

Vol. 48, No.3

November 1998

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REGIONAL ACTIVITIES

Cleveland

# Contact

Publication of the Cleveland Section of the Institute of Electrical and Electronics Engineers.

## IEEE Cleveland Section Annual Meeting, Dinner

Friday, Nov. 20, Glidden House, 6:30 p.m.

by Stephen Phillips

The 1998 IEEE Cleveland Section annual meeting and dinner will be held the evening of Friday, November 20, 1998. This event will include the election of our 1999 officers. The meeting will be held at the Glidden House, 1901 Ford Drive in University Circle. The location is just off East Boulevard, between the Cleveland Museum of Art and the Western Reserve Historical Society.

The meeting will commence at 6:30 p.m. and will be followed by dinner. Please contact Steve Phillips, (216) 368-6248 or E-mail: stephen.phillips@ieee.org for more details and to make reservations for dinner before November 10.

## IEEE Power Engineering Society and Industrial Applications Society Joint Meeting

Weds., Nov. 11, 6-8 p.m. at Erico in Solon

### “Lightning, Surge, Earthing & Grounding” Seminar and Erico Factory Tour

Dr. Tony Surtees of Erico will present the seminar on Lightning Protection. The presentation will include recent advances, standards, grounding and bonding techniques plus power and telecommunications advanced protection.

Dr. Surtees, formerly Global Lightning Technologies Company director, now heads the Facility Protection Group for Erico for both North and South America. He is also a well-known expert on lightning protection theory and practices, and regularly presents lightning seminars.

There will be a dinner along with the program, both at no charge. The seminar is limited to 50 members and guests. Call Allen Morinec, (216) 447-2505 by November 8th, for reservations.

**What:** PES/IAS Joint meeting

**When:** Weds., Nov. 11  
6:00-8:00 p.m.

**Where:** Erico  
34600 Solon Rd.  
Solon, OH 44139

**Speaker:** Dr. Tony Surtees

## Lorain County IEEE Sub-Section

by Warren Wickes

According to the latest count, there are 153 IEEE members located in Lorain County. I feel this could justify establishing an IEEE sub-section here. If anyone has an interest in establishing such a group in Lorain County, please give me a call. If there is sufficient interest, I will arrange an organizing meeting in January. I envision setting up a few inspection trips within our county, and perhaps a technical meeting of some sort. Please call me with your ideas!

Contact Warren Wickes, telephone (440) 774-6110, FAX: 440-775-9820 or E-mail: w.wickes@ieee.org. My address is 70 Kendal Dr., Oberlin, OH 44074-1903.

## Calling All IEEE Members:

### *Come Hear the Technical Presentations*

at Case Western Reserve University,  
White Bldg., Rm. 411,  
11:30 a.m.-12:30 p.m.

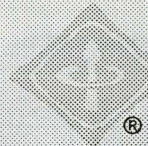
**Nov. 10** Khosrow Sohraby, Computer Science Telecommunications expert at the University of Missouri at Kansas City will speak on “Loss-Free Smoothing of Constant Bit Rate Flows in Networks.”

**Nov. 12** Speaker Alberto Isidori, Dept. of Systems, Science and Math at Washington University, on “Nonlinear Feedback Design: Achievements and Perspectives.”

**Nov. 17** Melanie Mitchell, Santa Fe Institute, will speak on “Prospects for Evolutionary Computation.”

For information, contact Dr. Stephen Phillips, (216) 368-6248.





## Cleveland Engineering Society NOVEMBER EVENTS

4 "...But I'm NOT a Salesperson!" featuring Thomas Scully, Sales Tech, Inc., 7:30 a.m.-1:00 p.m., at The Construction Employers Association. \$30.00 CES members; \$40.00 non-members.

10 "Goal Setting and Time Management," featuring Margaret Tournier, The Think Tank, and Steven Peckham, Achievements Unlimited, 3:45-7:45 p.m., at The Cleveland Athletic Club. \$55.00 CES members; \$75.00 non-members.

12 "The Third Annual Environmental Conference: Coping with Today's Environmental Regulatory Climate—Reality or Overkill?" Keynote speaker is H. Peter Burg, FirstEnergy Corp., 7:30 a.m.-4:00 p.m., I-X Center. \$150.00 CES members; \$175.00 non-members.

17 "I-90 Innerbelt/Pier Stabilization Project" featuring Brian Seritore from Great Lakes Construction Company, Dean Palmer of Richland Engineering and Kirk Gegick, ODOT, 11:30 a.m.-1:30 p.m., The Spaghetti Warehouse in the Flats. \$12.00 CES members; \$15.00 non-members.

19 "Technological Expansion: Special Challenges for Engineering Education" featuring James W. Wagner, Dean of the Case School of Engineering, CWRU, 7:30-9:00 a.m., at the Holiday Inn Rockside, I-77/Rockside Rd., Independence, OH. \$20.00 CES members; \$25.00 non-members.

