

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

Intel Corporation,	§	Opposition No. 123,312
	§	
Opposer,	§	Application Serial No. 75/825,218
	§	
v.	§	International Classes: 35, 38 & 42
	§	
Steven Emeny.	§	Published: April 24, 2001
	§	
Applicant.	§	


12-03-2002
 U.S. Patent & TMOfo/TM Mail Rcpt. Dt. #40

NOTICE OF RELIANCE

Opposer, Intel Corporation, through its undersigned attorneys, hereby serves notice that it intends to rely on the following testimony and documents under Trademark Rules 2.120(j) and (k), 2.122 (d), (e) and (f), and 2.123(b).

A. Registrations

Pursuant to Trademark Rule 2.122(d), Opposer hereby introduces into evidence certified copies with status and title of the registrations cited in its Opposition Brief, being individually marked as Exhibits number A-1 through A-17:

<u>Exhibit No.</u>	<u>Registration No.</u>	<u>Date</u>	<u>Mark</u>
A-1	1,702,463	July 21, 1992	INTEL INSIDE & Swirl Design
A-2	1,705,796	August 4, 1992	INTEL INSIDE
A-3	2,155,197	May 5, 1998	INTEL INSIDE & Swirl Design, PENTIUM PROCESSOR

<u>Exhibit No.</u>	<u>Registration No.</u>	<u>Date</u>	<u>Mark</u>
A-4	2,179,209	August 4, 1998	INTEL INSIDE
A-5	2,188,280	September 8, 1998	INTEL INSIDE & Swirl Design
A-6	2,194,122	October 6, 1998	INTEL INSIDE & Swirl Design
A-7	2,198,880	October 20, 1998	INTEL INSIDE
A-8	2,250,492	June 1, 1999	INTEL INSIDE
A-9	2,252,046	June 8, 1999	INTEL INSIDE
A-10	2,256,061	June 22, 1999	INTEL INSIDE
A-11	2,261,580	July 13, 1999	INTEL INSIDE
A-12	2,289,657	October 26, 1999	INTEL INSIDE
A-13	2,289,658	October 26, 1999	INTEL INSIDE
A-14	2,377,327	August 15, 2000	INTEL INSIDE PENTIUM III & Design
A-15	2,309,535	January 18, 2000	THE COMPUTER INSIDE
A-16	2,431,749	February 27, 2001	THE JOURNEY INSIDE
A-17	2,446,347	April 24, 2001	THE JOURNEY INSIDE

B. Testimonial Affidavit

Pursuant to Trademark Rules 2.120(j) and 2.123(b), the parties have stipulated to the introduction into evidence of the testimonial affidavits. Accordingly, Opposer hereby introduces the testimonial affidavits of Bobby A. Ghajar (Exhibit B-1, with accompanying exhibits) and Leslie K. Skinner (Exhibit B-2, with accompanying exhibits). This testimony is relevant in that it proves first use, scope of use, channels of trade, sales and promotion, and notoriety of Opponent's mark – material issues in this opposition proceeding.

Copies of the aforesaid affidavits are attached at Tab B.

C. Printed Publications

Pursuant to Trademark Rule 2.122(e), Petitioner hereby introduces into evidence certain printed publications, which are available to the general public in libraries or are of general circulation among members of the public, said publications being individually marked as Exhibits number C-1 through C-101. Each of these publications is relevant in that each proves first use, the scope of use, and notoriety of Opposer's mark – material issues in this cancellation proceeding.

Copies of these printed publications are attached at Tab C.

<u>Exhibit No</u>	<u>Description</u>
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C-1	September 30, 1991, Business Week, "Intel Isn't Taking This Lying Down."
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<u>Exhibit No</u>	<u>Description</u>
C-2	October 7, 1991, Advertising Age, "The Preferred Chip; Intel Employs NutraSweet Branding Strategy"
C-3	November 4, 1991, Adweek, "Intel to Spend \$250 million"
C-4	November 11, 1991, Adweek, "Agencies Split Over Wisdom of Intel Effort to Brand its Microprocessor Chips"
C-5	February 1992, Business Marketing, "Chip Wars."
C-6	March 2, 1992, Computer Reseller News, "Intel Benefits from Outside Advertising"
C-7	March 23, 1992, San Francisco Chronicle, "Winning at Advertising – Knowing When to Say When"
C-8	June 8, 1992, Adweek, "Big Business Thinks Small"
C-9	July 6, 1992, Advertising Age, "The People Behind Today's Marketing Success Stories"
C-10	July 6, 1992 Advertising Age, "100 Marketing."
C-11	October 12, 1992, Brandweek, "INTEL; Big Chips Maker Wants More Glory".

