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

10-04-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #80

In the matter of trademark application Serial No.: 75981890
Filed: November 6, 2000
For the mark: KVM OVER IP
Published in the Official Gazette: September 10, 2002

Raritan Computer, Inc.

v.

Avocent Corporation

Opposition No. _____

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NOTICE OF OPPOSITION

Opposer, Raritan Computer, Inc. is a New Jersey corporation located and doing business at 400 Cottontail Lane, Somerset, New Jersey 08873.

To the best of Opposer's knowledge, the name and current address of the Applicant in question is Avocent Corporation, 4991 Corporate Drive, Huntsville, Alabama.

Opposer believes that it will be damaged by the registration of the mark shown in the above-identified application, and hereby opposes same.

As grounds of opposition, it is alleged that:

1. Opposer, since 1985, has been involved in the manufacture and sale of computer equipment and peripherals, some of which are similar to applicant's goods, and which Opposer has a valid and legal right to describe by using the term sought to be registered by the applicant.

10/16/2002 TSMITH 00000021 75981890

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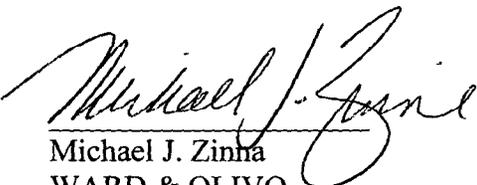
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2. Applicant's alleged mark is integral to the accurate and efficient description of some of Opposer's products, and if a registration is granted to the applicant, it will impair Opposer's right to use the term "KVM OVER IP" descriptively. Consequently, Opposer will be damaged by the inability to use the term on goods that are similar to those listed in the above-referenced application.
3. Furthermore, "KVM OVER IP" is being used throughout the computer industry and the media to generally describe the goods listed in the above-referenced application. Exhibit 1 contains a sample of such uses.
4. The alleged mark functions as the common descriptive name of the goods enumerated in the above-referenced application, and has become the generic name for all such goods produced and sold by every competitor engaged in such business. Therefore, Opposer alleges that the term "KVM OVER IP" does not function to identify applicant's goods or to distinguish them from goods offered by others.
5. Alternatively, Opposer submits that the mark, when used in connection with the goods enumerated in the above-referenced application, is merely descriptive; "KVM OVER IP" is an apt and common term used to describe those goods.
6. In view of the above allegations, applicant is not entitled to federal registration of its alleged mark because (a) applicant is not entitled to exclusive use of the term "KVM OVER IP" in commerce for the goods specified in the above-referenced application, and (b) the term "KVM OVER

IP” does not function to identify applicant’s goods or distinguish them from goods offered by others.

WHEREFORE, Opposer prays that said application Serial No. 75981890 be rejected, that no registration be issued thereon to applicant, and that this opposition be sustained in favor of the Opposer.

By: 
Michael J. Zinna
WARD & OLIVO
382 Springfield Avenue
Summit, New Jersey 07901
Attorneys for the Opposer

Dated: 10/4/02

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Network Computing May 13, 2002 Monday

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May 13, 2002 Monday

SECTION: SNEAK PREVIEW; Pg. 32

LENGTH: 495 words

HEADLINE: QUICK TAKES

BODY:

StarTech.com StarView **KVM over IP** -StarTech.com has introduced the StarView **KVM over IP** switch, a browser-based remote-access device designed to give administrators control of server systems at the BIOS level over the Internet. The StarView **KVM over IP** works with all existing KVM switches and various server types that can be rebooted remotely. Its monitoring features probe the servers for lockup conditions and alert administrators of suspect issues via e-mail. \$3,500. StarTech.com, (800) 265-1844, (519) 455-9675; fax (519) 455-9425. www.startech.com Check Point Software Technologies VPN-1/ FireWall-1 VSX -To address the needs of service providers and corporate data centers, Check Point Software Technologies has introduced its new VPN-1/FireWall-1 VSX, a multipolicy Internet security solution. The software uses VLAN technology to create up to 100 separate virtual systems on a single hardware platform. The VPN-1/FireWall-1 VSX also promises easier integration with existing networks, better traffic partitioning and improved customer provisioning. Starts at \$24,000 for 10 customer policies. Check Point Software Technologies, (800) 429-4391, (650) 628-2000; fax (650) 654-4233. www.checkpoint.com

