

ESTTA Tracking number: **ESTTA237979**

Filing date: **09/19/2008**

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	Total System Services, Inc.
Granted to Date of previous extension	09/21/2008
Address	1600 First Avenue Columbus, GA 31901-1804 UNITED STATES

Attorney information	Lawrence K. Nodine Needle & Rosenberg Intellectual Property Practice of Ballard Spahr Andrews & Ingersoll LLP 999 Peachtree Street Suite 1000 Atlanta, GA 30309-3915 UNITED STATES nodinel@ballardspahr.com, odonnellm@ballardspahr.com, woodsjs@ballardspahr.com, winterfeldtb@ballardspahr.com, johnsonsj@ballardspahr.com Phone:678-420-9300
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Applicant Information

Application No	78954693	Publication date	03/25/2008
Opposition Filing Date	09/19/2008	Opposition Period Ends	09/21/2008
Applicant	TAISYS TECHNOLOGY CO., LTD. Da-An District 7F-1, No. 180, Sec. 2, Dunhua S. Rd. Taipei, TAIWAN		

Goods/Services Affected by Opposition

<p>Class 009. All goods and services in the class are opposed, namely: Magnetically-encoded cards, namely, credit cards, phone cards, pre-paid telephone calling cards, Subscriber Identity Module (SIM) cards for mobile phones, bank cards, IC cards, magnetically encoded stored value cards, blank smart cards, magnetic stripe cards, namely, blank magnetic stripe cards for storing data by modifying the magnetism of tiny iron-based magnetic particles on a band of magnetic material on the card used in credit cards, identity cards, transportation tickets; and magnetically encoded stripe cards used in credit cards, identity cards, transportation tickets; computer software, namely, computer game software, computer graphics software, computer software for application and database integration, computer hardware, interface cards for computers</p>
<p>Class 038. All goods and services in the class are opposed, namely: Telephone communication transfer, namely, transfer of data by telecommunications, voice-over internet protocol (VOIP) services; radio-paging, telecommunication linkage on internet, namely, providing telecommunication and Internet connections to a global and computer network, telecommunication services, namely, local and long</p>

distance transmission of voice, data, graphics by means of telephone, telegraphic, cable, and satellite transmissions, transmission of database information via telecommunications networks, telecommunications, namely, providing telecommunications connections by an optical fiber network, facsimile communication transfer, namely, electronic transmission of facsimile communications and data featuring encryption and decryption, facsimile transmission and retrieval services, satellite transmission services, data transmission and reception services via telecommunication means

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.	2599320	Application Date	04/06/2001
Registration Date	07/23/2002	Foreign Priority Date	NONE
Word Mark	TSYS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2001/04/19 First Use In Commerce: 2001/04/19 FINANCIAL DATA, CREDIT CARD, DEBIT CARD AND BANKCARD TRANSACTION PROCESSING SERVICES		

U.S. Registration No.	3195412	Application Date	10/01/2003
Registration Date	01/09/2007	Foreign Priority Date	NONE
Word Mark	TSYS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2001/03/09 First Use In Commerce: 2001/03/09 COMPUTER SOFTWARE IN THE FIELD OF FINANCIAL DATA PROCESSING AND TRANSACTIONS		

U.S. Registration No.	3195413	Application Date	10/01/2003
Registration Date	01/09/2007	Foreign Priority Date	NONE
Word Mark	TSYS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1983/07/07 First Use In Commerce: 1983/07/07 FINANCIAL DATA, CREDIT CARD, DEBIT CARD AND BANKCARD TRANSACTION PROCESSING SERVICES		

U.S. Registration No.	3305607	Application Date	12/07/2006
Registration Date	10/09/2007	Foreign Priority	NONE

		Date	
Word Mark	TSYS ACQUIRING SOLUTIONS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2006/11/10 First Use In Commerce: 2006/11/10 Credit card, debit card and electronic payment transaction processing software</p> <p>Class 035. First use: First Use: 2006/04/17 First Use In Commerce: 2006/04/17 Retail store services featuring Point of Sale equipment and supplies therefor; risk management services, namely, risk and fraud monitoring; business consulting services; dispute processing services</p> <p>Class 036. First use: First Use: 2006/04/17 First Use In Commerce: 2006/04/17 Credit card, debit card, electronic benefits transfer, prepaid and gift card, and check order transaction processing services for others</p> <p>Class 037. First use: First Use: 2006/04/17 First Use In Commerce: 2006/04/17 replacement and repair of Point of Sale equipment</p> <p>Class 042. First use: First Use: 2006/04/17 First Use In Commerce: 2006/04/17 Application service provider (ASP) services, namely, providing internet based access to credit and debit card transaction data for use in authorization and capture</p>		

