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**THIS DISPOSITION  
IS NOT CITABLE AS PRECEDENT  
OF THE T.T.A.B.**

Paper No. 19  
Bottorff

UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board  
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ISCAN Incorporated

v.

DVDO, Inc.  
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Opposition No. 118,770  
to application Serial No. 75/682,560  
filed on April 14, 1999  
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James E. Shlesinger of Shlesinger, Arkwright & Garvey LLP  
for ISCAN Incorporated.

Yano Rubenstein of Oppenheimer Wolff & Donnelly LLP for  
DVDO, Inc.  
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Before Quinn, Bottorff and Drost, Administrative  
Trademark Judges.

Opinion by Bottorff, Administrative Trademark Judge:

Applicant seeks registration on the Principal  
Register of the mark depicted below



for "video processing equipment, namely, video line doublers."<sup>1</sup>

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<sup>1</sup> Serial No. 75/682,560, filed April 14, 1999. The application is based on use in commerce, and January 1999 is alleged in the application as the date of first use of the mark anywhere and first use of the mark in commerce.

As originally filed, the application drawing depicted the mark in typed form, as ISCAN; in compliance with the Trademark Examining Attorney's requirement that the drawing be amended to depict the mark as it appeared on applicant's specimens of use, applicant amended the drawing to depict the mark in special form.

As published for opposition, the identification of goods in the application read as follows:

Video processing equipment, namely, video disc players and recorders, videocassette recorders, direct-to-home digital satellite television receivers, video line doublers, home theater audio-video receivers, home theater video switchers, digital television receivers, digital television set-top boxes, direct-view enhanced analog television receivers, home theater video projectors, digital cable set-top boxes, computer video display/monitors, electronic cinema projectors, personal computers, personal computer video displays, personal video displays, namely head-mounted and other wearable video displays, and automotive, airline and other mobile video entertainment displays.

In its answer to the notice of opposition (at paragraph 10) and again in its April 16, 2002 "brief," applicant requested that the identification of goods be amended to exclude everything except "video line doublers." Applicant's April 16, 2002 "brief" was disallowed by the Board in a June 18, 2002 order, and we therefore have not considered the substantive arguments made by applicant therein. However, we have considered the April 16, 2002 paper insofar as it includes this renewed motion to amend the application's identification of goods. Opposer has never objected to the amendment; indeed, during the testimony deposition of opposer's witness, opposer essentially treated the amendment as though it is already operative:

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Opposer has opposed registration of applicant's mark, alleging as grounds therefor that opposer is the prior user of the trademark and trade name ISCAN in connection with "eye movement monitoring systems"; that opposer is the owner of incontestable Registration No. 1,312,091, which is of the mark ISCAN, in typed form, for "electronic tracking units featuring cameras, micro-processors, monitors and digital hardware units";<sup>2</sup> and that applicant's mark, as applied to applicant's goods, so resembles opposer's previously-used mark and trade name as to be likely to cause confusion, to cause mistake, or to deceive. Trademark Act Section 2(d).

Applicant filed an answer by which it denied the allegations of the notice of opposition which are essential to opposer's claim for relief.

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DQ16 What is your knowledge of the products marketed, offered or sold by DVDO under the name ISCAN?

A Well, initially I think the application indicated a very broad range of video equipment that they desired to use the mark with and after some discussion I think with us, they decided that they would only use the mark with video-line doublers.

(Kielar depo. at 14-15.) In view thereof, we grant applicant's motion to amend the application. See Trademark Rule 2.133, 37 C.F.R. §2.133. The operative identification of goods now is deemed to be "video processing equipment, namely, video line doublers."

<sup>2</sup> The registration was issued on January 1, 1985; §§8 and 15 affidavits accepted and acknowledged.

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The record in this case includes the pleadings and the file of the opposed application. Also, at trial, opposer made of record (by notice of reliance) status and title copies of opposer's pleaded Registration No. 1,312,091, which show the registration to be extant and owned by opposer. Opposer also submitted the testimony deposition of its vice-president Alan M. Kielar (and exhibits thereto). Applicant submitted no evidence at trial. Opposer filed a brief on the case, but applicant did not. No oral hearing was requested.

We find that opposer has established its standing to bring this opposition proceeding. Moreover, in view of opposer's submission of status and title copies of its pleaded registration, Section 2(d) priority is not at issue in this case. Thus, the only issue remaining to be decided is whether opposer has established that a likelihood of confusion exists.