SafeNet SoftRemote 8.0 - SafeNet has improved its VPN client, SoftRemote. Microsoft Windows XP-compatible SoftRemote 8.0 includes support for NAT traversal and Microsoft Internet Explorer browser certificates. With SoftRemote, VPNs can be made virtually anywhere. End-user management improvements include the use of existing digital certificates. Resolution of host name by DNS, WINS and Lmhosts means users don't have to configure static IP addresses. Starts at \$149 per copy. SafeNet, (410) 931-7500; fax (410) 931-7524. www.safenet-inc.com

Compuware Vantage 8.0 -Designed to support enterprises migrating to Microsoft's .Net, six of Compuware's new Vantage performance-management tools are .Net-ready. Application Expert can identify HTTP, SOAP and XML latencies in a lab with WAN-like performance. ClientVantage, ServerVantage, NetworkVantage and ApplicationVantage monitor end-to-end performance with statistics gathered throughout the .Net transaction. The Predictor analyzes how well .Net transactions will run over WAN infrastructure, mapping the available capacity before a marketing blitz crushes a .Net application. \$25,000-\$35,000. Compuware Corp., (800) 521-9353, (248) 737-7300. www.compuware.com

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Network Computing June 10, 2002 Monday

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June 10, 2002 Monday

SECTION: SNEAK PREVIEW; QUICK TAKES; Pg. 32

LENGTH: 112 words

HEADLINE: Digital V6 Kaveman PWR8 -- Consolidation and standardization continue to motivate IT developments. Hot at NetWorld+Interop in Las Vegas, new and enhanced intelligent management products present a variety of options for managing your switches, applications and devices.

BODY:

Digital V6 Kaveman PWR8 is a **KVM-over-IP** device designed to provide remote control of up to eight servers. The GUI, which allows access to the power-control functions from an Internet browser or VNC (virtual network computer), includes console control, BIOS level access and reset. Notification of erratic activity is an option. Available: June 15. \$549. Digital V6 Corp., (905) 513-3107; fax (905) 513-3111. www.digitalv6.com

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Communications News June 1, 2002

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June 1, 2002

SECTION: No. 6, Vol. 39; Pg. 54; ISSN: 0010-3632

IAC-ACC-NO: 87776001

LENGTH: 679 words.

HEADLINE: Re-thinking remote management: **KVM-over-IP** is looking more attractive to network managers who are in charge of lots of boxes; The Bottom Line.

BYLINE: Liebmann, Lenny

BODY:

A couple of months ago, I discussed in-band vs. out-of-band network management. One of the points I raised was how in-band management alone was insufficient for maintaining a highly reliable network, since it can be rendered useless by problems on the network. The solution, I suggested, is the use of out-of-band solutions as a failover strategy.

This month, I'd like to look at a similar issue as it affects server management. Network managers have to manage lots of servers. Their networks depend on DNS servers and RADIUS servers and all kinds of other boxes. These boxes are often geographically dispersed all across the organization. Network managers are faced with the challenge of being able to troubleshoot and proactively administer a variety of Wintel and Unix/Linux machines in multiple locations. Over the years, a variety of strategies have emerged for tackling the challenge of managing remote servers. One common approach is the use of remote control software. Remote control tools let you take over a machine and operate it as though you were right there, typing on its keyboard and clicking with its mouse.

The problem with remote control software is analogous to the problem with in-band network management. The managed machine actually has to be running for the remote control software to work. That's because this approach depends on a piece of software running on the managed machine. If the machine is flaking out a bit, it can disable the remote control functions.

Also, with this method, you can't maintain control of the machine during a re-boot-- something that's often essential when re-configuring software or system settings. That's because the remote control software on the managed machine requires the operating system to be up and running. Obviously, it has to wait for the OS to boot up before it can kick in.

The alternative is KVM switching technology. KVM stands for "keyboard, video and mouse." The technology plugs into a managed system's peripheral ports so that your keyboard, mouse and monitor behave as if they were directly attached to it. Thus--unlike remote

control software--it doesn't need any software running on the managed machine. You can power up a machine and watch it booting up right on your monitor. You can even interrupt the boot process to do diagnostics or tweak some settings.

