

ESTTA Tracking number: **ESTTA677029**

Filing date: **06/09/2015**

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	ARDUINO S.R.L.
Granted to Date of previous extension	06/10/2015
Address	VIA ROMANO 12 SCARMAGNO (TO), 10010 ITALY

Domestic Representative	Paolo A. Strino Attorney for Potential Opposer Gibbons PC 37th Floor New York, NY 10119 UNITED STATES ipdocket@gibbonslaw.com, pstrino@gibbonslaw.com, TOwens@gibbonslaw.com Phone:2126132023
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Applicant Information

Application No	86393928	Publication date	02/10/2015
Opposition Filing Date	06/09/2015	Opposition Period Ends	06/10/2015
Applicant	Zilog, Inc. 1590 Buckeye Drive Milpitas, CA 95035 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: Integrated circuits; microcontrollers; microcontrollers on evaluation circuit boards with support and development software tools for developing microcontroller architectures and with software simulators of circuit designs

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	86400350	Application Date	09/19/2014
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	ARDUINO
Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2005/09/21 First Use In Commerce: 2005/10/31 Computer peripheral devices; stand-alone, general purpose micro controller boards used for calculation and interface to low voltage electronic components, electromechanical components and electronic systems like personal computers, modems and wireless devices

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	ARDUINO (common law trademark) used in U.S. commerce since at least as early as 2015		
Goods/Services	computer peripheral devices; stand-alone, general purpose micro controller boards used for calculation and interface to low voltage electronic components, electromechanical components and electronic systems like personal computers, modems and wireless devices		

Attachments	86400350#TMSN.png(bytes) ZIDUINO Notice of Opposition.pdf(67076 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	/PAS/
Name	Paolo A. Strino
Date	06/09/2015

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

In re U.S. Ser. No.: 86/393,928
Trademark: ZIDUINO
Filed on: September 12, 2014
Published on: February 10, 2015

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Arduino S.r.l.	:		
	:		
	:		
	:	Opposer,	
	:		
v.	:		Opposition No. _____
	:		
Zilog, Inc.	:		
	:		
	:	Applicant.	
	:		
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NOTICE OF OPPOSITION

Honorable Commissioner for Trademarks
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

In the matter of Trademark Application Ser. No. 86/393,928 for the mark ZIDUINO filed on September 12, 2014 and published for opposition on February 10, 2015:

Arduino S.r.l., a company organized under the laws of Italy and having address at Via Romano 12, Scarmagno (TO) 10010, ITALY ("Opposer"), believes that it will be damaged by the registration of the above-identified mark, and hereby opposes the same.

The grounds for opposition are as follows:

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COUNT I

1. To the best of Opposer's knowledge, Zilog, Inc., a corporation organized under the laws of Delaware, and having an address at 1590 Buckeye Drive, Milpitas, CA 95035 ("Applicant"), filed an application on September 12, 2014 seeking to register the trademark ZIDUINO (sometimes "Applicant's Trademark"). The particulars of this application are included below:

<u>Mark</u>	<u>Ser. No.</u>	<u>Goods</u>	<u>Filing Basis</u>
ZIDUINO	86/393,928	Integrated circuits; microcontrollers; microcontrollers on evaluation circuit boards with support and development software tools for developing microcontroller architectures and with software simulators of circuit designs in International Class 9.	1(b), intent to use in commerce

The above-referenced information is evidenced by the publication of said mark in the Official Gazette on February 10, 2015. Opposer sought and obtained a 90-day extension of time to file a Notice of Opposition in this matter. Therefore, the current filing is timely.

2. Opposer is and has been engaged, by itself, and through companies operating under its direct supervision or control, in the design, manufacture and sale of a wide range of computer hardware including a variety of microcontroller boards and their accessories intended to make building interactive objects or environments more accessible, as well as printed circuit expansion boards that provide or enable, *inter alia*, GSM connectivity, wireless modules, SD cards, and Bluetooth. For various years, Opposer has been selling, distributing and providing such goods and services under the mark ARDUINO throughout the United States, and in many

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countries across the world. Opposer's products are regarded as some of the best devices in their class.

3. As a result of the widespread use in interstate commerce, Opposer's trademark has acquired extensive goodwill, and is well known and recognized by the public.

4. Petitioner has filed, *inter alia*, the following U.S. trademark application:

<u>Mark</u>	<u>Ser. No.</u>	<u>Goods</u>	<u>Filing Basis</u>
ARDUINO	86/400,350 Filed on September 19, 2014	Peripheral devices(computer); stand alone general purpose micro controller boards used for calculation and interface to low voltage electronic components, electromechanical components and electronic systems like personal computers, modems and wireless devices in International Class 9	1(a), use in commerce

Printouts of the PTO summary page for this application are attached as Exhibit A.

5. For the reasons set forth herein, registration of the proposed mark would damage Opposer's exclusive rights in its trademark ARDUINO (sometimes "Opposer's Trademark"). Thus, Opposer has a "real interest" in the proceeding as well as a "reasonable basis" that it would be damaged if the proposed mark registered. Accordingly, Opposer's standing is not at issue.

6. For many years, since at least as early as 2005, Opposer has been designing, manufacturing, and selling its products under the mark ARDUINO throughout the United States and is currently manufacturing and selling them in U.S. commerce under the mark. Accordingly, Opposer has acquired common law rights in Opposer's Trademarks through the exclusive and continuous use of the mark in U.S. commerce on the products identified under 2. above and in App. Ser. No.: 86/400,350. Opposer's trademark rights precede the date of Applicant's intent to use application for ZIDUINO.

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