

ESTTA Tracking number: **ESTTA432882**

Filing date: **09/28/2011**

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	Orbitel S.A. E.S.P.		
Entity	Corporation	Citizenship	Colombia
Address	Carrera 16, No 11a, Sur 100 Medellin, COLOMBIA		
Attorney information	Todd A. Denys Porzio, Bromberg & Newman, P.C. 29 Thanet Road, Suite 201 Princeton, NJ 08540 UNITED STATES tadenys@pbnlaw.com Phone:6099248555		

Applicant Information

Application No	85300937	Publication date	09/06/2011
Opposition Filing Date	09/28/2011	Opposition Period Ends	10/06/2011
Applicant	Optitel LLC Po Box 466 Monument, CO 80132 UNITED STATES		

Goods/Services Affected by Opposition


Class 038. All goods and services in the class are opposed, namely: Telecommunications consultation
--


Grounds for Opposition

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


Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	2944133	Application Date	09/15/1999
Registration Date	04/26/2005	Foreign Priority Date	NONE
Word Mark	ORBITEL		


Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2003/11/18 First Use In Commerce: 2003/11/18 Operation of telephone call centers for others Class 038. First use: First Use: 2003/11/18 First Use In Commerce: 2003/11/18 Telecommunications gateway services; providing telecommunications connections to a global computer network; telecommunications services, namely, ISDN services; telecommunications services, namely, personal communication services; long distance services, calling card and prepaid phone card services; providing facilities and equipment for international video conferencing; audio and video international teleconferencing services

U.S. Registration No.	3021447	Application Date	08/29/2003
Registration Date	11/29/2005	Foreign Priority Date	NONE
Word Mark	ORBITE L		
Design Mark			
Description of Mark	The mark features the word "ORBITE L" in the color blue, the background around the word "ORBITE L" in the color yellow, and the star and circle design through the letter "O" in the color blue.		
Goods/Services	Class 016. First use: First Use: 1998/11/00 First Use In Commerce: 2003/07/00 pre-paid telephone calling cards, not magnetically encoded		

U.S. Registration No.	3021448	Application Date	08/29/2003
Registration Date	11/29/2005	Foreign Priority Date	NONE
Word Mark	ORBITE L		

Design Mark	
Description of Mark	The letters in ORBITEl are the color blue and the design of stars in a galaxy are the color blue.
Goods/Services	Class 016. First use: First Use: 1998/11/00 First Use In Commerce: 2003/07/00 pre-paid telephone calling cards; not magnetically encoded

U.S. Registration No.	3101165	Application Date	08/29/2003
Registration Date	06/06/2006	Foreign Priority Date	NONE
Word Mark	ORBITEl		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1998/11/00 First Use In Commerce: 2003/07/00 Telephone calling card services		

U.S. Registration No.	3261709	Application Date	09/17/2003
Registration Date	07/10/2007	Foreign Priority Date	NONE
Word Mark	ORBITEl		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 038. First use: First Use: 1998/11/11 First Use In Commerce: 2003/10/05 Telephone communications services; telecommunications services, namely, personal communication services enabling people to communication with one another; long distance services; telephone telecommunications services provided via prepaid telephone calling cards

U.S. Registration No.	3275959	Application Date	08/29/2003
Registration Date	08/07/2007	Foreign Priority Date	NONE

Word Mark	ORBTEL
-----------	--------

Design Mark	
-------------	--

Description of Mark	NONE
---------------------	------

Goods/Services	Class 036. First use: First Use: 1998/11/00 First Use In Commerce: 2003/07/00 pre-paid telephone calling card services
----------------	--

U.S. Registration No.	3431671	Application Date	08/29/2003
Registration Date	05/20/2008	Foreign Priority Date	NONE

Word Mark	ORBTEL
-----------	--------

Design Mark	
-------------	--

Description of Mark	NONE
---------------------	------

Goods/Services	Class 016. First use: First Use: 1998/02/01 First Use In Commerce: 2001/12/24 pre-paid telephone calling cards, not magnetically encoded; and printed materials, namely, newsletters and brochures on telecommunications and related subjects
----------------	---

U.S. Registration No.	3436521	Application Date	09/17/2003
Registration Date	05/27/2008	Foreign Priority Date	NONE
Word Mark	ORBITEL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 1998/02/01 First Use In Commerce: 2001/12/24 digital transmission of voice, data, images, signals and messages, facsimile transmission services; telecommunication gateway services; providing telecommunications connection to a global computer network; telecommunications services, namely, ISDN services		

U.S. Registration No.	3699437	Application Date	06/14/2007
Registration Date	10/20/2009	Foreign Priority Date	NONE
Word Mark	ORBITEL, TU COMPAÑÍA DONDE ESTÁS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 1998/12/31 First Use In Commerce: 2001/12/31 Telephone communications services; digital transmission of voice, data, images, signals and messages, facsimile transmission services; telecommunication gateway services; providing telecommunications connection to a global computer network; telecommunications services, namely, ISDN services; telecommunications services, namely, personal communication services enabling people to communicate with one another; long distance telephone communication services; telephone telecommunications services provided via prepaid telephone calling cards; telecommunication services, namely, television broadcasting services and cable television broadcasting services		



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.