The problem with conventional KVM switches is that they rely on analog technology. The analog signals between a computer and its KVM peripherals are simply switched to a manager's machine. This creates several difficulties, including: the need for dedicated cabling between the switch and each managed machine, as well as between the switch and each manager's PC; and fairly short distance restrictions on the length of those cable runs. These difficulties have limited the appeal of KVM technology to organizations that are looking for flexible, anytime, anywhere management of server resources.

Now, however, a variety of **KVM-over-IP** solutions are beginning to show up in the marketplace. These solutions convert analog KVM signals to digital signals that can then be sent over IP--eliminating distance limitations and allowing multiple KVM sessions to be carried over a common network connection. With **KVM-over-IP**, technicians can quickly take control of server resources, thereby increasing the reliability of critical IT infrastructure. This hands-on control capability can also enable a smaller number of technicians to manage a greater number of more geographically dispersed machines, thereby lowering IT staffing costs.

Of course, such IP-based access also raises some significant security issues. From what I've seen, **KVM-over-IP** doesn't come cheap, but as network managers continue to be forced to find ways to manage more equipment without hiring more staff, **KVM-over-IP** is likely to grow in its appeal and its value.

Liebmann is an independent consultant specializing in the application of networking technologies to strategic business challenges. Send comment to liebmann@comnews.com.

IAC-CREATE-DATE: June 27, 2002

LOAD-DATE: June 28, 2002

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Network Magazine July 1, 2002

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Network Magazine

July 1, 2002

SECTION: THE BUSINESS LAYER; Pg. 66

LENGTH: 901 words

HEADLINE: Rethinking Remote Management -- KVM is worth a look if you've got more systems to manage and fewer people to do it.

BYLINE: Lenny Liebmann

HIGHLIGHT:

In my May 2002 column, "SNMP's Real Vulnerability" (page 76), I examined and questioned some of the underlying assumptions of SNMP-based in-band management. This month, I'll do the same thing with the idea of remote control.

BODY:

The ability to remotely control systems and devices is a fundamental requirement for infrastructure management. Remote control reduces time-to-fix and allows a smaller number of technicians to manage a larger number of more geographically dispersed machines. If we had to physically touch every device we managed, service levels would be a lot lower and more people would be required to keep our enterprise environments up and running.

There are several ways to implement remote control. The most common and least expensive is to use a software-based approach. This is done by establishing a real-time session with the remote machine over an in-band or dial-up connection. Then you get busy doing whatever it is you have to do. There are some problems with software-based remote control, however. The main one is that the remote machine's OS must be active for the remote control utility or agent on that machine to work. If a problem such as a corrupted file interferes with the machine's ability to boot, remote control will be impossible. Software-only solutions can therefore fail just when they're needed the most.

Software-based solutions also consume CPU cycles, interfering with live business processes. In addition, they can create security exposures, since the software installed is specifically designed to allow the machine to be "hijacked."

Another approach to remote control is Keyboard, Video, Mouse (KVM) switching. KVM solutions give technicians direct control of a managed machine. They can type and click just as if they were sitting right there. And because KVM doesn't require the OS to be loaded before it can function, technicians can reboot machines and monitor boot processes—something that's often necessary when fixing a flaky server.

The problem with conventional KVM solutions is that they depend on analog signals between the peripherals and the system, so there are significant distance limitations. Cable connections between technicians and managed resources also have to be hard wired, so

there isn't much flexibility in terms of who can access what from where. The upside of this hard wiring, of course, is that analog KVM is very secure.

REACH AND GRASP

To extend KVM's reach, several vendors have introduced **KVM-over-IP** solutions. These solutions extend the reach of remote keyboard-and-mouse control by allowing technicians to connect to the KVM switch via in-band or out-of-band IP connections. Some simply create a remote control session between the client and the switch, which, in turn, maintains a standard analog KVM session with the managed resource. Others actually digitize the analog KVM signals, creating a true end-to-end KVM session over an IP connection.

As a result, technicians virtually anywhere can be given hands-on control of multiple machines in multiple locations. They can therefore watch how two machines affect each other-for example, when a client in a remote office connects to an intranet Web server back at headquarters. They can make sure a failover server is up and running before they reboot a primary machine. They can also use this approach to manage network devices via their serial ports.

