

ESTTA Tracking number: **ESTTA134109**

Filing date: **04/06/2007**

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	CGI Technologies and Solutions Inc.		
Entity	Corporation	Citizenship	Delaware
Address	4050 Legato Road Fairfax, VA 22033 UNITED STATES		

Attorney information	Timothy H. Hiebert Samuels & Hiebert LLC Two International Place, 23rd Floor Boston, MA 02110-4104 UNITED STATES hiebert@samuelsTM.com Phone:617-426-9181
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### Applicant Information

Application No	78786485	Publication date	03/13/2007
Opposition Filing Date	04/06/2007	Opposition Period Ends	04/12/2007
Applicant	TRIRIGA LLC 6700 Via Austi Parkway Las Vegas, NV 89119 UNITED STATES		

### Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Computer software for programming computer applications, namely, graphical user interfaces, databases, and project management applications; facilities management software, namely, software to monitor building environment, property, access and security
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Attachments	Notice of Opposition.pdf ( 3 pages )(83628 bytes )
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Signature	/Timothy H. Hiebert/
Name	Timothy H. Hiebert
Date	04/06/2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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CGI TECHNOLOGIES  
AND SOLUTIONS INC.

Opposer

v.

TRIRIGA LLC

Applicant

Mark: MOMENTUM

Serial No. 78/786,485

Filed January 6, 2006

NOTICE OF OPPOSITION

CGI Technologies and Solutions Inc., a Delaware corporation located at 4050 Legato Road, Fairfax, Virginia 22033 ("Opposer"), believes that it will be damaged by registration of the mark shown in the above-identified application and hereby opposes the same.

1. Since at least as early as October 29, 1997, Opposer has continuously used MOMENTUM ("Opposer's Mark") for computer software for managing general ledger accounting and financial data, for managing data relating to funds, payments, costs and accounts receivable, and for preparing financial reports ("Opposer's Goods").

2. Opposer is the owner of of U.S. Application Serial No. 78/822,890 for Opposer's Mark covering Opposer's Goods, filed on February 24, 2006.

3. Applicant's application Serial No. 78/786,485 for MOMENTUM ("Applicant's Mark") was filed on an intent-to-use basis on January 6, 2006, and covers computer software for programming computer applications, namely, graphical user interfaces, databases, and project management applications; and facilities management software, namely, software to monitor building environment, property, access and security ("Applicant's Goods").

2. The Examiner in charge of Opposer's application Serial No. 78/822,890 for Opposer's Mark has cited Applicant's prior application Serial No. 78/786,485 for Applicant's Mark as a potential basis for refusal of Opposer's application, and has suspended further action on Opposer's application for that reason.

3. Potential customers for Opposer's Goods provided under Opposer's Mark are likely to become confused and deceived when they see Applicant's marketing materials, whereupon they may purchase Applicant's Goods provided under Applicant's Mark, believing that Applicant's Goods originate with Opposer, or that Applicant is associated or affiliated with Opposer. This likely confusion and deception harms Opposer.

4. If Applicant is granted the registration herein opposed, it would obtain thereby at least a prima facie exclusive right to the use of Applicant's Mark for Applicant's Goods. Such a registration would be a source of injury to Opposer and would wrongfully and improperly hinder Opposer's rightful use and registration of Opposer's Mark.

WHEREFORE, Opposer prays that application Serial No. 78/786,485 be rejected, and that registration of the mark shown therein sought for the goods therein specified be denied.

Respectfully submitted,

Date: April 6, 2007



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