<u>Exhibit No</u>	<u>Description</u>
C-12	October 19, 1992, Advertising Age, "Intel Discovers PC Chips Need Real Brand Name."
C-13	April 28, 1993, Chicago Tribune, "Computer is in Cable Box Future"
C-14	July 12, 1993, Bloomberg News, "Intel Second-Quarter Net is \$1.30 vs 50 Cents Year Ago".
C-15	August 23, 1993 Fortune Magazine on "Brands It's Thrive or Die."
C-16	September 1, 1993 Financial World on "Who said Brands are Dead?"
C-17	October 1993 Business Marketing on "Business Marketer of the Year: Inside Intel's Marketing Machine: CEO Andy Grove Sets Course for Chipmaker's Strategic Drive."
C-18	November 15, 1993, Financial Times (London), "Chips with Everything – The Trio at the Top of Intel, the World's Biggest Semiconductor Maker"
C-19	December 20, 1993, Advertising Age, "Intel Ads Turn Up the Heat"
C-20	February 21, 1994, Newsweek, "Chipping At Intel"
C-21	March 7, 1994, Advertising Age, "Motorola, IBM, Apple Open PowerPC Blitz"

<u>Exhibit No</u>	<u>Description</u>
C-22	March 14, 1994, Brandweek, "There's No Down-Time for No. 1 In the Process of Staying on Top."
C-23	May 2, 1994, Advertising Age, "Pentium Chip Performs Inside Computer Stores"
C-24	May 16, 1994, Fortune, "Intel Goes for Broke"
C-25	July 4, 1994, Advertising Age, "Can New Windows Find Home in Chicago".
C-26	November 7, 1994, Business Marketing, "HP to Share New Chip Logo with Partners".
C-27	November 14, 1994, Advertising Age, "Mass Media Shoves its way to Front of Mix Mainstream Ad Segments to top \$100 Million in 4th Quarter".
C-28	January 2, 1995, Business Marketing, "Chipmaker Carves out a Niche Evergreen Technologies Upgrades old Generation PCS".
C-29	October 1995, Marketing Computers, "Fear of Commitment."
C-30	January 29, 1996, Advertising Age, "Conde Nast Hachette Titles are Latest to Join PC Chip Maker's Co-op ad Effort".
C-31	March 4, 1996, Adweek, "Looking for Shop to Work in Tandem".
C-32	March 18, 1996, Advertising Age, "EURO RSCG Acquires Global Role at Intel; Group Snags Dahlin Smith White"

<u>Exhibit No</u>	<u>Description</u>
C-33	June 10, 1996, Advertising Age, "Olivetti Puts All its Eggs in Basket of Advertising".
C-34	October 7, 1996, Advertising Age, "Power 50; Computer World's Task: Sell 1 Brand to 2 Targets; Technology: IBM, INTEL, COMPAQ, MICROSFOT Share Same Challenge".
C-35	October 7, 1996, Advertising Age, "Power 50."
C-36	March 1997, Electronic Business Today, "Dressing Up the Package."
C-37	June 16, 1997, Advertising Age, "DEC Touts Computer Chip with \$10 million Brand Push: Alpha's Strategy Mimics Intel's Much Larger 'INSIDE' Blitzes".
C-38	July 14, 1997, ADWEEK, "Intel Looks to Take "Intel Inside" Onto the Web".
C-39	July 14, 1997, Brandweek, "Merchandising: Intel Carves Retail Face".
C-40	August 1, 1997, Business Marketing, "Cisco Powered Network: Router Giant Cisco Borrows Branding Strategy from Intel".
C-41	August 1, 1997, Business Marketing, "Views & Opinions: Intel Shows Marketing's Strength".
C-42	October 13, 1997, Advertising Age, "Oracle Global Deal Seen as \$15 million Boon for Ziff-Davis ad Sections to Offer Big Savings for Software makers".

<u>Exhibit No</u>	<u>Description</u>
C-43	November 24, 1997, Brandweek, "Hormel Takes Marrakesh Express Pitch Outdoors".
C-44	December 1, 1997, Brandweek, "Retail: Trade Bait.
C-45	August 17, 1998, Adweek, "Progress Software Initiates Review".
C-46	August 17, 1998, Advertising Age, "Cisco Ad Budget Soars as it Builds Internet Image".
C-47	August 24, 1998, Advertising Age, "Intel Reboots Celeron Via Store Push Improved 'Value' Chip Also Gets Radio Ad Support".
C-48	February 8, 1999, Advertising Age, "Learn the Works, Then Take Over Marketing".
C-49	February 22, 1999, Advertising Age, "Intel's Ad Blitz for Pentium III Puts it on Track for \$1 Billion Record: Ads to Run on Every Medium We Can Find".
C-50	March 1, 1999, Advertising Age, "DU PONT Sets \$40 Mil Campaign to Push More Uses for Lycra".
C-51	September 1, 1999, Business Marketing, "50 Greatest B-to-B Ads".
C-52	November 8, 1999, Advertising Age, "Intel Set to Revamp \$800 Mil War Chest: Aligns Co-op Ads with Strategy".