One network administrator I spoke to actually uses this KVM approach as a security measure. Using KVM, he can keep all of his production and development servers locked up and authorize remote access as required. This does more than just allow him to improve the physical security of his server room. It also enables him to keep developers from messing with production machines outside of scheduled update windows-something he says they're prone to do without strict controls. When it's time for some kind of update, he can temporarily grant KVM access to the production machines and then withdraw it when the job is done.

Of course, **KVM-over-IP** isn't without its limitations. Latency in keyboard and mouse control can occur if access takes place over congested in-band connections. There are also obvious security issues involved in granting such direct control of equipment over a production network. That's why most KVM vendors recommend using separate physical Ethernet connectivity and implement several levels of security in their switch management software.

Using **KVM-over-IP** over these separate connections again challenges our generally accepted notions of in-band resource management. This isn't to say that we should throw our in-band management solutions out the window overnight. But in an environment where continuous availability and airtight security are primary objectives, in-band strategies alone may be inadequate-especially for particularly critical devices.

The relatively high cost of **KVM-over-IP** will likely be a major obstacle to its widespread adoption. But companies with lots of devices to manage in lots of locations-and fewer skilled operators to manage them-could find the price acceptable. As we ask increasingly lean IT staffs to keep increasingly complex infrastructures up and running 24-by-7, in-band remote control simply may not cut it anymore.

Lenny Liebmann is a consultant and writer specializing in the business applications of networking technologies. He can be reached at llmann@comcast.net.

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May 13, 2002

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SafeNet SoftRemote 8.0

>> SafeNet has improved its VPN client, SoftRemote. Microsoft Windows XP-compatible SoftRemote 8.0 includes support for NAT traversal and Microsoft Internet Explorer browser certificates. With SoftRemote, VPNs can be made virtually anywhere. End-user management improvements include the use of existing digital certificates. Resolution of host name by DNS, WINS and Lmhosts means users don't have to configure static IP addresses. Starts at \$149 per copy. SafeNet, (410) 931-7500; fax (410) 931-7524.



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Infrastructure

BUYER'S GUIDE



KVM Switches: Central Points of Control

January 21, 2002
By [Michael J. DeMaria](#)

At one time or another, you'll need to connect a monitor, a keyboard and a mouse to many computers. Maybe you're installing an operating system, rebooting a crashed machine or figuring out why a computer's

networking stopped working. Or maybe your desk is like mine: I have three computers on it. Attaching several keyboards, monitors and mice to these computers requires more power outlets, energy and space. By using a KVM (keyboard, video, mouse) switch, you can connect from one to several hundred computers to one head, which is a monitor with a keyboard and a mouse--in other words, the location at which you (and your head) will be sitting to access all the computers.

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Different Heads for Different Folks

A variety of KVM switches are available, all with assorted feature sets and prices. The simplest KVMs are nothing more than glorified A/B switches, while the advanced ones go as far as being accessible via IP.

Multiple platform support is your first consideration. If you're running a collection of Intel x86, Sun Microsystems and Apple Macintosh hardware, make sure the KVM you choose supports connections to all of them since each of these computers use different connectors for the keyboards. However, newer Macs and x86s can get along well if both use VGA for video and USB for the keyboards. Some manufacturers, such as Tripp Lite, sell little adapters so you can plug a Sun unit into a x86 KVM. Other vendors, like Aten International, make two or three different KVM switches to accommodate various machines.



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There are different ways to switch the active screen on a KVM. The low-cost, low-tech methods are to push buttons or turn a rotary dial on the switch. Those who remember the old A/B/C/D printer switches of yore will understand the disadvantages of button KVM switches. If the switch is not close to the head, you'll have to walk over, switch monitors and walk back. Some KVMs support the weight of a 15-inch CRT monitor, and in a small machine-room rack, a pushbutton device may be sufficient.

For those who want more flexibility or plan on joining a large number of computers, an on-screen menu or hot-keybased KVM is a smarter choice. On these models, a special key combination will switch screens or activate a menu letting you switch computers without removing your hands from the keyboard. Some menu-based switches will even let you set and/or permanently display the computer's name or an identification string. Four machines running the same OS look so similar it's easy to mix them up. You wouldn't want to reboot the Web server instead of the test server accidentally. Some switches also let you display which devices are powered on or off.