24 "The Future of MEMS Technology" featuring Dr. Mehran Mehregany of Case Western Reserve University, 6:00-8:00 p.m., at CWRU. \$20.00 CES members; \$25.00 non-members.

Contact Cleveland Engineering Society (CES), (216) 361-3100, or visit [www.cesnet.org](http://www.cesnet.org) for information and registration.

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## Not So Grrrrreat!

by Michael W. Garvey

We all recognize Tony the Tiger, the friendly spokesanimal for Kellogg's Frosted Flakes®. He is a classic example of a nontraditional trademark. When we see Tony, we immediately think of his cereal.

Many of us also remember the "Put a tiger in your tank" advertising campaign by Exxon® and its predecessors. That tiger didn't have a name but was nearly as well known as Tony in his day. The promotion included furry tiger tails hanging from customers' gas caps. Although not as prominent lately, the Exxon tiger is still around.

These two trademarks peacefully coexisted for many years. Tony promoted his cereal; the Exxon tiger promoted gasoline. As you may recall from earlier columns in this space, trademarks are limited to the specific products on which they are used and to related products. Therefore, the same type of trademark can be used by different people on different products without any conflict.

As businesses expand, merge or otherwise move into new areas of products and services, they tend to expand their trademarks, too. This can create new conflicts between old trademarks. That's what happened to Kellogg and Exxon.

Exxon, somewhat belatedly, is converting its service stations into convenience marts. As with so many gas stations, racks of food products have replaced tiers of tires. Of course, some of those racks contain cereal, including Kellogg's Frosted Flakes.

Coincidentally with this conversion, Exxon is reintroducing its tiger. The tiger no longer represents just gasoline; now his presence indicates Exxon's sale of the myriad of other products available at each station.

Although the tigers differ in appearance, they are still both tigers. One represents cereal; the other, retail sales of products including cereal.

As you might expect, Kellogg sued Exxon, presumably after attempting to resolve the matter out of court. The federal district court dismissed the case because Kellogg had waited too long to challenge Exxon's tiger, among other reasons.

Waiting too long is called "laches," which is a sort of informal statute of limitations. Laches applies to a trademark dispute when the trademark owner knows about an infringer but chooses not to challenge the infringer. Typically, six years is too long, but the exact time period depends on the circumstances.

In this case, the Exxon tiger had been used for many years, but only recently for retail sales including cereal. Thus, it was not clear that Kellogg had any basis for a suit until recently. Laches would only apply if Kellogg had had a basis for a lawsuit before Exxon started selling cereal. Apparently, the district court felt differently when it dismissed the suit.

District courts do not hear many trademark actions and often apply the standards of infringement incorrectly. This case has been appealed by Kellogg, and I suspect the circuit court may decide things differently. Stay tuned.

Michael Garvey is a patent attorney with Pearne, Gordon, McCoy & Granger LLP in Cleveland.

## Cleveland Area Positions Available for Electronic Engineers

**Senior Project/Support Engineer** BSEE and five years' experience in the design of power and electronic control systems. Lead development projects from concept to manufacturing. Provide engineering support for current products and new designs. Must be familiar with UL, CSA, CE and NEMA. Salary range \$55-65K.

**Lab Test Engineer** BSEE/BSET and one year in the design, development, testing or manufacture of industrial electrical/electronic products using electronic controls. Working knowledge of microcontrollers and microprocessors a plus. Salary range low 40Ks.

This company offers good benefits, growth opportunities and an exciting, supportive environment. Send your resume and salary history/requirements to: Sanford Rose Associates, 510 29th St., Vienna, WV 26105, or E-mail to: SRAVWV@aol.com in Word format, please.



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Please note: if you are trying to contact the IEEE Cleveland Section by FAX, dial 216-473-6557. The line is open twenty-four hours per day.



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The "Contact" is published eight times per year: September, October, November, January, February, March, April and May. The deadline for Newsletter articles is the 10th of the previous month.

## Calendar of Events

Mark your calendar. You won't want to miss these!

### November

**10, 12 and 17** Technical presentations at CWRU, 11:30 a.m.-12:30 p.m., White Bldg., Rm. 411. Call Stephen Phillips, (216) 368-6248 for information.

**11** IEEE PES/IAS joint meeting on "Lightning, Surge, Earthing & Grounding" seminar and Erico factory tour. Call Allen Morinec, (216) 447-2505 by November 8 for reservations.

**20** Annual IEEE Cleveland Section meeting, dinner and election of 1999 officers, 6:30 p.m., Glidden House, 1901 Ford Dr., University Circle. Call Stephen Phillips, (216) 368-6248 by November 10 for reservations.

## CSN Editor

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