

ESTTA Tracking number: **ESTTA137733**

Filing date: **04/26/2007**

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	Corel Corporation
Granted to Date of previous extension	04/29/2007
Address	1600 Carling Avenue Ottawa, Ontario, K1Z 8R7 CANADA

Attorney information	Ann K. Ford DLA Piper US LLP 1200 Nineteenth Street, NW Washington, DC 20036 UNITED STATES dctrademarks@dlapiper.com, ann.ford@dlapiper.com, thomas.zutic@dlapiper.com, ryan.compton@dlapiper.com, jennifer.zador@dlapiper.com Phone:202.861.3900
----------------------	--

Applicant Information

Application No	78796629	Publication date	10/31/2006
Opposition Filing Date	04/26/2007	Opposition Period Ends	04/29/2007
Applicant	DSCI PO Box 7259 Freehold, NJ 077287259 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Computer processing software for use in generating virtual digital worlds in relation to visualizations and simulations
--

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1394667	Application Date	07/12/1982
Registration Date	05/27/1986	Foreign Priority Date	NONE
Word Mark	WORDPERFECT		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 1982/06/10 First Use In Commerce: 1982/06/10 Computer Programs

U.S. Registration No.	1618770	Application Date	01/31/1990
Registration Date	10/23/1990	Foreign Priority Date	NONE
Word Mark	WORDPERFECT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1989/01/00 First Use In Commerce: 1989/01/00 MAGAZINES IN THE FIELD OF COMPUTERS		

U.S. Registration No.	2640225	Application Date	12/01/1999
Registration Date	10/22/2002	Foreign Priority Date	NONE
Word Mark	WORDPERFECT LAW OFFICE 2000		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1999/11/27 First Use In Commerce: 1999/11/29 COMPUTER SOFTWARE PROGRAMS RECORDED ON CD-ROMS AND USER MANUALS, SOLD TOGETHER AS A UNIT FOR WORD PROCESSING APPLICATIONS		

Attachments	73373968#TMSN.gif (1 page)(bytes) 75861174#TMSN.gif (1 page)(bytes) NOO.pdf (12 pages)(1322996 bytes)
-------------	--

Signature	/Ann K. Ford/
Name	Ann K. Ford
Date	04/26/2007

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

In the matter of Trademark Application Serial No. 78/796,629

Filing Date: January 22, 2006

Published for Opposition: October 31, 2006

Corel Corporation,)	
)	
Opposer,)	Opposition No. _____
)	
v.)	
)	
DSCI Corporation,)	Mark: MIRAGE-WORLDPERFECT
)	
Applicant.)	
)	

NOTICE OF OPPOSITION

Opposer Corel Corporation, a Canadian corporation with a principal place of business at 1600 Carling Avenue, Ottawa, Ontario K1Z 8R7, Canada, and its predecessors, affiliates, and/or subsidiaries (collectively, "Opposer") believes that it is or will be damaged by the registration of U.S. Application Serial No. 78/796,629 (the "Application") filed by DSCI Corporation ("Applicant") for the trademark MIRAGE-WORLDPERFECT. The Application seeks federal registration of MIRAGE-WORLDPERFECT mark in connection with "computer processing software for use in generating virtual digital worlds in relation to visualizations and simulations." As such, Opposer hereby opposes the Application, and respectfully requests that the Trademark Trial and Appeal Board (the "Board") refuse the registration of the Application.

As grounds for this Opposition, Opposer hereby incorporates the above and further alleges:

1. Opposer is the owner of, among others, the world-famous WORDPERFECT marks and the WORDPERFECT LAW OFFICE 2000 mark (the "WORDPERFECT Marks") and in connection with "computer programs," "computer software programs recorded on CD-Roms and user manuals, sold together as a unit for word processing applications," and related goods and services.

2. Opposer has obtained incontestable U.S. Federal Trademark Registrations Nos. 1,394,667 and 1,618,770 and U.S. Federal Trademark Registration No. 2,640,225, which are used by it and/or its licensees, for use in association with the above-identified goods and services. True and correct printouts from the United States Patent and Trademark Office ("USPTO") official website of these registrations are attached hereto as **Attachment A** and hereby made a part of this record. The aforesaid registrations are valid and subsisting, unrevoked and uncancelled, and Opposer is the owner of the aforesaid registrations and all of the goodwill associated therewith.