Our likelihood of confusion determination under Section 2(d) is based on an analysis of all of the probative facts in evidence that are relevant to the likelihood of confusion factors set forth in *In re E. I. du Pont de Nemours and Co.*, 476 F.2d 1357, 177 USPQ 563 (CCPA 1973). In considering the evidence of record on these factors, we keep in mind that "[t]he fundamental

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inquiry mandated by §2(d) goes to the cumulative effect of differences in the essential characteristics of the goods and differences in the marks." *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 192 USPQ 24, 29 (CCPA 1976).

Under the first *du Pont* evidentiary factor, i.e., "the similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression," we find that applicant's stylized "iScan" mark and opposer's ISCAN mark and trade name are more similar than dissimilar. Although the marks are not identical in terms of appearance (due to the presence of the design element in applicant's mark), we nonetheless find that the marks look more similar than dissimilar to each other when viewed in their entireties inasmuch as they are comprised of the same five letters, ISCAN. The marks are identical in terms of sound, and are similar in terms of connotation and overall commercial impression. Clearly, opposer's mark ISCAN, as applied to opposer's eye movement tracking systems, connotes and creates the commercial impression of "eye scan."<sup>3</sup> The connotation

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<sup>3</sup> Opposer's vice-president Mr. Kielar testified that, in selecting the mark, opposer was aware of the "eye scan" connotation of the mark as used in connection with opposer's eye movement tracking systems, but that because opposer anticipated

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and commercial impression of applicant's mark, as applied to applicant's goods, is not so apparent from the record, especially with respect to the "i" element of the mark. Regardless of the meaning of the "i" in applicant's mark, however, we find that the presence of the "SCAN" element in both marks renders the marks more similar than dissimilar in terms of connotation and overall commercial impression. We find that the first *du Pont* factor favors opposer.

We turn next to a consideration of the similarity or dissimilarity between the parties' goods, under the second *du Pont* factor. It is not necessary that these goods be identical or even competitive in order to support a finding of likelihood of confusion. Rather, it is sufficient that the goods are related in some manner, or that the circumstances surrounding their marketing are such, that they would be likely to be encountered by the same persons in situations that would give rise, because of the marks used thereon, to a mistaken belief that they originate from or are in some way associated with the same source or that there is an association or connection

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that it would develop products in fields other than the eye movement tracking field, it selected the mark ISCAN instead. (Kielar depo. at 12.)

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between the sources of the respective goods. See *In re Martin's Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 223 USPQ 1289 (Fed. Cir. 1984); *In re Melville Corp.*, 18 USPQ2d 1386 (TTAB 1991); *In re International Telephone & Telegraph Corp.*, 197 USPQ2d 910 (TTAB 1978). Generally, the greater the degree of similarity between the applicant's mark and the opposer's mark, the lesser the degree of similarity between the applicant's goods and the opposer's goods that is required to support a finding of likelihood of confusion. See *In re Shell Oil Co.*, 992 F.2d 1204, 26 USPQ2d 1687 (Fed. Cir. 1993); *In re Concordia International Forwarding Corp.*, 222 USPQ 355 (TTAB 1983). By the same token, however, the parties' goods may be so disparate and commercially unrelated that no likelihood of confusion exists even if the marks used thereon are quite similar. See, e.g., *Pure Gold, Inc. v. Syntex (U.S.A.), Inc.*, 739 F.2d 624, 222 USPQ 741 (Fed. Cir. 1984).

Applicant's goods are identified as "video processing equipment, namely, video line doublers." When he was asked during his deposition what "video line doublers" are, opposer's vice-president testified: "basically, a video-line doubler takes an ordinary video

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input and processes that ordinary video input to output an enhanced video image [sic - image], which has greater line resolution." (Kielar depo. at 15.)

Moreover, we take judicial notice of the following dictionary definition of "line-doubling" from James Monaco, The Dictionary of New Media (1999) at 151

(emphasis added):<sup>4</sup>

Line-Doubling: A technique useful in home theatre applications for improving the apparent resolution of the broadcast image. In conventional television, the image is divided into two interlaced fields. The CRT gun paints first one field, then the other. In a line-doubling IDTV set the two fields are stored in memory so that the CRT gun can paint all the horizontal lines progressively, without interlacing. Thus two complete images are painted in each thirtieth of a second (in the NTSC system) or each twenty-fifth of a second (in PAL and SECAM). This increases the brightest [sic - brightness?] of the picture significantly. The picture also appears sharper - even though the information in the image has not increased.

