

TTAB

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



09-06-2000

U.S. PATENT & TRADEMARK OFFICE/TM Mail Rcpt Dt. #58

|                              |   |
|------------------------------|---|
| COGNICASE INC.               | ) |
|                              | ) |
| Opposer,                     | ) |
|                              | ) |
| v.                           | ) |
|                              | ) |
| COGNITAS TECHNOLOGIES, INC., | ) |
|                              | ) |
| Applicant                    | ) |

Opposition No. 1

NOTICE OF OPPOSITION

Cognicase Inc. ("Opposer"), a Canadian corporation, believes that it will be damaged by the registration of COGNITAS, Serial No. 75742497, by the applicant, Cognitas Technologies, Inc. ("Applicant"), and opposes the issuance of such registration.

In support of it opposition, Opposer states as follows:

1. Opposer is one of the world leaders specializing in information technology, renowned for the quality of its solutions, the superiority of its professional and technical expertise, and the unparalleled reliability of its software. This software ranges from leading edge application development products to software conversion and platform migration toolsets, offering increased productivity in application development, shorter delivery lead times, and simpler maintenance adaptability.

2. Opposer owns a federal registration for the mark COGNICASE, which was registered on September 14, 1999 in international class 42 and U.S. classes 100 and 101 for use in connection with computerized conversion and migration services, namely, impact, analysis and reengineering of computer applications in the nature of - (1) analysis

09/11/2000 EPINA1 00000083 75742497  
01 FC:377 300.00 OP

*Handwritten signature*  
9/14

of changing of business or technical environments in which computer systems operate and (2) migration of computer systems of others of different hardware or software platforms, by means of computerized methodology and tools. Opposer has been using this mark in commerce in the United States since at least 1993.

3. On February 26, 1999, Applicant filed an application to register the mark COGNITAS for the following goods and services:

a. In International Class 009; and U.S. classes 021, 023, 026, 036, and 038.

G & S: Downloadable computer software and pre-recorded computer software components on CD-ROM, DVD and diskettes for use by application developers to incorporate software functionality into their applications and for use in simplifying the development of global communication networks and electronic commerce applications. FIRST USE: 19960621. FIRST USE IN COMMERCE: 19960621

b. In International Class 042; and U.S. classes 100 and 101. G & S:

Consulting services, namely, for software development, database design and implementation, computer network engineering, computer network security analysis, planning and implementation and installation and configuration of computer software operating systems and application software. FIRST USE: 19960621. FIRST USE IN COMMERCE: 19960621

4. There is no issue as to priority. Applicant's claimed first use date of June 21, 1996 years subsequent to Opposer's first use of its COGNICASE mark in 1993.

5. Opposer has offered and sold its goods and services under its COGNICASE mark throughout the United States. As a result of Opposer's efforts, advertising and the high quality of its goods and services, Opposer enjoys considerable good will in its COGNICASE mark. The public has come to associate the high quality of goods and services authored under its COGNICASE mark with Opposer.

6. Applicant's use of the confusing similar mark COGNITAS is likely to confuse and/or deceive the public as to the source and origin of Applicant's services and as to the existence of an association, connection, sponsorship or relationship between Opposer and Applicant.

7. By reason of Opposer's continued and exclusive use of its COGNICASE mark, from a date long prior to Applicant's filing date for the confusingly similar COGNITAS mark, Opposer has rights in its mark superior to applicant's rights.

8. Registration of the mark COGNITAS on the principal register will interfere with Opposer's enjoyment of its rights in its COGNICASE mark and will result in substantial harm to Opposer.

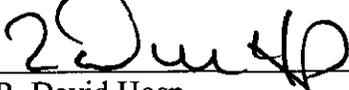
WHEREFORE, Opposer believes that it would be damaged by said registration and prays that it be denied.

A duplicate copy of this Notice of Opposition and the fee in the amount of \$600.00 required in 37 C.F.R., §2.6 are enclosed herewith.

DATED this 6th day of September, 2000.

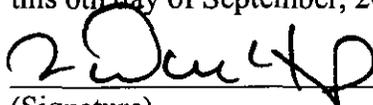
Respectfully submitted,

COGNICASE INC.

By:   
R. David Hosp  
Goodwin, Procter & Hoar LLP  
Exchange Place  
Boston, MA 02109  
(617) 570-1000

Certificate of Express Mail

I, R. David Hosp, hereby certify that the original and one duplicate copy of the foregoing Notice of Opposition and the appropriate filing fee are being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to the Assistant Commissioner of Trademarks, Box TTAB, FEE, 2900 Crystal Drive, Arlington, Virginia 22202-3513 on this 6th day of September, 2000.

  
(Signature)  
EI046115971 US  
Express Mail Label Number

1005082.liba



OODWIN, PROCTER & HOAR LLP

09-06-2000

U.S. Patent & TMOtc/TM Mail Rcpt Dt. #58

COUNSELLORS AT LAW

EXCHANGE PLACE

BOSTON, MASSACHUSETTS 02109-2881

TELEPHONE (617) 570-1000  
TELECOPIER (617) 227-8591

R. DAVID HOSP  
(617) 570-1089  
rdhosp@gph.com

September 6, 2000

**EXPRESS MAIL EI046115971US**

Assistant Commissioner of Trademarks  
United States Patent and Trademark Office  
Box TTAB, FEE  
2900 Crystal Drive  
Arlington, VA 22202-3513

2-8  
**Re: In the matter of application Serial No. 75742497**

Dear Sir/Madam:

Enclosed for filing please find *Notice of Opposition* of the Opposer, Cognicase Inc. in connection with the above referenced matter.

Thank you for your attention to this.

Very truly yours,

  
R. David Hosp

RDH/lmz  
Enclosure

1007045.1 liba

TTAB



10-02-2000

U.S. Patent & TMOfo/TM Mail Rcpt Dt. #01

GOODWIN, PROCTER & HOAR LLP

COUNSELLORS AT LAW  
EXCHANGE PLACE  
BOSTON, MASSACHUSETTS 02109-2881

TELEPHONE (617) 570-1000  
TELECOPIER (617) 523-1231

R. DAVID HOSP  
(617) 570-1089  
rdhosp@gph.com

September 26, 2000

**VIA FIRST CLASS U.S. MAIL**

Mr. James Scott  
c/o United States Patent and Trademark Office  
Box TTAB, FEE  
2900 Crystal Drive  
Arlington, VA 22202-3513

**Re: In the matter of application Serial No. 75742497**

Dear Mr. Scott:

Enclosed please find an additional check in the amount of \$300.00 to cover the filing fee for the opposition to the above-referenced trademark application in each of the classes for which registration has been sought.

If you have any further questions please do not hesitate to call me at (617) 570-1089. Thank you for your attention to this.

Very truly yours,

  
R. David Hosp

RDH/lpm  
Enclosure  
1010464.1 liba

10/05/2000 TSMITH 00000114 75742497

01 FC:377

300.00 OP