3. Since at least as early as June 10, 1982, the WORDPERFECT Marks have been used in association with the above-identified goods and services. Since the adoption of the WORDPERFECT Marks, Opposer has continuously used the marks throughout the United States in interstate commerce.

4. Opposer is recognized as one of the premier and leading global packaged software companies with over 40 million users, and Opposer has exclusively, extensively, and continuously used its WORDPERFECT Marks therewith. Further, Opposer has expended significant sums in advertising and promoting its world-famous WORDPERFECT Marks, which enjoy widespread consumer and industry recognition and embody significant goodwill.

5. Since its initial use of the WORDPERFECT Marks, Opposer has extensively used the WORDPERFECT Marks and has advertised, promoted and offered its goods and services under the WORDPERFECT Marks in interstate commerce, through various channels of trade. As a result, Opposer's customers, potential customers, the trade, and the public in general have come to know and recognize the WORDPERFECT Marks as identifying Opposer's goods and services of highest quality offered by Opposer, and associate the WORDPERFECT Marks with Opposer's goods and services. Opposer has thus built up extensive and invaluable goodwill in connection with the offer of Opposer's goods and services offered under the WORDPERFECT Marks.

6. Notwithstanding Opposer's prior rights in and to the WORDPERFECT Marks, on January 22, 2006, Applicant filed an application for registration of the trademark MIRAGE-WORLDPERFECT mark for the goods identified above, which was assigned Application Serial No.

78/796,629. The Application is an intent-to-use application, which indicates that the Applicant has yet to use the MIRAGE-WORLDPERFECT mark in association with the goods identified above in commerce. Therefore, there is no issue as to priority — Opposer has prior rights.

7. Applicant's MIRAGE-WORLDPERFECT trademark, as shown in the Application, is confusingly similar to and/or a colorable imitation of the WORDPERFECT Marks, and the respective goods and services of the parties are substantially similar and/or related and would normally be marketed within the same or similar channels of trade, resulting in a likelihood of confusion, mistake, or deception by Opposer's customers, potential customers, the trade, and the public in general as to the origin and/or sponsorship of Applicant's goods under the MIRAGE-WORLDPERFECT mark. Additionally, Opposer's customers, potential customers, the trade, and the public are likely to be misled into believing that such goods are marketed by, or are in some way directly or indirectly associated with, Opposer and/or Opposer's goods and services, thus resulting in damage and detriment to Opposer and its reputation and goodwill.

8. The federal registrations and federal applications of the WORDPERFECT Marks provided, *at the very least*, constructive notice to Applicant of Opposer's rights in the WORDPERFECT Marks.

9. If Applicant's mark is registered, Applicant will obtain a prima facie exclusive right to use the mark, and Opposer would thereby be subjected to great and irreparable damage. Additionally, Applicant will enjoy unlawful gain and advantage to which it is not entitled under the Lanham Act.

WHEREFORE, this Opposer believes and avers that it will be damaged by registration of the Application for the MIRAGE-WORLDPERFECT mark and prays that the Application be rejected, that no registration be issued thereon to Applicant for the MIRAGE-WORLDPERFECT or marks similar thereto, and that the Opposition be sustained in favor of Opposer.

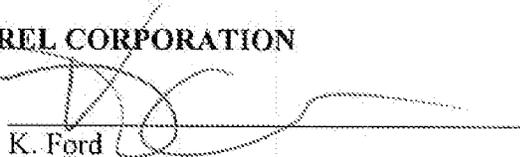
Opposer hereby appoints Ann K. Ford, Esq., Thomas E. Zutic, Esq., Ryan C. Compton, Esq., and Jennifer A. Zador, Esq., all of the law firm of DLA Piper US LLP, 1200 19th Street N.W., Washington,

D.C. 20036-2412, telephone number (202) 861-3900, to transact all business in the Patent and Trademark Office in connection with this Opposition proceeding.

Should the amount of the filing fee submitted herewith be insufficient, please charge our deposit account No. 501150.