Based on this definition, we find that the "video line doublers" identified in applicant's application are

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<sup>4</sup> The Board may take judicial notice of dictionary definitions. See, e.g., *University of Notre Dame du Lac v. J. C. Gourmet Food Imports Co.*, 213 USPQ 594 (TTAB 1982), *aff'd*, 703 F.2d 1372, 217 USPQ 505 (Fed. Cir. 1983); see also TBMP §712.01. Furthermore, our consideration of such evidence in this case is appropriate in view of the fact that the identified goods, i.e., "video line doublers," appear to be specialized goods, the nature of which is not immediately apparent to the Board. See, e.g., *In re Trackmobile Inc.*, 15 USPQ2d 1152 (TTAB 1990).

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consumer electronics items designed for use as components in "home theatre applications." There is no evidence in the record which shows, or from which it might reasonably be inferred, that "video line doublers" are marketed or used in fields outside the consumer electronics/home theater field. Opposer's witness testified that opposer does not manufacture or market video line doublers.

(Kielar depo. at 15.)

Opposer's goods, as identified in opposer's registration, are "electronic tracking units featuring cameras, micro-processors, monitors and digital hardware units." Again, because the nature of these goods is not immediately apparent to the Board from the face of the identification of goods, we look to other evidence in the record to aid our understanding. *In re Trackmobile, supra.* Opposer's witness Mr. Kielar testified as follows (at pages 6-10, 12-13, and 16 of his deposition) with respect to the nature of opposer's business and its goods:

DQ6 Please describe the business of ISCAN Incorporated.

A ISCAN designs, develops and markets instrumentation for a wide variety of applications. We specifically specialize in

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instrumentation that processes video signals and either - and extracts information about them and/or enhances the output so that aspects of the image can be seen more clearly or data about the image can be obtained automatically.

More specifically, our product line sort of divides into two technical areas; one is a specialized area that we've developed in monitoring eye movements from an image of - of an eye and the other is more general target tracking applications. In each of those categories we have very broad-ranging applications from totally research-oriented to more general consumer-oriented products.

To give you some examples, in eye tracking we have instrumentation which we sell to universities and research laboratories and large companies that are used for - for example, large automobile company research labs use our instrumentation to determine how best to lay out a car's dashboard or the instrumentation in a car or to make sure that there aren't obstructions that they have designed unintentionally into the vehicle.

Our instrumentation is used similarly by NASA so [sic - to] design the control panel layouts for the space shuttle and for aircraft and things like that.

In addition, the eye tracking technology is used for medical applications for eye laser surgery and for neurology applications and in addition to that, it's used to - for example, for a disabled person they can control a computer system simply by looking at the screen.

On the target tracking side there's also a wide variety of applications. Some of them are - include, say, just tracking a target for the military, for example, to have a missile or a camera be pointed at a target of interest, for surveillance in both military and commercial markets.

Often you will see on TV a surveillance camera with a, you know, from a helicopter where they zoomed in, for example, with the O.J. Simpson case. We make systems that help

to stabilize that camera and keep it locked on a target that they're interested in filming.

In addition we've - we've come out with a product called the Optimouse, which uses the same video tracking technology to produce a product that serves as a different kind of mouse. It works as a computer mouse [sic - mouse], but allows you to use a wand which can be remote from a computer screen.

DQ7 You've mentioned a number of different applications. Would you briefly describe the types of products that are both mentioned and haven't been mentioned that ISCAN sells?

A Well, specifically we would - we would sell an image processing or video processing set of electronics, maybe one or more circuit boards that we design, along with any accoutrements that might go with that, say cameras, monitors, software to analyze the data, those types of things.

...

DQ13 What products do you currently market and sell under the mark ISCAN?

A Well, really all of the - all of the items that I mentioned previously, so there's a core technology, as I mentioned, that is taking information from video camera, processing that information and delivering that either - either in the form of enhanced imagery or data and all of the different applications that we've managed to successfully put the technology in would be included.

So there's eye tracking applications, there are target-tracking applications and each of those areas include, you know, military, medical, consumer markets.

...

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DQ18 Looking into the future, what types of applications do you envision utilizing with your technology?