U.S. Registration No.	3483750	Application Date	10/01/2007
Registration Date	08/12/2008	Foreign Priority Date	NONE
Word Mark	TSYS DEBT MANAGEMENT		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 2003/03/00 First Use In Commerce: 2003/03/00 Data management services for use in debt collection, namely, electronic data collection and online claims management</p> <p>Class 036. First use: First Use: 2003/03/00 First Use In Commerce: 2003/03/00 Debt recovery and collection agency services; bankruptcy and probate case management services, namely, bankruptcy and probate claims administration</p> <p>Class 045. First use: First Use: 2003/03/00 First Use In Commerce: 2003/03/00 Skip tracing services; litigation management and support services; legal services, namely, bankruptcy case management services and probate case management services</p>		

U.S. Registration No.	3429798	Application Date	05/31/2007
Registration Date	05/20/2008	Foreign Priority Date	NONE
Word Mark	TSYS LOYALTY		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 2007/04/20 First Use In Commerce: 2007/04/20 Business consulting services in the field of customer loyalty programs;</p>		

	advertising and marketing services in the field of customer loyalty programs; business marketing services in the field of customer loyalty programs; marketing consultation services in the field of customer loyalty programs; management of customer appreciation programs for others; order fulfillment services Class 042. First use: First Use: 2007/04/20 First Use In Commerce: 2007/04/20 Application Service Provider (ASP) featuring software for use in decision processing and database management in the field of customer loyalty program management
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U.S. Registration No.	3041225	Application Date	11/16/2004
Registration Date	01/10/2006	Foreign Priority Date	NONE
Word Mark	TSYS PREPAID		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2004/08/02 First Use In Commerce: 2004/08/02 Electronic payments administration and processing services; store-value debit card administration and processing services		

Attachments	76236780#TMSN.gif (1 page)(bytes) 76548200#TMSN.gif (1 page)(bytes) 76548201#TMSN.gif (1 page)(bytes) 77059465#TMSN.jpeg (1 page)(bytes) 77292672#TMSN.jpeg (1 page)(bytes) 77193926#TMSN.jpeg (1 page)(bytes) 78517820#TMSN.jpeg (1 page)(bytes) Opp TAISYS SN78954693.pdf (7 pages)(214613 bytes)
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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	/Lawrence K. Nodine/
Name	Lawrence K. Nodine
Date	09/19/2008

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

In the Matter of Trademark Application Serial No. 78/954693
Filed: August 17, 2006
For the mark: TAISYS and Design
Published in the Official Gazette on: **March 25, 2008**

TOTAL SYSTEM SERVICES, INC.

Opposer,

v.

TAISYS TECHNOLOGY CO., LTD

Applicant.

Opposition No.: _____

NOTICE OF OPPOSITION

Opposer Total System Services, Inc. (“TSYS”) believes that it will be damaged by registration of the mark TAISYS as shown in the above-identified application, and hereby opposes the same pursuant to Section 13(a) of the Trademark Act of 1946, as amended (the “Lanham Act”), 15 U.S. C. § 1063(a).

The grounds for the opposition are as follows:

1. Opposer Total Systems Services, Inc. (“TSYS”) is a Georgia Corporation, with its principal place of business located at 1600 First Avenue, Columbus, Georgia 31902.

2. Upon information and belief, applicant Taisys Technology Co., Ltd, is a corporation organized under the laws of Taiwan, with its principal place of business located at Da-An District 7F-1, No. 180, Sec. 2, Dunhua S. Rd., Taipei, Taiwan.

3. Opposer is one of the world's leading information technology processors of data, transactions and payments for domestic and international issuers of credit, debit, commercial and private-label cards. Opposer services the entire lifecycle of card accounts making it possible for more than 192 million accounts enabling an estimated 269 million cardholders to use their cards any time, anywhere.