<u>Exhibit No</u>	<u>Description</u>
C-53	November 15, 1999, Advertising Age, "Co-op Crossroads Inside Intel; A Decade-Old Campaign's Long Road From Nerddville to Geek Chic."
C-54	November 22, 1999, Advertising Age, "The Campus Turf Battle."
C-55	December 20, 1999, Advertising Age, "KFC Discovers Lunch".
C-56	July 17, 2000, B to B, "Sun Works its Magic; ASP Certification Program May Enchant a New Market".
C-57	September 25, 2000, Brandweek, "Out of the Box".
C-58	January 15, 2001, Advertising Age, "Interactive Guides Vie for Dominance".
C-59	April 30, 2001, Advertising Age, "Intel Inside at 10; World's Largest Co-op Effort Must Confront Success, Slowing Market".
C-60	February 11, 2002, B to B, "Embattled Motorola Maps Out New Focus with Digital DNA ads".
C-61	March 25, 2002, Advertising Age, "Intel Homes in on notebooks; Pentium 4 Campaign promotes power of a desktop in mobile PC".
C-62	June 3, 2002, Brandweek, "News Roundup."
C-63	June 3, 2002, Advertising Age, "Inside Intel's New Ad Effort."

<u>Exhibit No</u>	<u>Description</u>
C-64	July 15, 2002, B to B, "Intel 'YES' Campaign Targets b-to-b Execs; Following Success of Intel Inside Company Touts its Reliability in Turbulent Times.
C-65	September 16, 2002, Advertising Age, "Intel Rolls out Lifestyle Effort".
C-66	February 1994 Sales and Marketing Management article, "Inside Intel's Marketing Coup."
C-67	September 12, 1994 PCWeek Inside article, "The Big Bad Brand."
C-68	October 1994 Marketing Computers article "Top 10 Marketers to Watch in 1995."
C-69	Helgesen, Sally, "The Web of Inclusion," 1995, pages 53-92; 170; 252-255; 286.
C-70	April 1996, Washington Post article "Newcomers Chip Away At the Market."
C-71	March 4, 1996, Fortune Magazine on "America's Most Admired Companies."
C-72	March 4, 1996 Fortune Magazine on "The Brand's the Thing."
C-73	October 1996, United Airlines Hemispheres magazine. Crossword puzzle with number 94 down "Pentium Manufacturer."
C-74	Aaker, David A, "Building Strong Brands,"1996.
C-75	February 17, 1997 Fortune Magazine on "Intel, Andy Grove's Amazing Profit Machine."

<u>Exhibit No</u>	<u>Description</u>
C-76	March 3, 1997 Fortune Magazine on "America's Most Admired Companies."
C-77	October 20, 1997 Advertising Age of "Snaring the Masses, one computer giant eyes net conquest."
C-78	December 22, 1997 Business Week article on Intel and Andy Grove.
C-79	December 29, 1997 Time Magazine article on "Man of the Year. Intel's Andy Grove."
C-80	August 1997 BusinessMarket article on "Intel-ligence Inside."
C-81	March 2, 1998 Fortune Magazine on "America's Most Admired Companies."
C-82	May 21, 1998 Worldsources, Inc. "Intel to seek new markets."
C-83	Keller, Kevin Lane, "Strategic Brand Management," 1998. (Pages B-1 to B-23.)
C-84	March 30, 1999. David Letterman's Top Ten List. "Top Ten Jobs in the New Millennium" and number 5 "guy who puts "Intel Inside" stickers on every computer."
C-85	May 3, 1999 Forbes Magazine cover story on "Reinventing Intel."
C-86	January 11, 1999 Business Week on "The Top 25 Executives of the Year."

