

TTAB

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

Intel Corporation	§	
	§	Opposition NO.: 123312
Opposer,	§	
	§	Applicant Serial No.
v.	§	75/825,218
	§	
Steven Emeny	§	International Classes: 35, 38, and 42
	§	
Defendant	§	Published: April 24,2001

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05-11-2004  
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**ANSWER TO AMENDED NOTICE OF OPPOSITION**

Madam:

I, Steven Emeny, believe that the Trademark IDEAS INSIDE succinctly represents the business platform that ideas are the petroleum of the 21<sup>st</sup> century. Ideas are more valuable than 'gold', our goal is to provide an online location, [www.ideasinside.com](http://www.ideasinside.com), where ideas in their many shapes and sizes can be accessed to enrich the average consumers life.

The following is a response to the *amended notice of opposition* of the trademark IDEAS INSIDE, Application Serial No. 75/825,218 by the Intel Corporation.

As grounds for the defense, it is alleged that:

1. It is admitted that since as early as January 1992 the Opposer has been known as a computer hardware manufacturer, more specifically, a microprocessor manufacturer.

2. It is admitted that the Opposer has engaged in an extensive licensing program with leading computer manufacturers and software developers. This extensive licensing program clearly defines the Opposer as a computer hardware manufacturer, who sells its products directly to other computer manufacturer's and not directly to the average consumer. In addition, the Opposer is known in the industry as the world leader in the manufacture of microprocessors.

3. It is admitted that the Opposer has invested billions of dollars in advertising and promotion of its microprocessors. The result is the Opposer sells its products/microprocessors directly to other computer manufacturer's as components for construction of a completed computer for resale and not directly to the average consumer. As such the end customers knows very little if anything about the microprocessor in the computer just as they know very little if anything about the spark plugs used to start their car.

4. The defendant is without knowledge or information to form a belief as to the truth about the proposed figure of 500 billion impressions.

5. It is denied that the Opposer sells a variety of goods under the Intel Inside & Swirl Design such as clothing, key rings, pens, etc. to the consuming public through its online web site. If a member of the consuming public were to access the shop intel home page it would not be able to identify any clothing, key rings, etc available for purchase.  
(see exhibit 1 attached)

6. It is admitted that the Opposer promotes and sells semiconductor products under the name THE COMPUTER INSIDE. The trademark THE COMPUTER INSIDE is a computer hardware manufacturing trademark. In addition it is made up of three

words, none of which is INTEL. In using a variation on the Intel Inside mark the Opposer dilutes it's own mark.

7. It is admitted that the Opposer promotes the education of computers via the trademark THE JOURNEY INSIDE. The trademark THE JOURNEY INSIDE is related to the education of how computers work. In addition it is made up of three words, none of which is INTEL. In using a variation on the Intel Inside mark the Opposer dilutes it's own mark.

8. It is admitted that the Opposer manufactures components incorporated into telecommunication, information technology, database management and networking and internet access products. The Opposer manufactures hardware components that are incorporated into these services in the same capacity that spark plugs are incorporated into an automobile. The Opposer is a manufacturer of hardware components.

9. The term internet access business services is not definitive and as such the defendant is without knowledge or information sufficient to form a belief as to the truth of this allegation.

10. It is admitted that the Opposer owns the 14 listed trademarks that it has registered with the INTEL INSIDE name. The Opposer is a computer hardware manufacturer and the trademarks listed support its hardware manufacturing business.

11. It is admitted that the Opposer also has the trademarks THE COMPUTER INSIDE and THE JOURNEY INSIDE. These trademarks also support the business of the Opposer and that is the business of computer hardware manufacturing. It is likely that the use of multiple trademarks dilutes the INTEL INSIDE trademark.

12. It is denied that the Opposer's use of the trademarks INTEL INSIDE,

THE COMPUTER INSIDE and THE JOURNEY INSIDE constitute a family of trademarks. The word 'INSIDE' is an everyday word used by many and in many different ways. As such no person and/or company can claim exclusive rights. Confusion may result in the collision of two independent rights or liberties, and when that is the case neither party can complain; they must put up with the results of the confusion as one of the misfortunes which occurs in life.