Dated: April ____, 2007

COREL CORPORATION

By: 

Ann K. Ford

Thomas E. Zutic

Ryan C. Compton

Jennifer A. Zador

DLA Piper US LLP

1200 Nineteenth Street N.W.

Washington, DC 20036-2412

(202) 861-3900

Attorneys for Opposer

Attachment A



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

Trademarks > Trademark Electronic Search System(Tess)

TESS was last updated on Thu Apr 26 04:19:00 EDT 2007

[TESS Home](#)
[New User](#)
[STRUCTURED](#)
[FREE FORM](#)
[Browser Dict](#)
[SEARCH OG](#)
[Bottom](#)
[HELP](#)
[Prev List](#)
[CURR LIST](#)
[NEXT LIST](#)
[First Doc](#)
[Prev Doc](#)
[NEXT Doc](#)
[LAST Doc](#)

Please logout when you are done to release system resources allocated for you.

List At: OR to record: **Record 7 out of 7**

[TARR Status](#)
[ASSIGN Status](#)
[TDR](#)
[TTAB Status](#)
 (Use the "Back" button of the Internet Browser to return to TESS)

WordPerfect

Word Mark WORDPERFECT
Goods and Services IC 009, US 038, G & S: Computer Programs, FIRST USE: 19820610, FIRST USE IN COMMERCE: 19820610
Mark Drawing Code (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Design Search Code
Serial Number 73373968
Filing Date July 12, 1982
Current Filing Basis 1A
Original Filing Basis 1A
Published for December 27, 1983
Opposition
Change In CHANGE IN REGISTRATION HAS OCCURRED
Registration
Registration Number 1394667
Registration Date May 27, 1986
Owner (REGISTRANT) SATELLITE SOFTWARE INTERNATIONAL (SSI) CORPORATION UTAH 288 W. CENTER OREM UTAH 84057

 (LAST LISTED OWNER) COREL CORPORATION CORPORATION CANADA 1600 CARLING AVENUE OTTAWA, ONTARIO CANADA K1Z 8R7
Assignment ASSIGNMENT RECORDED
Recorded
Attorney of Record ANN K. FORD
Type of Mark TRADEMARK
Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR), SECTION 8(10-YR) 20060911.
Renewal 1ST RENEWAL 20060911
Live/Dead Indicator LIVE

[TESS Home](#) [New Users](#) [Structured](#) [Free Form](#) [Browse Data](#) [SEARCH OG](#) [Top](#) [HELP](#) [Prev List](#) [Curr List](#) [Next List](#)
[First Doc](#) [Prev Doc](#) [Next Doc](#) [Last Doc](#)



United States Patent and Trademark Office

Home | Site Index | Search | FAQ | Glossary | Guides | Contacts | eBusiness | eBiz alerts | News | Help

Trademarks > Trademark Electronic Search System(Tess)

TESS was last updated on Thu Apr 26 04:19:00 EDT 2007

[TESS HOME](#)
[NEW USER](#)
[STRUCTURED](#)
[FREE FORM](#)
[BROWSE DICT](#)
[SEARCH Q&A](#)
[BOTTOM](#)
[HELP](#)
[PREV LIST](#)
[CURR LIST](#)
[NEXT LIST](#)

[FIRST DOC](#)
[PREV DOC](#)
[NEXT DOC](#)
[LAST DOC](#)

Please logout when you are done to release system resources allocated for you.

List At: OR to record: **Record 3 out of 7**

[TARR Status](#)
[ASSIGN Status](#)
[TDR](#)
[TTAB Status](#)
(Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark **WORDPERFECT**
Goods and Services IC 016. US 038. G & S: MAGAZINES IN THE FIELD OF COMPUTERS. FIRST USE: 19890100. FIRST USE IN COMMERCE: 19890100
Mark Drawing Code (1) TYPED DRAWING
Design Search Code
Serial Number 74024523
Filing Date January 31, 1990
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition July 31, 1990
Registration Number 1618770
Registration Date October 23, 1990
Owner (REGISTRANT) WordPerfect Corporation CORPORATION UTAH 1555 North Technology Way Orem UTAH 84057

 (LAST LISTED OWNER) COREL CORPORATION LIMITED CORPORATION BY ASSIGNMENT IRELAND EUROPA HOUSE HARCOURT ST. DUBLIN 2 IRELAND
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record MARK H. TIDMAN
Prior Registrations 1265653;1269638;1337598;1394667;1497541;1546197
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20010912.