The scalability of these devices is a grand factor. If you are at a small shop or have limited rack space at a collocation facility, you may not need more than 16 connections. However, if you want to control every device in a 2,000-square-foot machine room, more planning is needed.

Many KVM switches let you stack or cascade multiple switches into one logical unit. Find out the maximum number of feet allowed between switches, because when you're dealing with collections of racks, cabling between KVMs must sometimes be run under raised flooring. Likewise, the distance between individual computers and the switch can have limits that will vary from manufacturer to manufacturer. Some may require proprietary cabling. Avocent Corp. and other vendors sell extender cables (over Category 5 cable) to run between the KVM and a head, even as far as 1,000 feet.

Greater Intelligence

The most advanced KVM switches let you do more than just control multiple machines. One advanced feature of Avocent's DSR4160 is user authentication. On these models, a user must log into the KVM switch before using it. You can also set up ACLs, letting users look at or touch some computers and modify settings, while keeping users off other machines.

Logging support lets you see who's using the KVM. Authentication can be made against back-end databases, such as a Microsoft SQL database for the KVM switches, or with a Windows NT domain. Some products, like Aten MasterView, support only one KVM-lock password.

Obviously, authenticating against a domain requires network access. As such, vendors are taking advantage of the network and offering KVM switching over IP, which is similar to using Symantec Corp.'s pcAnywhere. You can remotely access the KVM switch and all devices connected to it. This feature is especially helpful for telecommuters, including the administrator who's home in bed during the 4 a.m. crisis.

Another benefit of KVM over IP is that distance limitations are lessened because cascading isn't necessary. You can also have multiple users control devices on the same switch as opposed to using the "one operator, one head" model of traditional KVM switches.

KVM over IP requires more setup than is involved with traditional KVM switches, which are usually just install and play. Management or authentication servers must be installed, and individual clients trying to connect to the KVM will need specialized software or a Web browser plug-in--in case the vendor did full-screen video in a Java applet, for instance. Remote users should use a VPN connection to access the switch.

Special

The Top 11 List

This week: "Your Top 11 reason for learning Visual Basic." Send us your top reason -- if it's insane, funny, or a bit of both, we'll publish it in an upcoming edition of The Last Mile!

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Pay attention to the price of KVM-over-IP switches. You may be required to buy a management server and licenses to use IP. This could raise the cost of your KVM switch purchase several thousand dollars. Still, the advantages of connecting multiple machines without installing custom software on the server, such as pcAnywhere, can be very attractive.

Trials and Tribulations

No KVM switch is perfect. Occasionally, the mouse or keyboard will stop working. Some switches don't like if you turn on the computer before you turn on the switch, so unplugging the switch might require you to reboot every device connected to it. Menu or hot-key switches don't always let you change the hot key.

On some of the KVMs in our labs the menu is accessed by pressing the control key twice quickly. When we use SSH (Secure Shell) to access a Unix box, we often hit control, which usually results in a few choice words being muttered as the KVM-switch menu pops up. Finally, the disadvantage of KVM switches is that they make using multiheaded displays or comparing two screens side by side more difficult.

Michael J. DeMaria is an associate technology editor based at Network Computing's Syracuse University Real-World Labs®. Send your comments on this article to him at mdemaria@nwc.com.

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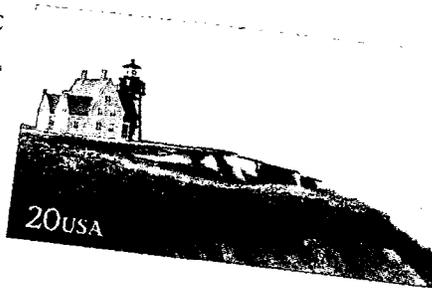
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APPLICATION DATE: 11/6/00

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October 4, 2002

Via Express Mail

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Re: Notice of Opposition of Trademark Application No. 75981890

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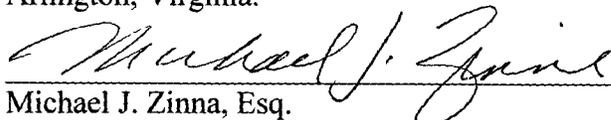
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