All of the trademarks are related to the business of the Opposer and that is hardware manufacturing. The Opposer also uses many other trademarks that do not conclude with the term 'INSIDE'. They are:

INTEL INSIDE XEON,

CELERON,

ITANIUM,

INTEL PLAY

INTEL INSIDE PENTIUM III

INTEL INSIDE PENTIUM 4

13. It is admitted that the Opposer has provided extensive investment and effort in promoting the INTEL INSIDE Marks. The original campaign for the Opposer was INTEL.THE COMPUTER INSIDE. The trademark clearly symbolizes the nature of the business and that is the manufacture of microprocessors for inside the computer. The trademark was later shortened to INTEL INSIDE, however the Opposer is still known as the manufacturer of microprocessors. Many news articles regarding the Opposer start out with INTEL, THE WORLD'S LARGEST CHIP MAKER thus defining the Opposer as a manufacturer of computer hardware.

14. It is admitted that the Defendant seeks registration for the designation IDEAS INSIDE for use in connection with online ordering services featuring a wide variety of clothing; online messaging services; and online search engines.

15. It is admitted that the Opposer's trademark registrations precede the Defendant's November 5, 1999 filing. These marks were created long before the emergence of the internet and the evolution of an internet society. The Opposer's trademarks all relate to the manufacture and support of computer hardware and its products are sold to third party manufacturers or resellers, not to the general public. The IDEAS INSIDE trademark has no association with the manufacture of computer hardware. Furthermore to access the business related to IDEAS INSIDE the average consumer would log on to [www.ideasinside.com](http://www.ideasinside.com).

16. It is denied that Applicant did not have a bona fide intent to use the Trademark IDEAS INSIDE with the related services outlined in its filed application.

17. It is denied that IDEAS INSIDE resembles any of the many INTEL marks. In addition, Intel is a manufacturer of computer microprocessors and as such sells its products directly to other computer manufacturers or third party resellers. A comparison could be made with 'spark plug' manufacturers that sell their 'spark plugs' to car manufacturers as a component of another product. Today's consumers are very smart and make wise purchase decisions. In addition in order to access the IDEAS INSIDE business the general consumer would have to log on to the internet and navigate to the web site [www.ideasinside.com](http://www.ideasinside.com) and then proceed to make use of the sites products and services. There are many other businesses that are on the internet incorporating the word INSIDE without confusion to Opposer.

Some examples are:

WWW.BASSINSIDE.COM – Bass Guitars

WWW.GOINSIDE.COM – An online magazine

18. It is admitted that the IDEAS INSIDE mark starts with the same letter and has the same number of syllables as Opposer's INTEL INSIDE mark. However the emphasis is on the first word and these two words are very different. IDEAS starts with a long 'i' sound and INTEL starts with a short 'i' sound. IDEAS is a very recognizable word and easy to understand whereas INTEL has no particular meaning.

In addition the J.C. PENNEY Corporation uses the trademark ITS ALL INSIDE. The mark starts with the same letter 'i' and has the same number of syllables as INTEL INSIDE. There is no confusing the businesses they are in which is retail and computer hardware manufacturing respectively.

19. It is admitted that the Opposer is not affiliated with nor a sponsor of Defendant or Defendant's proposed use of the IDEAS INSIDE mark for the services identified in the opposed application. As the Opposer indicates, it is not affiliated with the services identified in the IDEAS INSIDE application. Since Opposer is not affiliated with the services identified in the Defendant's application there would be no confusion as to the type of businesses each operates.

20. It is denied that the use of IDEAS INSIDE in connection with its goods or services would elicit a false connection by consumers to Opposer. The Opposer alleges that there is no affiliation to the goods and services listed in the IDEAS INSIDE application. In addition, the Opposer alleges that INTEL Marks are famous and have a reputation among consumers. Which consumers? It is believed

that the average consumer knows little, if anything about computer microprocessors. It is known that the average consumer cannot buy products directly from INTEL Corporation. The fact is that many trademarks ending with the word INSIDE or utilizing the term INSIDE , such as

JC PENNEY – It's all inside

EVEREADY BATTERY – Do you have the bunny inside?

