

ESTTA Tracking number: **ESTTA1087218**

Filing date: **10/07/2020**

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	NovAtel Inc.
Granted to Date of previous extension	10/07/2020
Address	10921 14TH STREET NE CALGARY, ALBERTA, N/A T3K2L5 CANADA
Attorney information	GREGORY W CARR CARR LAW FIRM PLLC 6170 RESEARCH RD. SUITE 111 FRISCO, TX 75033 UNITED STATES Primary Email: gcarr@carrip.com 2147603030
Docket Number	

Applicant Information

Application No.	87108808	Publication date	06/09/2020
Opposition Filing Date	10/07/2020	Opposition Period Ends	10/07/2020
International Registration No.	NONE	International Registration Date	NONE
Applicant	Huawei Technologies Co., Ltd. ADMINISTRATION BUILDING BANTIAN, LONGGANG DISTRICT SHENZHEN, GUANGDONG, 518129 CHINA		

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: Mobile phones

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	NovAtel v. Huawei Technologies - Notice of Opposition 10-7-2020.pdf(146180 bytes)
-------------	--

Signature	/Gregory W. Carr/
Name	GREGORY W CARR
Date	10/07/2020

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

NovAtel Inc.	§	
	§	
Opposer	§	
	§	
v.	§	
	§	
Huawei Technologies Co., Ltd.	§	
	§	
Applicant	§	Mark: NOVA
	§	Application No.: 87108808
	§	

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 NOVA 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 Huawei Technologies Co., Ltd. (“Applicant”) has applied for registration of the mark NOVA (the “NOVA mark”) in the United States Patent and Trademark Office, as shown in U.S. Application Ser. No. 87108808 (the “Application”), having a filing date of July 19, 2016. The Application for the NOVA mark seeks registration in Class 009 for “Mobile phones” (the “Applicant’s Goods”).
3. Applicant seeks to register the NOVA mark for Applicant’s Goods in International Class 009 as evidenced by the publication of the Application in the Official Gazette on June 9, 2020.
4. The NOVA mark is confusingly similar to Opposer’s NOVATEL mark when the marks are viewed as a whole.
5. The NOVA mark is confusingly similar to Opposer’s NOVATEL mark because the marks are identical in part. Specifically, each mark contains the identical wording “NOVA.”
6. The identification of goods for the NOVA Application is for “Mobile phones” which presumably is encompassed by “navigation and positioning... instruments, computer hardware” registered by Opposer. There is therefore direct overlap between the applied for goods in the NOVA application and the identification of goods in Opposer’s registration for the NOVATEL mark.

7. The “Mobile phone” goods in the identification of the NOVA Application is without any restriction as to nature, type, channels of trade, or classes of purchasers and is therefore presumed to encompass and travel in the same channels of trade to the same class of purchasers as those of the navigation and positioning instruments and computer hardware goods sold by Opposer and in the registration of the NOVATEL mark.
8. 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 NOVA mark, because the use and attempt to register by Applicant of the NOVA 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. 887108808 be refused.

Dated: October 7, 2020

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@carrpl.com

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.