A Well, I think, as I mentioned, the applications for the technology are extremely broad and we have gotten into and successfully sold into many markets already. We do foresee our own - our own technology, as with any sort of electronic high-tech product as the costs get driven down in electronics, we can imagine using the eye tracking with virtually any computer system, it really becoming very widely used technology for computer interface and that would include, you know, consumers or anyone interfacing with the terminal, which is just about everyone nowadays. That's one of the goals of the company.

Exhibit 6 to Mr. Kielar's deposition is opposer's brochure entitled "Eye Movement Monitoring Systems," which provides information about the first of the main areas in opposer's product line referred to by Mr. Kielar in the above-quoted testimony. The brochure describes what Mr. Kielar refers to as four different "configurations" of opposer's eye movement monitoring systems. These appear to be the specific products opposer has manufactured and marketed in the eye movement tracking field. The first is the "Eye Dynamic Research Laboratory," which the brochure describes as "a fully integrated research laboratory that may be used to collect and analyze raw eye movement data in clinical or research environments." The second configuration is

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called "Eye Point of Regard Analysis Lab," which is "a complete PC based instrument for obtaining and analyzing data about where a subject is looking." The third configuration is "Head & Eye Tracking System," which "consists of helmet mounted sensors and processing electronics" and which "may be used to accurately and naturally designate targets or indicate areas of interest within the field of view just by looking at them." The fourth configuration is the "Eye Slaved Pointing System," which is "a turnkey computer based communication aid for severely disabled individuals. Simply by looking, the operator can rapidly select icons on a personal computer screen." The brochure also includes the following text regarding the applications for these eye movement monitoring system products:

**Why Monitor Eye Movements?**

Real time knowledge of the precise position of the eye and the pupil diameter is invaluable for a host of diagnostic and interactive applications. Neurologists, ophthalmologists, psychologists and brain researchers use eye data to test for cognitive and oculomotor characteristics and abnormalities. Monitoring where a subject is looking allows creators of consoles, cockpits, advertisements and packaging to optimize their designs or train users more efficiently. As a control input, eye movements can be used to direct a weapon, a cursor or a high resolution simulator inset to maximize overall system speed and utility.

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An additional product manufactured and marketed by opposer in the eye movement tracking field is the "Magnetic Resonance Remote Eye Tracking Laboratory," depicted in Exhibit 9 to Mr. Kielar's deposition. This is an apparatus which is mounted in and on the bore of a magnetic resonance imaging (MRI) machine, and which is "designed to allow the presentation of wide angle, high resolution visual stimuli to patients and the simultaneous recording and analysis of their eye movements while undergoing fMRI [sic] scanning."

Exhibit 5 to Mr. Kielar's deposition provides information about the other main area of opposer's product line identified in Mr. Kielar's testimony, i.e., products designed for "target tracking applications." Entitled "Automatic Video Tracking Systems," this 1989-1990 catalog describes opposer's "single target" and "multiple target" tracking system products, and includes the following relevant text:

ISCAN Automatic Video Tracking Systems (AVTs) are real time digital image processors that automatically track the movement of contrasting targets within the field of view (FOV) of an electro-optic image sensor such as a video camera or a forward looking infrared (FLIR) imager.

...

Typical applications of ISCAN's AVTs include:

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- Fire Control
- Range Instrumentation
- Automatic Docking
- Laser Tracking
- Industrial Inspection
- Robotic Guidance

...

ISCAN AVTs use new and proprietary real time algorithms for tracking contrasting targets in cluttered environments. The systems, in most applications, outperform conventional video trackers that use standard edge, centroid, quadrant or correlation methods.

...

ISCAN also provides a full line of AVT accessories including video cameras, optics and monitors, azimuth/elevation tracking mounts and data acquisition hardware and software. The systems can also be customized to meet specific tracking applications.

Another product employing opposer's target tracking technology is a "Remote Cursor Control System" opposer sells under the product mark OPTIMOUSE. Mr. Kielar testified that this product "would be used by a very broad range of customers, including very high-end consumers." (Kielar depo. at 20.) Exhibit 2 to Mr. Kielar's deposition is a brochure which describes the product as follows:

ISCAN Incorporated introduces the OPTIMOUSE, a new computer cursor control system for advanced man/machine interface applications. The OPTIMOUSE allows the systems operator to rapidly and accurately control system

functions simply by pointing at the terminal screen.

