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



Z/I IMAGING CORPORATION,)
)
Opposer,)
)
v.)
)
JORG MOHNEN,)
)
Applicant.)

Opposition No. _____

NOTICE OF OPPOSITION

Box TTAB FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451



12-23-2004
U.S. Patent & TMO/c/TM Mail Rcpt Dt. #66

In the matter of the application for registration of the mark
TERRASHADER, Serial No. 76/553,157, filed October 1, 2003, by Jorg Mohnen,
and published for opposition on October 26, 2004, Z/I Imaging Corporation, a
Delaware corporation, having its principal place of business at Huntsville,
Alabama 35824, by its attorneys, Alston & Bird LLP, 601 Pennsylvania Avenue,
N.W., North Building, 10th Floor, Washington, D.C. 20004-2601, believes it
would be damaged by such registration and hereby opposes said application.

The grounds for opposition are as follows:

1. Z/I Imaging Corporation (hereinafter "Opposer") is a large
manufacturer and distributor in interstate commerce of computer software and
hardware, aerial cameras, photogrammetric scanners, high resolution scanners,
as well as various computer-related services including computer programming

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services for others, computer consultation services, implementation services, training services, and repair, installation and maintenance services.

2. Opposer has adopted and is using the trademark TERRASHARE for computer graphics software for use in the photogrammetry, mapping/GIS, GIS imaging, surveying, architecture, engineering, construction, transportation and educational fields, and has used such mark in interstate commerce since at least as early as May 2000.

3. Opposer's TERRASHARE software uses satellite and aerial photographic footage.

4. Opposer is the owner of United States Reg. No. 2,602,846 for the mark TERRASHARE for computer graphics software for use in the photogrammetry, mapping/GIS, GIS imaging, surveying, architecture, engineering, construction, transportation and educational fields.

5. On information and belief, Applicant has made no use of the mark TERRASHADER for computer software for use in creating and rendering realistic three-dimensional landscapes and terrains using satellite and aerial footage prior to October 1, 2003.

6. On information and belief, Applicant's software is used, will be used or is capable of being used to create graphics.

7. On information and belief, Applicant's software is used, will be used or is capable of being used in the photogrammetry field.

8. On information and belief, Applicant's software is used, will be used or is capable of being used in the mapping/GIS field.

9. On information and belief, Applicant's software is used, will be used or is capable of being used in the GIS imaging field.

10. On information and belief, Applicant's software is used, will be used or is capable of being used in the surveying field.

11. On information and belief, Applicant's software is used, will be used or is capable of being used in the architecture field.

12. On information and belief, Applicant's software is used, will be used or is capable of being used in the engineering field.

13. On information and belief, Applicant's software is used, will be used or is capable of being used in the construction field.

14. On information and belief, Applicant's software is used, will be used or is capable of being used in the transportation field.

15. On information and belief, Applicant's software is used, will be used or is capable of being used in the educational field.

16. Opposer is damaged or will be damaged by the sale or offering for sale of Applicant's goods bearing the mark TERRASHADER since this mark, as used in connection with Applicant's goods, falsely suggests a connection with Opposer, or falsely suggests that Applicant is associated with, or sponsored by, Opposer.

17. The mark TERRASHADER so resembles Opposer's mark TERRASHARE, previously used in interstate commerce by Opposer, and not abandoned, as to be likely, when applied to the goods of the Applicant, to cause confusion, or to cause mistake, or to deceive.

WHEREFORE, Opposer demands that this opposition be sustained and that the trademark covered by the above-identified application of Applicant be refused registration.

The requisite fee of \$300.00 is submitted herewith. If additional fees are required, please charge the same to Deposit Account No. 16-0605, Order No. 040388/198630.

Respectfully submitted,

Z/I IMAGING CORPORATION
By Its Attorneys

ALSTON & BIRD LLP

By: 
Edward M. Prince

Date: December 23, 2004

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