Renewal 1ST RENEWAL 20010912

Live/Dead Indicator LIVE

[TESS Home](#) [New Users](#) [Structured](#) [Free Form](#) [Browse Dict](#) [SEARCH OG](#) [Top](#) [HELP](#) [Prev List](#) [CURR LIST](#) [Next List](#)
[First Doc](#) [Prev Doc](#) [Next Doc](#) [Last Doc](#)

[| HOME](#) [| SITE INDEX](#) [| SEARCH](#) [| @BUSINESS](#) [| HELP](#) [| PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

Trademarks > Trademark Electronic Search System(Tess)

TESS was last updated on Thu Apr 26 04:19:00 EDT 2007

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DIST	SEARCH QG	BROWSE	HELP	PREV LIST	CURR LIST	NEXT LIST
FIRST DOC	PREV DOC	NEXT DOC	LAST DOC							

Please logout when you are done to release system resources allocated for you.

List At: OR to record: **Record 1 out of 7**

TARR Status	ASSIGN Status	TDR	TTAB Status	(Use the "Back" button of the Internet Browser to return to TESS)
-----------------------------	-------------------------------	---------------------	-----------------------------	--



Word Mark	WORDPERFECT LAW OFFICE 2000
Goods and Services	IC 009. US 021 023 026 036 038. G & S: COMPUTER SOFTWARE PROGRAMS RECORDED ON CD-ROMS AND USER MANUALS, SOLD TOGETHER AS A UNIT FOR WORD PROCESSING APPLICATIONS. FIRST USE: 19991127. FIRST USE IN COMMERCE: 19991129
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.11.21 - Rectangles that are completely or partially shaded
Serial Number	75861174
Filing Date	December 1, 1999
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	August 26, 2001
Registration Number	2640225
Registration Date	October 22, 2002
Owner	(REGISTRANT) Corel Corporation Limited CORPORATION IRELAND 41/45 Stephen's Green Dublin 2 IRELAND
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	MARK H. TIDMAN
Prior Registrations	1394667;1618770

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "LAW OFFICE" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

[TESS Home](#) [New User](#) [Structured](#) [Free Form](#) [Browse Data](#) [SEARCH OG](#) [Top](#) [HELP](#) [PREV LIST](#) [CURR LIST](#) [NEXT LIST](#)
[First Doc](#) [Prev Doc](#) [Next Doc](#) [Last Doc](#)



United States Patent and Trademark Office

Home | Site Index | Search | Guides | Contacts | eBusiness | eBiz alerts | News | Help



Assignments on the Web > Trademark Query

Trademark Assignment Details

Reel/Frame: 3528/0939
Received: 04/25/2007
Attorney Dkt #: 28443- & 28443-
Conveyance: NUNC PRO TUNC ASSIGNMENT

Pages: 13

Recorded: 04/25/2007

Total properties: 2

1	Serial #: 74024523 Mark: WORDPERFECT	Filing Dt: 01/31/1990	Reg #: 1618770	Reg. Dt: 10/23/1990
2	Serial #: 75861174 Mark: WORDPERFECT LAW OFFICE 2000	Filing Dt: 12/01/1999	Reg #: 2640225	Reg. Dt: 10/22/2002

Assignor

1 COREL CORPORATION LIMITED

Exec Dt: 08/15/2001
Entity Type: CORPORATION
Citizenship: IRELAND

Assignee

1 COREL CORPORATION
1600 CARLING AVENUE
OTTAWA, ONTARIO, CANADA K1Z 8R7

Entity Type: CORPORATION
Citizenship: CANADA

Correspondence name and address

THOMAS E. ZUTIC, ESQ. - DLA PIPER US LLP
1200 NINETEENTH STREET, NW
WASHINGTON, DC 20036-2412

Domestic representative

ANN K. FORD, ESQ. - DLA PIPER US LLP
1200 NINETEENTH STREET, NW
WASHINGTON, DC 20036-2412

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350, v.2.0.1
Web interface last modified: April 20, 2007 v.2.0.1

Search Results as of: 04/25/2007 10:54 AM