4. Opposer has the senior and superior rights to any mark confusingly similar to its TSYS marks because it began first and continuous use of this mark and tradename at least as early as 1983, which is far earlier than Applicant Taisys's earliest rights in the United States.

5. Opposer has used TSYS as registered and unregistered trademarks since at least 1983.

6. Opposer is the owner of the following United States Trademark Registrations:

Reg. No. 2,599,320

Reg. No. 3,195,412

Reg. No. 3,195,413

Reg. No. 3,305,607

Reg. No. 3,483,750

Reg. No. 3,429,798

Reg. No. 3,041,225

These registrations are valid and subsisting and in full force and effect.

7. Opposer has made continuous use of its TSYS marks and “Total System Services” tradename in United States commerce since the dates of first use recited in the referenced registrations through the present. Accordingly, Opposer owns valuable goodwill in its TSYS marks and its “Total System Services” tradename.

8. Applicant Taisys filed Application Serial No. 78/954,693 on August 17, 2006 for the TAISYS and Design mark for:

magnetically-encoded cards, namely, credit cards, phone cards, pre-paid telephone calling cards, Subscriber Identity Module (SIM) cards for mobile phones, bank cards, IC cards, magnetically encoded stored value cards,

blank smart cards, magnetic stripe cards, namely, blank magnetic stripe cards for storing data by modifying the magnetism of tiny iron-based magnetic particles on a band of magnetic material on the card used in credit cards, identity cards, transportation tickets; and magnetically encoded stripe cards used in credit cards, identity cards, transportation tickets; computer software, namely, computer game software, computer graphics software, computer software for application and database integration, computer hardware, interface cards for computers in International Class 9; and telephone communication transfer, namely, transfer of data by telecommunications, voice-over internet protocol (VOIP) services; radio-paging, telecommunication linkage on internet, namely, providing telecommunication and Internet connections to a global and computer network, telecommunication services, namely, local and long distance transmission of voice, data, graphics by means of telephone, telegraphic, cable, and satellite transmissions, transmission of database information via telecommunications networks, telecommunications, namely, providing telecommunications connections by an optical fiber network, facsimile communication transfer, namely, electronic transmission of facsimile communications and data featuring encryption and decryption, facsimile

transmission and retrieval services, satellite transmission services, data transmission and reception services via telecommunication means in International Class 38.

The application was published in the Official Gazette of March 25, 2008.

9. Applicant's TAISYS mark, as applied to the goods and services listed in the opposed application, so resembles the Opposer's TSYS marks, as used in connection with Opposer's goods and services, that it is likely to cause confusion, or to cause mistake, or to deceive.

10. Based upon the foregoing, the registration of the mark depicted in Application Serial No. 78/954693 on the Principal Register of the United States Patent and Trademark Office will cause injury and damage to Opposer.

WHEREFORE, Opposer requests that registration of Applicant's mark TAISYS and Design, Application Serial No. 78/954693, be denied.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 14-0629.

Respectfully submitted,



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ATTORNEYS FOR OPPOSER

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

In the Matter of Trademark Application Serial No. 78/954693
Filed: August 17, 2006
For the mark: TAISYS
Published in the Official Gazette on: **March 25, 2008**

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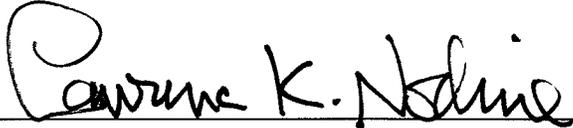
Opposition No.: _____

CERTIFICATE OF SERVICE

This certifies that I have this day served a true and correct copy of the **NOTICE OF OPPOSITION** within and foregoing upon the following counsel of record by facsimile and U.S. Mail, postage prepaid:

<input type="checkbox"/> By Hand	Correspondent JAMES M SLATTERY BIRCH, STEWART, KOLASCH & BIRCH LLP PO BOX 747 FALLS CHURCH, VA 22040-0747 Phone Number: (703) 205-8000 Fax Number: (703) 205-8050
<input checked="" type="checkbox"/> By Facsimile	
<input checked="" type="checkbox"/> By US Postal Service (1 st Class)	
<input type="checkbox"/> By Overnight Delivery	
<input checked="" type="checkbox"/> By Email	

This 19th day of September, 2008.


Lawrence K. Nodine