The OPTIMOUSE remote cursor control system consists of a small two dimensional video sensor, a lightweight handheld pointer and the OPTIMOUSE electronics package which can be interfaced to virtually any computer in much the same way as a conventional light pen or digitizer tablet.

Applications - The OPTIMOUSE has been designed for use in environments requiring intensive or tedious computer data entry or wherever it is inconvenient to use a mouse, digitizing tablet or light pen. Applications include:

- CAD/CAM Data Entry
- Radar/Sonar Target Designation
- Pointing Systems for Cockpit or Vehicular Use
- Control Systems for the Disabled

Exhibit 3 to Mr. Kielar's deposition is a copy of an excerpt from the October 1988 issue of Popular Science magazine, in which opposer's OPTIMOUSE product is featured on the magazine's "What's New ELECTRONICS" page with a picture of the product and the following text:

"An image sensor at the computer tracks the position of the hand-held Optimouse. Move the wandlike mouse in the air - as if you're aiming at the screen - and the cursor follows. It's \$2,800 from ISCAN Inc."

After careful review of the record, we find that applicant's goods and opposer's goods simply are too dissimilar to each other for any likelihood of confusion

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to result, even when the goods are sold under the confusingly similar marks involved in this case. That is, we find that opposer has failed to establish that its goods and applicant's goods are sufficiently commercially related that source confusion among purchasers is likely to result from the parties' use of their respective marks.

As noted above, opposer does not manufacture video line doublers, the goods identified in applicant's application. Nor does it appear from the record that any of opposer's goods are designed for or sold in the consumer electronics/home theater field in which video line doublers are marketed, nor that video line doublers are products which would be used with any of the products opposer manufactures and markets. There is no evidence that any third parties market both applicant's type of goods and opposer's types of goods under a single mark. *Cf. In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); *In re Mucky Duck Mustard Co., Inc.*, 6 USPQ2d 1467 (TTAB 1988).

Mr. Kielar testified that opposer's "electronic tracking units" have "general consumer-oriented applications," but it appears from the record that opposer's products are directed primarily to

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sophisticated purchasers in the research, military, industrial and medical fields. The only products opposer has marketed which could be considered to be consumer-oriented products are the OPTIMOUSE remote cursor control device and the "eye-slaved pointing system" which enables disabled persons to communicate by looking at the screen. Neither of those products, on this record, appears to be commercially related to applicant's "video line doublers" in any way which would support a finding of likely source confusion among the relevant purchasers. Nor is the requisite commercial relationship between the parties' goods established by Mr. Kielar's testimony that, as the cost of opposer's technology comes down, "we can imagine using the eye tracking with virtually any computer system, it really becoming very widely used technology for computer interface and that would include, you know, consumers or anyone interfacing with the terminal, which is just about everyone nowadays. That's one of the goals of the company."

Opposer's theory under the second *du Pont* factor appears to be that the parties' goods "are related since the products perform the same functions" and that applicant's goods "are completely encompassed within the goods associated with Opposer's use and registration."

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(Opposer's brief at 8.) This argument is not persuasive, because it appears to be based on a comparison not of the parties' respective goods as they would be encountered by purchasers in the marketplace, but rather on the apparent similarity in the respective goods' underlying "core technology" or "flow diagram."

For example, opposer argues (at page 6 of its brief) that "Opposer's products take an input from a standard video source, and process that video information to produce data and enhanced video as an output, a process identical to the video-line doubler product associated with applicant's mark." (Emphasis added.) Likewise, Mr. Kielar's testimony with respect to the relationship between opposer's and applicant's respective goods compares the goods solely in terms of their underlying technologies (emphasis added):

...And these [applicant's video line doublers] to my understanding are, basically, video processing equipment that produces an enhanced video image, which is really in those terms totally overlapping with the types of products that we produce.

DQ17 Would you describe briefly how these products overlap your products under the trademark ISCAN and DVDO's products under the name ISCAN?

A Well, the - basically a video-line doubler takes an ordinary video input and processes that ordinary video input to output an enhanced video imagine [sic - image], which

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has greater line resolution. While we don't - we don't manufacture specifically video doublers, really the flow diagram is identical. We taken [sic - take an] input from a standard video source, we process that video information and we produce data and enhanced video as an output and in that sense the products really are highly overlapping.

