

2. Rocket owns the following United States federal trademark registrations for the marks ROCKET®, ROCKET® and Design and ROCKET SHUTTLE®. Registration No. 1,690,753 for the mark ROCKET, granted on June 2, 1992, relates to computer programs prerecorded on tapes, disks, diskettes, cartridges, cassettes and other machine-readable media and instructional manuals sold as a unit for use in database administration, in International Class 9. This registration is incontestable. (15 U.S.C. §1065.)

Registration No. 2,059,264 for the mark ROCKET® and design, granted on May 6, 1997, encompasses computer software for use by businesses, software developers and database administrators for database management and administration, in International Class 9.

Registration No. 2,062,841 for the mark ROCKET SHUTTLE®, granted on May 20, 1997, relates to computer software for use by businesses, software developers and database administrators, which allows the user to access data from various databases and to use and manage that data on graphical user interface platforms, in International Class 9.

In addition, Rocket has three pending trademark applications for United States federal registration: Serial No. 75/836,147 for the mark ROCKET.COMMERCE, filed October 28, 1999, concerns computer software to facilitate electronic commerce via database administration and management, namely, software used to track and monitor website traffic, visitor referral sites, visitor preferences, geographic information, web page popularity and usage and to develop graphs and reports analyzing such data, in International Class 9; Serial No. 78/024,988 for the mark ROCKETSOFT, filed September 8, 2000, relates to general purpose database management software for use by businesses, software developers and database administrators, which allows the user to access data or various database platforms, save data to other databases and deliver data to various desktop applications for enhanced manipulation and analysis, in International Class 9; and Serial No. 78/024,980 for the mark

ROCKET SOFTWARE, filed September 8, 2000, concerns computer software prerecorded on compact disks, data storage tapes, disks, diskettes, cartridges, cassettes and other computer software related machine-readable media used to store computer software, and instructional manuals about the product, sold together as a unit, allowing users to access data from various databases and to use, manage and reformat that data on graphical user interface platforms and non graphical user interface platforms, in International Class 9. Rocket's United States federal trademark registrations and applications are collectively referred to herein as the "ROCKET Marks."

3. The goods associated with the ROCKET Marks have been extensively promoted and continuously offered to the computer industry and the public through various channels of trade. Rocket's business partners include leading software and hardware companies, such as IBM, Microsoft, 3Com, Toshiba, NEC, Acer and Micron. Its customers include a wide range of Fortune 500 companies across many industries and are located throughout the United States and the world.

4. Rocket has extensively promoted its goods and services under its ROCKET Marks. By reason of its extensive and continuous promotion and use of the ROCKET Marks, as well as the wide distribution of goods and services bearing these marks, the computer industry and the public at large have come to recognize the ROCKET Marks as signifying Rocket and its products. Accordingly, Rocket has generated extensive goodwill in connection with the offering of goods and services under its ROCKET Marks.

5. Notwithstanding Rocket's longstanding rights in and to the ROCKET Marks, on or about May 18, 2001, eleven years after Rocket began using its ROCKET Mark in commerce, Applicant filed an intent-to-use application for registration of the mark ROCKET DRIVE for high speed, solid-state, data storage drives for computers, in International Class 9

(the "Application"). The Application was assigned Serial No. 76/259,269, and the mark was published for opposition in the Official Gazette of December 11, 2001. The Application disclaims the word "drive," evidencing the emphasis it places on Rocket's house mark, ROCKET®.

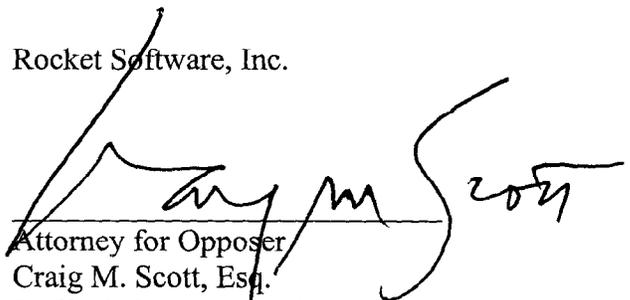
6. As is evident from the similar description of goods and the International Class in common, both Rocket and Applicant conduct business in, and market products associated with a ROCKET mark to the computer industry and the public. Applicant's mark creates a false suggestion of a connection with Rocket. Applicant's ROCKET mark is also confusingly similar to Rocket's ROCKET Marks, its registrations and applications, and continued use by Applicant in connection with its goods is likely to cause confusion, deception, and/or mistake among the consuming public. In short, Applicant's use of a ROCKET mark interferes with Rocket's long standing use of its family of ROCKET Marks, and continued use or registration of the ROCKET mark by Applicant will cause Rocket to suffer harm.

WHEREFORE, Rocket will be damaged by said registration and prays that it be denied.

The filing fee for this Opposition in the amount of \$300.00 is enclosed.

Rocket Software, Inc.

By:



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February 11, 2002

CERTIFICATE OF MAILING

I hereby certify that the foregoing Notice of Opposition is being deposited with the United States Postal Service via Express Mail, postage prepaid, in an envelope addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, on February 11, 2002.


Joyce Kiskiss