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



In the matter of Application  
Serial No. 76/156,933

01-28-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

Published in the Official Gazette  
on September 17, 2002

MICROSOFT CORPORATION,	)	Opposition No. 91154797
	)	
Opposer,	)	
	)	
v.	)	
	)	
VALVERDE INVESTMENTS, INC.,	)	
	)	
Applicant.	)	
_____	)	

**APPLICANT'S FIRST SUPPLEMENTAL RESPONSE TO OPPOSER'S  
FIRST SET OF INTERROGATORIES**

Applicant, Valverde Investments, Inc., by and through  
undersigned counsel, gives notice of its filing Applicant's  
First Supplemental Response to Opposer's First Set of  
Interrogatories.

INTERROGATORY NO. 4

Identify the customers or classes of customers to which  
Applicant and its licensees market and sell BACKPAGE products  
and services and the channels of trade in which such products  
and services are sold, including at least one representative  
actual or potential customer in each different customer class of

trade (e.g., one wholesale distributor, one retain customer and one from each other class).

ANSWER:

Customers of Conectron, Inc. that have used the BACKPAGE product include Terremark, Worldwide, Inc., under a license agreement, and Florida International University which used the product as a test. Mirror Image, Inc. also used the BACKPAGE product as a test market. None of these users paid any consideration for the use of the Conectron product. Conectron did not receive any other benefits other than the fact that they were provided a test environment for the product.

The class of users of the BACKPAGE product would be an internet service provider (ISP), a professional website manager for a commercial corporation that uses its website as a strategic part of its business plan, professional website content employees that work for commercial corporations that uses this website as a strategic part of a business plan; commercial advertising businesses that provide website content for advertising purposes on the internet for commercial companies.

The specific channels of trade used by Conectron to date was a trade show and advertising on the internet itself. The BACKPAGE product has not been advertised for sale nor is there

any intent to ever sell it as a ordinary customer retail product in stores such as Circuit City, either wholesale or retail. Channels of trade that cater to professional website administrators and professional website content managers.

INTERROGATORY NO. 5

Describe the features and functions of Applicant's BACKPAGE products.

ANSWER:

The primary feature of the BACKPAGE software is provide any existing commercial website visitor with faster access to content on the website. The transition time from page to page website content can often be displayed almost instantaneously eliminating wasted time changing pages. The decrease in the wait time is attributed to the retrieval of specific content at the browser level during idle band width. The pre -download of content begins only after the original content has completely finished downloading. Plus, there is no slow down or interference with the download of the original content.

INTERROGATORY NO. 7

State the dollar value of gross sales, on a yearly basis, of BACKPAGE products and services.

ANSWER:

The dollar value of gross sales on a yearly basis of BACKPAGE products and services is essentially zero. This includes any licensees and potential licensees. Terremark canceled its license with Conectron based on Microsoft's cease and desist letter. Terremark did not have any licensed sales of BACKPAGE products. Conectron and Valverde Investments did not receive any other form of compensation from the license or test use of the BACKPAGE software.

INTERROGATORY NO. 14

State whether Applicant has ever received any opinion, formal or informal, concerning possible trademark or trade name conflicts with Opposer, and for each such opinion identify the date thereof and identify each and every person who prepared such opinion or who has any knowledge of the preparation of such opinion.

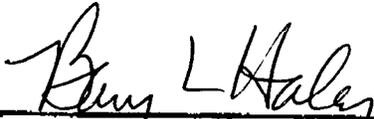
ANSWER:

Applicant's attorney requested a Thompson & Thompson trademark search in July of 2000, prior to filing the Applicant's Trademark Application. Applicant's attorney provided a privileged opinion to Applicant concerning the results of the trademark search. The opinion did not discuss

Opposer's FRONTPAGE trademark which was not considered relevant based on the large number of other marks found during the search with the word "PAGE". Applicant's attorney provided a letter of opinion to Applicant upon receipt of Microsoft's inquiry letters concerning the position Microsoft took opposing Applicant's mark. This opinion is privileged as attorney -client privilege. Applicant's attorney provided opinion letters to Microsoft's attorneys after receiving Microsoft's first letters that Microsoft would oppose Applicant's BACKPAGE trademark.

As to Objections:

Date: January 26, 2004

  
Barry L. Haley, Reg. No. 25,339  
MALIN, HALEY & DIMAGGIO, P.A.  
1936 South Andrews Ave.  
Pt. Lauderdale, FL 33316  
Tel: (954) 763-3303  
Fax: (954) 522-6507

As to Answers:  
Conectron, Inc.

I DECLARE UNDER PENALTIES OF PERJURY that the foregoing answers are true and correct.

Date: January 26, 2004.

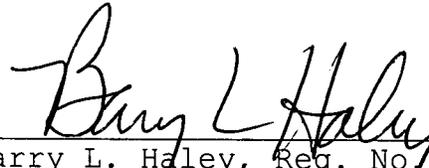
  
RUDY IBARRA, Officer  
Conectron, Inc.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the original of the foregoing **APPLICANT'S FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NOS. 4, 5, 7 AND 14**, in Opposition No. 91154797 is being deposited as First Class mail with the United States Postal Service in a postage-paid envelope addressed to: Assistant Commissioner for Trademarks, Attn: Box TTAB, 2900 Crystal Drive, Arlington, Virginia 22202; and a true and correct copy of same deposited with the United States Postal Service in a postage-paid envelope addressed to attorneys for Opposer:

William O. Ferron, Jr., Esq.  
SEED Intellectual Property Law Group PLLC  
701 Fifth Avenue, Suite 6300  
Seattle, WA 98104-7092  
Tel: (206) 622-4900  
Fax: (206) 682-6031

this 26 day of January, 2004.



Barry L. Haley, Reg. No. 25,339  
MALIN, HALEY & DiMAGGIO, P.A.  
1936 South Andrews Ave.  
Ft. Lauderdale, FL 33316  
Tel: (954) 763-3303  
Fax: (954) 522-6507