<u>Exhibit No</u>	<u>Description</u>
C-87	February 15, 1999 Time Magazine article on "Surprising Growth."
C-88	May 21, 1999 Financial Post "Ballard Power Seeking Retail Customers."
C-89	June 1, 1999 PC/Computing, "Systems and Servers."
C-90	January 17, 2000 InformationWeek Online News on "Inside Intel: Chips Come First."
C-91	January 17, 2000 InformationWeek Online News on "Inside Intel: Back-End Push Heats Up."
C-92	January 17, 2000 InformationWeek Online News on "Inside Intel: Networking Gains Ground."
C-93	January 17, 2000 InformationWeek Online News on "Inside Intel: Hosting: The new Goal."
C-94	January 17, 2000 InformationWeek Online News on "Inside Intel: Intel in The 21st Century."
C-95	January 17, 2000 InformationWeek Online News on "Inside Intel: Intel: The R&D Strategy."
C-96	Myers, Gerald C and Susan, "Dealers, Healers, Brutes & Saviors: Eight Winning Styles for Solving Giant Business Crises," 2000.

D. Applicant's Responses to Opposer's First and Second Sets of Interrogatories and Requests for Admissions

Pursuant to Trademark Rule 2.120(j)(5), Opposer hereby introduces into evidence the Applicant's Responses to Opposer's First and Second Sets of Interrogatories and Requests for Admission (Exhibit D). These responses are relevant in that they prove Applicant's lack of a bona fide intent to use the IDEAS INSIDE mark, Applicant's intent in selecting the mark, prior knowledge by Applicant of Opposer's rights, overlap in services, target consumers, and channels of trade, and likelihood of confusion – all material issues in this opposition proceeding.

Copies of the aforesaid Responses to Interrogatories and Requests for Admission are attached hereto at Tab D.

E. Official Records

Pursuant to Trademark Rule 2.122(e), Opposer hereby introduces into evidence a copy of the Trademark Trial and Appeal Board's decision in Opposition No. 96,517, *Intel Corporation v. Felicia Wheeler-Sweet*, dated May 18, 1999 (Exhibit E). This evidence is relevant as to the first use and notoriety of Opposer's mark.

A copy of this Official Record is attached hereto at Tab E.

F. Testimony from Other Proceedings

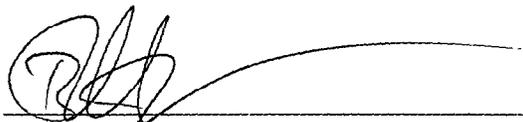
Pursuant to Trademark Rule 2.122(f), Opposer hereby introduces into evidence testimony obtained, in the form of a certified transcript, of the August 8, 2002 deposition of Steven Emeny in connection with Canadian Opposition No. 887,057, *Intel Corporation v. Steven Emeny* regarding the trademark IDEAS INSIDE (Exhibit F). This evidence is relevant to Applicant's

lack of intent to use the IDEAS INSIDE mark and Applicant's prior knowledge of Opposer's rights.

A copy of the aforesaid deposition transcript is attached at Tab F.

Respectfully submitted,
Intel Corporation

Date: 11/29/02

By: 
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Howrey Simon Arnold & White
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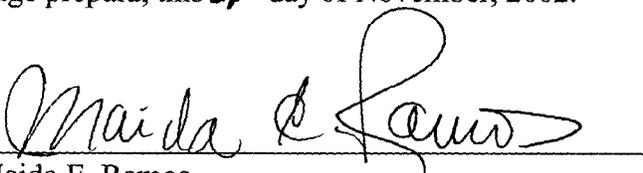
ATTORNEYS FOR OPPOSER

Of counsel:

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Intel Corporation
2200 Mission College Boulevard
P. O. Box 58119, #SC4-203
Santa Clara, California 95052-8119

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing *Opposer's Notice of Reliance* and the referenced attachments were served on Mr. Brian Hall, 1973 South East 15th Court, Pompano Beach, Florida 33062 by First Class mail, postage prepaid, this ~~27~~²⁹th day of November, 2002.


Maida E. Ramos

1 TAB



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November 29, 2002



12-03-2002

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**CERTIFIED MAIL – RETURN
RECEIPT REQUESTED**

BOX TTAB – NO FEE

Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

RE: *Intel Corporaiton's Notice of Reliance: Opposition No. 123,312*
Opposed Mark: IDEAS INSIDE
Applicant: Steven Emeny; Opposer: Intel Corporation

Dear Madam:

Enclosed for filing in connection with the above-referenced opposition is Opposer's Notice of Reliance, together with the exhibits (2 boxes labeled Volume I and Volume II). Also enclosed is a return postcard to acknowledge receipt of these materials. Please date-stamp and return the postcard to us by mail.

Please forward any reply to this communication directly to our Menlo Park office for docketing purposes. The mailing address is 301 Ravenswood Avenue, Menlo Park, California 94025, and the Menlo Park fax number is 650-463-8380.

Very truly yours,

Bobby A. Ghajar

Enclosures

cc: Michele Huntzinger