballardvale St., Ste. A-260, Wilmington, MA 01887 (hereinafter “Applicant”), and was assigned Serial No. 77/457,871. The mark of this application was published for opposition in the Official Gazette dated September 23, 2008. The time period within which this Notice of Opposition may be filed by the undersigned Opposer has been previously extended to and including November 22, 2008 by order of the U.S. Trademark Trial and Appeal Board.

Brightpoint, Inc., an Indiana corporation with a post office address of 7635 Interactive Way, Ste. 200, Indianapolis, Indiana 46278, believes that it will be damaged



# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.