

ESTTA Tracking number: **ESTTA182869**

Filing date: **12/21/2007**

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	Advanced Micro Devices, Inc.
Granted to Date of previous extension	12/23/2007
Address	One AMD Place P.O. Box 3453 Sunnyvale, CA 94088-3453 UNITED STATES
Attorney information	Belinda J. Scrimenti Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP 311 South Wacker Drive, Suite 5000 Chicago, IL 60606 UNITED STATES bscrimenti@pattishall.com, rgeraldson@pattishall.com, adowner@pattishall.com

### Applicant Information

Application No	79027382	Publication date	06/26/2007
Opposition Filing Date	12/21/2007	Opposition Period Ends	12/23/2007
International Registration No.	0894678	International Registration Date	11/22/2005
Applicant	BANKSYS, soci&eacute;t&eacute; anonyme Chauss&eacute;e de Haecht 1442 B-1130 Bruxelles BELGIUM		

### Goods/Services Affected by Opposition

<p>Class 009. All goods and services in the class are opposed, namely: Computers, computer peripheral units, components, parts and equipment for data processing and for electronic transfer of funds, namely payment terminals and full-range of terminal based applications from card-reading to chip programming allowing the use of electronic purse, loyalty programs, smart vouchers, access control and custom applications; computer software for use in electronic transfer of funds and database management in the field of finance and business management; magnetic strip and chip cards</p>
<p>Class 037. All goods and services in the class are opposed, namely: Installation, maintenance and repair services for data processing equipment, computers and peripheral equipment thereof for the adaptable and electronic management, maintenance and control of payment terminals and related software</p>
<p>Class 038. All goods and services in the class are opposed, namely: Telecommunications, namely, providing communication interfaces, namely, ISDN services, providing fiber optic network services, providing</p>

access to a network operations center, communication by computer terminals
Class 042. All goods and services in the class are opposed, namely: Rental of computers and other similar computer equipment for electronic transfer of funds; computer programming for others; design and updating of software for others; technical consulting concerning computing; leasing of terminals for electronic transfer of funds

## Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3121314	Application Date	12/17/2004
Registration Date	07/25/2006	Foreign Priority Date	NONE
Word Mark	TURION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2005/01/06 First Use In Commerce: 2005/03/10 Computer hardware; semiconductor devices; microprocessor modules; computer hardware subsystems, namely, input units, output units, central processing units, memory controllers, peripherals controllers and graphics controllers; and computer software, namely, operating system software, gaming software and 3D graphics software		

U.S. Registration No.	3121313	Application Date	12/17/2004
Registration Date	07/25/2006	Foreign Priority Date	NONE
Word Mark	AMD TURION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2005/01/06 First Use In Commerce: 2005/03/10 Computer hardware; semiconductor devices; microprocessor modules; computer hardware subsystems, namely, input units, output units, central processing units, memory controllers, peripherals controllers and graphics controllers; and computer software, namely, operating system software, gaming software and 3D graphics software		

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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/s/Andrew N. Downer/
Name	Andrew N. Downer
Date	12/21/2007



controllers and graphics controllers; and computer software, namely, operating system software, gaming software and 3D graphics software."

4. Opposer has registered the mark AMD TURION in the USPTO, Reg. No. 3,121,313, registered on July 25, 2006, for "Computer hardware; semiconductor devices; microprocessor modules; computer hardware subsystems, namely, input units, output units, central processing units, memory controllers, peripherals controllers and graphics controllers; and computer software, namely, operating system software, gaming software and 3D graphics software."

5. Opposer has sold many millions of dollars worth of products and services under its TURION mark throughout the United States and has spent substantial sums in advertising and promoting its TURION mark throughout the United States.

6. By virtue of these extensive sales, advertising and promotions, opposer now owns a valuable goodwill symbolized by its TURION mark.

7. On November 22, 2005, applicant filed an application under § 66A of the Lanham Act to register the mark XENTURION for the following goods and services:

"Computers, computer peripheral units, components, parts and equipment for data processing and for electronic transfer of funds, namely payment terminals and full-range of terminal based applications from card-reading to chip programming allowing the use of electronic purse, loyalty programs, smart vouchers, access control and custom applications; computer software for use in electronic transfer of funds and database management in the field of finance and business management; magnetic strip and chip cards" in Class 9;

"Installation, maintenance and repair services for data processing equipment, computers and peripheral equipment thereof for the adaptable and electronic management, maintenance and control of payment terminals and related software" in Class 37;

"Telecommunications, namely, providing communication interfaces, namely, ISDN services, providing fiber optic network services, providing access to a network operations center, communication by computer terminals" in Class 38; and

"Rental of computers and other similar computer equipment for electronic transfer of funds; computer programming for others; design and updating of software for others; technical consulting concerning computing; leasing of terminals for electronic transfer of funds" in Class 42.<sup>1</sup>

8. Upon information and belief, neither applicant nor any predecessor or related company of applicant has any basis for claiming rights in XENTURION prior to Opposer's first use of its TURION mark.

9. Applicant's application to register the mark XENTURION is without Opposer's consent.

10. Applicant's proposed use and registration of XENTURION is likely to result in confusion, mistake or deception with Opposer's TURION mark, or in the belief that Applicant or its XENTURION goods and services are in some way legitimately connected with, or licensed or approved by, Opposer.

WHEREFORE, registration by applicant of XENTURION for the goods and services stated in Application Serial No. 79/027,382 would be damaging to Opposer.

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<sup>1</sup> Applicant's application also includes certain services in Class 36. Opposer is not opposing registration of Applicant's Mark for the services in Class 36.

Please debit the requisite filing fee of \$1,200 from Deposit Account No. 16-0650. Please address all correspondence to Raymond I. Geraldson, Jr., Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP, 311 South Wacker Drive, Suite 5000, Chicago, Illinois 60606.

PATTISHALL, McAULIFFE, NEWBURY,  
HILLIARD & GERALDSON LLP

By: /s/Andrew N. Downer/  
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Attorneys for Advanced Micro Devices, Inc.

**CERTIFICATE OF SERVICE**

I, Andrew N. Downer, an attorney for Opposer, hereby certify that a copy of the foregoing **NOTICE OF OPPOSITION** was served upon Applicant's counsel, Douglas R. Wolf, Esq., Wolf, Greenfield & Sacks, P.C., 600 Atlantic Avenue, Boston, Massachusetts 02210, by first-class mail, on this 21<sup>st</sup> day of December, 2007 postage prepaid.

/s/Andrew N. Downer/\_\_\_\_\_