

ESTTA Tracking number: **ESTTA80399**

Filing date: **05/12/2006**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Autodesk, Inc.
Granted to Date of previous extension	05/13/2006
Address	111 McInnis Parkway San Rafael, CA 94903 UNITED STATES

Attorney information	John L. Slafsky WILSON SONSINI GOODRICH & ROSATI 650 Page Mill Road Palo Alto, CA 94304 UNITED STATES trademarks@wsgr.com Phone:(650) 493-9300
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Applicant Information

Application No	78651780	Publication date	03/14/2006
Opposition Filing Date	05/12/2006	Opposition Period Ends	05/13/2006
Applicant	SolidWorks Corporation 300 Baker Avenue Concord, MA 01742 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Computer software for use in computer-aided design and computer-aided manufacturing for design and modeling applications

Attachments	dwg.pdf (4 pages)(154123 bytes)
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Signature	/John L. Slafsky/
Name	John L. Slafsky
Date	05/12/2006

2. Opposer develops and distributes software to over six million users. Opposer's customers include 100 percent of *Fortune 100* companies and approximately 98 percent of *Fortune 500* companies.

3. Opposer is the well-known leader in the field of software for computer-aided design ("CAD"). CAD software is used in design applications by architects, engineers, manufacturers and others.

4. DWG is Opposer's name for the proprietary file format and technology underlying many of its key CAD software products.

5. Opposer has been using the DWG name with its CAD software products since at least as early as 1983.

6. Opposer has sold in interstate commerce billions of dollars of software products using the DWG name.

7. Opposer has included the DWG name in the user interface of its software products. Opposer has distributed promotional materials, instruction manuals, and other documents featuring the DWG name. Opposer has also promoted the DWG name on its <autodesk.com> website.

8. Opposer's DWG name has received considerable publicity. Upon information and belief, thousands of press reports have associated the DWG name with Opposer.

9. As a result of the significant sales and success of Opposer's products over 20 years, users of CAD software have come to associate the DWG name closely with Opposer.

10. Opposer's DWG name is symbolic of extensive goodwill and customer recognition built up by Opposer.

11. Opposer's DWG name is famous within the CAD software field. This fame pre-dates Applicant's first use of and applications to register trademarks based on DWG.

12. Opposer owns the following federal trademark applications: DWG (Serial No. 78/852,798; DWG AND DESIGN (Serial No. 78/852,808); REALDWG (Serial No.

78/852,836); DWG TRUEVIEW (Serial No. 78/852,813); DWG TRUECONVERT (Serial No. 78/852,822); DWGX (Serial No. 78/852,849); and DWG EXTREME (Serial No. 78/852,843).

13. Opposer's federal trademark applications for DWG-related marks include the following identification of goods: "computer software for data management and creation and manipulation of engineering and design data, particularly adapted for engineering, architecture, manufacturing, building, and construction applications, together with instruction manuals sold as a unit; computer-aided design software; computer software for animation, graphics and design modeling applications."

14. Opposer is informed and believes, and therefore alleges, that Applicant filed an intent-to-use application on June 16, 2005 to register DWGGATEWAY as a trademark.

15. Applicant's DWGGATEWAY mark is derived from Opposer's DWG name.

16. Applicant's application to register DWGGATEWAY as a trademark covers "computer software for use in computer-aided design and computer-aided manufacturing for design and modeling applications."

17. Applicant seeks to register the trademark DWGGATEWAY in connection with goods that are substantially similar to Opposer's goods.

18. In view of the substantially similar marks and goods and services of the parties, Applicant's DWGGATEWAY mark so resembles Opposer's DWG name as to be likely to cause confusion, to cause mistake, or to deceive.

19. Applicant's use of and application to register its DWGGATEWAY mark are well outside the bounds of fair use contemplated by the Lanham Act and recognized by U.S. courts.

20. The U.S. Patent and Trademark Office has objected to registration of Applicant's related mark DWGEDITOR (Serial No. 78/651,779), citing evidence that "DWG is the filename extension for [Opposer's] drawing files."

21. If Applicant is permitted to register DWGGATEWAY for the goods described in the application, confusion in the trade and in the public is likely to result. Confusion caused by Applicant will damage Opposer and injure its reputation in the trade and with the public. That

confusion will also injure the public, in that consumers, upon seeing Applicant's mark used in connection with Applicant's goods, are likely to believe that Applicant's goods are somehow associated with or approved by Opposer.

22. If Applicant is permitted to register DWGGATEWAY for the goods described in the application, the distinctiveness of Opposer's DWG name will be diluted.

WHEREFORE, Opposer prays that Application Serial No. 78/651,780 be rejected, that no registration be issued to Applicant, and that this opposition be sustained in favor of Opposer.

Opposer authorizes payment of the required filing fee of \$300.00 from its counsel's USPTO Deposit Account. Please charge the fee to Deposit Account No. 23-2415 ATTN: 5477.506.

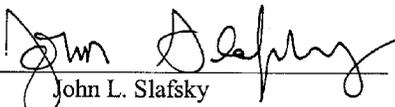
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Date: May 12, 2006

Respectfully Submitted,

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Professional Corporation

By: 
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Autodesk, Inc.