SUBARU CAR – Driven by what's inside

operate with no affiliation to Opposer which supports the argument that IDEAS INSIDE is another company among many companies with no association to Opposer.

21. It is denied that IDEAS INSIDE will falsely suggest a connection to the Opposer because of its involvement with online retail sales and internet technology. Intel's online retail sales are not direct to the consumer. (See exhibit 2 attached). There will be no false connection to Opposer because the IDEAS INSIDE services will be available to the general public at [www.ideasinside.com](http://www.ideasinside.com). Other companies such as [WWW.GOINSIDE.COM](http://WWW.GOINSIDE.COM), and [WWW.BASSINSIDE.COM](http://WWW.BASSINSIDE.COM), operate on the internet with no perceived connection to Opposer.

22. The Opposer alleges that the INTEL INSIDE Marks are famous pursuant to 15 U.S.C § 1125(c) (1). The defendant is without knowledge or information sufficient to form a belief as to the truth of this allegation

23. It is denied that the IDEAS INSIDE Mark will dilute the distinctiveness of the INTEL INSIDE Marks. The INTEL Corporation uses a variety of marks to sell their computer related products. Some have many syllables such as THE JOURNEY INSIDE. Some do not even mention the name INTEL such as THE

COMPUTER INSIDE. Some of the trademarks for the INTEL Corporation do not even include the word INSIDE such as CELERON and ITANIUM. The fact that the Opposer utilizes so many different trademark names related to the computer industry causes a dilution of it's own Marks. There are other Marks: 'It's all inside', 'Do you have the bunny inside?' and 'Driven by what's inside' operating different businesses with the word INSIDE as part of their business identity and they do not dilute the Opposer's Marks. Therefore IDEAS INSIDE would not dilute the Opposer's Marks.

24. It is denied that the IDEAS INSIDE mark will blur and whittle away at the distinctiveness of the INTEL INSIDE Marks. The Opposer is in the computer manufacturing business. IDEAS INSIDE is not and has no intention of getting involved in the manufacture of computer hardware. IDEAS INSIDE is a Mark created to operate on the internet at [www.ideasinside.com](http://www.ideasinside.com). IDEAS INSIDE, like other Marks using the word INSIDE will operate like J.C. PENNEY with it's, ITS ALL INSIDE mark without any confusion to Opposer's Marks.

25. It is denied that the registration of the IDEAS INSIDE Mark would be damaging to Opposer. IDEAS INSIDE will operate like currently running businesses utilizing the word INSIDE with no confusion whatsoever with the Opposer's Marks.

26. No response as Opposer's number 26 contains no allegation.

In closing, we live in a world where fresh ideas are the currency of the day. IDEAS INSIDE located at [www.ideasinside.com](http://www.ideasinside.com) will be a business of ideas. Ideas enable us to dream. These dreams provide us with a blueprint to build the products and services of tomorrow. Let us digest the ideas of today whether in the form of music, books, or

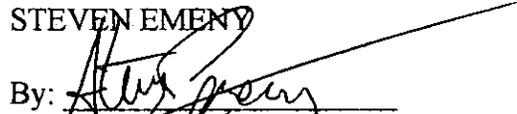
human dialogue so that all persons will be of stronger mind and body and capable of building for themselves a brighter tomorrow.

WHEREFORE, Defendant requests that Application Serial No. 75/825/218 be registered and that the ANSWER be sustained in favor of Defendant.

Respectfully submitted,

Date: April 30<sup>th</sup> / 2004

STEVEN EMERY

By: 

STEVEN EMERY

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Defendant

Certificate of Service

This is to certify a copy of the foregoing ANSWER to the 'Amended Notice of Opposition' was sent to the OPPOSER – Bobby Ghajar, HOWREY SIMON ARNOLD & WHITE, LLP 301 Ravenswood Ave. Menlo Park, California, 94025 on April 30<sup>th</sup>, 2004 via courier.

by:   
S. EMERY



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Exhibit #2