(Kielar depo. at 15-16.) Similarly at pages 17-18 of his deposition, in discussing opposer's Exhibit No. 1 (the product specification sheet for opposer's video tracking system), Mr. Kielar testifies as follows (emphasis added):

...In addition, on the back of the sheet, again, you can see the flow diagram for the system. There's a video camera for video input going into our processor, which in this case is designated RK-446, and the output going to a video monitor and a computer for data acquisition. This is essentially the exact same flow diagram that you would draw for the DVDO products.

Finally, in discussing opposer's Exhibit No. 5 (opposer's catalog covering its video tracking systems) at page 24 of his deposition, Mr. Kielar testifies as follows (emphasis added):

And on page five, again you see the same sort of flow diagram for the system. You have a camera going to a processing system, in this case the video tracker, and then that processing system outputting an enhanced video signal for the operator, as well as some - some data signals, in this case to drive a

tracking mount, and once again this is exactly the same flow diagram and exactly the same input that DVDO would be using. In their case they would be creating an enhanced video output which would be high resolution. In our case we're creating an enhanced video output which shows a tracked target.

In comparing the parties' goods under the second *du Pont* factor, it is not dispositive, even if true, that the goods operate via the same "flow diagram." There is no evidence that purchasers of the products would recognize the similarity in the products' respective flow diagrams, much less that they would assume, based on such similarity in flow diagram, that a source connection exists if the products are marketed under similar marks. The issue is not whether an engineer looking at the products' flow diagrams would think that the products are similar, but whether purchasers encountering the products in the marketplace would assume that a source connection exists. Opposer's trademark rights do not extend to the "core technology" or "flow diagram" underlying its products, nor are applicant's products related to opposer's products simply because they might share that same core technology or flow diagram. *Cf. Pure Gold, Inc. v. Syntex (U.S.A.), Inc., supra*, 222 USPQ at 744 ("[s]imply having lemon as an ingredient would not

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establish the type of relationship between hair care products and fresh citrus fruits and juices that is likely to lead to confusion of source in the marketplace").

Likewise, we cannot conclude on this record that the normal and likely-to-continue trade channels for the parties' respective goods are similar, under the third *du Pont* factor. There are no trade channel restrictions in either party's identification of goods, and we accordingly presume that they move in all trade channels normal for such goods. See *In re Elbaum*, 211 USPQ 639 (TTAB 1981). However, there is no evidence from which can conclude or infer that the normal trade channels for these respective goods overlap. Applicant's video line doublers are sold in the consumer electronics/home theater market; there is no evidence that they move in any other trade channels, including opposer's trade channels. Likewise, there is no evidence that opposer's electronic tracking units are sold in the home theater market. There is no evidence that the products are marketed or advertised via the same retail outlets or the same trade shows or through the same publications.

Finally, it appears from the record that opposer's electronic tracking units are purchased by sophisticated,

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careful purchasers in the research, industrial, military and biomedical fields. Even the Optimouse cursor product, which arguably is opposer's only consumer-oriented product, appears to retail for \$2,800, a sum which likely invites a relatively large degree of purchasing care.

Based on the evidence which is of record pertaining to the *du Pont* likelihood of confusion factors, we conclude that no likelihood of confusion exists. Notwithstanding the similarity of the marks, we find that opposer's "electronic tracking units" and applicant's "video line doublers" simply are too dissimilar and unrelated in the marketplace for source confusion to result. *Cf. Pure Gold, Inc. v. Syntex (U.S.A.), Inc., supra.* We find that opposer's likelihood of confusion theory is highly speculative, and that the extent of potential confusion, if any, is de minimis at best. As stated by our primary reviewing court: "We are not concerned with mere theoretical possibilities of confusion, deception, or mistake or with de minimis situations but with the practicalities of the commercial world, with which the trademark laws deal." *Electronic Design & Sales Inc. v. Electronic Data Systems Corp.*, 954 F.2d 713, 21 USPQ2d 1388, 1391 (Fed. Cir. 1992), quoting

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*Witco Chem. Co. v. Whitfield Chem. Co.*, 418 F.2d 1403,  
1405, 164 USPQ 43, 44-45 (CCPA 1969), *aff'g*, 153 USPQ 412  
(TTAB 1967).

Decision: The opposition is dismissed.<sup>5</sup>

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<sup>5</sup> As noted above, the identification of goods in the application shall be amended to "video processing equipment, namely, video line doublers."