

ESTTA Tracking number: **ESTTA344598**

Filing date: **04/28/2010**

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	FireEye, Inc.
Granted to Date of previous extension	04/28/2010
Address	1390 McCarthy Blvd. Milpitas, CA 95035 UNITED STATES

Attorney information	Julia Spoor Gard Barnes & Thornburg LLP 11 South Meridian Street Indianapolis, IN 46204 UNITED STATES jgard@btlaw.com Phone:317-231-1313
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Applicant Information

Application No	77710511	Publication date	12/29/2009
Opposition Filing Date	04/28/2010	Opposition Period Ends	04/28/2010
Applicant	FireID International S.a.r.l 43 Boulevard Prince Henri, L-1724 Luxembourg, LUXEMBOURG		

Goods/Services Affected by Opposition

<p>Class 009. First Use: 2009/03/05 First Use In Commerce: 2009/03/05 All goods and services in the class are opposed, namely: computer software for use in the field of encryption and authentication, namely, for the purpose of generating security passwords which provide verification and authentication of computer users' personal identification to computer systems and for the purpose of authenticating computer users to computer services, namely, Virtual Private Networking, corporate networks, communication services, secure data access and encrypting transactions, namely, electronic communications, online banking transactions, information sharing and digital document transfers</p>
<p>Class 042. First Use: 2009/03/05 First Use In Commerce: 2009/03/05 All goods and services in the class are opposed, namely: consultancy services in the field of computer system security, namely, providing information regarding the encryption and authentication of user, computer and electronic data; data encryption services; computer services, namely, encryption and authentication of data; Computer services, namely, providing information concerning the encryption and authentication of electronic data via the Internet and mobile devices</p>

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
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Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3386418	Application Date	09/09/2005
Registration Date	02/19/2008	Foreign Priority Date	NONE
Word Mark	FIREEYE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2007/02/26 First Use In Commerce: 2007/02/26 Computer hardware; computer peripherals; computer software for monitoring, filtering and reporting network traffic; computer software for detecting, reporting, blocking and eliminating viruses, worms, malware, spyware, unauthorized software and network attacks</p> <p>Class 042. First use: First Use: 2007/02/26 First Use In Commerce: 2007/02/26 Technical support services, namely, troubleshooting of computer hardware and software problems</p>		

U.S. Registration No.	3386626	Application Date	02/02/2006
Registration Date	02/19/2008	Foreign Priority Date	NONE
Word Mark	FIREEYE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2007/02/26 First Use In Commerce: 2007/02/26 Computer hardware; computer peripherals; computer software for monitoring,</p>		

	filtering and reporting network traffic; computer software for detecting, reporting, blocking and eliminating viruses, worms, malware, spyware, unauthorized software and network attacks Class 042. First use: First Use: 2007/02/26 First Use In Commerce: 2007/02/26 Technical support services, namely, troubleshooting of computer hardware and software problems
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Related Proceedings	U.S. Trademark Opposition No. 91193572
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Attachments	78710294#TMSN.jpeg (1 page)(bytes) 78805838#TMSN.jpeg (1 page)(bytes) 77710511.pdf (24 pages)(845329 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	/jgard/
Name	Julia Spoor Gard
Date	04/28/2010

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

FireEye, Inc.)	
)	
Opposer,)	In the matter of trademark application
)	Serial No.77/710511; Published in the
v.)	Official Gazette December 29, 2009.
)	
FireID International S.a.r.l)	
)	
Applicant.)	

NOTICE OF OPPOSITION

FireEye, Inc., a Delaware limited liability company with a place of business at 1390 McCarthy Blvd. Milpitas, California, believes that it will be damaged by the registration of the mark shown in Serial No. 77/710511 and hereby opposes registration of that mark.

The grounds for the opposition are as follows:

1. Opposer is a well-known computer security company, and has provided computer software and related services to protect computer systems and corporate networks from unauthorized access (“Opposer’s Goods”) since at least as early 2007.

2. Opposer is the owner of U.S. trademark registration no. 3386418 of the mark FIREEYE for “Computer hardware; computer peripherals; computer software for monitoring, filtering and reporting network traffic; computer software for detecting, reporting, blocking and eliminating viruses, worms, malware, spyware, unauthorized software and network attacks” in

class 9, and “Technical support services, namely, troubleshooting of computer hardware and software problems” in class 42. This registration issued February 19, 2008, and claims a date of first use in commerce of February 26, 2007. A printout of this registration from TARR, evidencing the current status and ownership of the registration, is attached as Exhibit A.

3. Opposer is also the owner of U.S. trademark registration no. 3386626 of a design mark which consists of the image of flames emanating from a representation of an eye and appearing above the word “eye” in the word “FireEye.” This registration claims “Computer hardware; computer peripherals; computer software for monitoring, filtering and reporting network traffic; computer software for detecting, reporting, blocking and eliminating viruses, worms, malware, spyware, unauthorized software and network attacks” in class 9, and “Technical support services, namely, troubleshooting of computer hardware and software problems” in class 42. This registration issued February 19, 2008, and claims a date of first use in commerce of February 26, 2007. A printout of this registration from TARR, evidencing the current status and ownership of the registration, is attached as Exhibit B.

4. Opposer has used the marks FireEye and FireEye and Design (“Opposer’s Marks”) in connection with Opposer’s Goods since at least as early as 2007, and has spent significant amounts of time and money promoting and advertising formatives of FireEye in connection with Opposer’s Goods.

5. As a result of the significant sales, promotion, and use of FireEye by Opposer, FireEye is widely recognized by the general consuming public of the United States as a designation of source of the goods and services of Opposer, and is a famous mark.

6. Applicant seeks to register a design mark which consists of the image of flames appearing above the letter "I" in the word "FireId," as evidenced by its U.S. Application Serial No.77/710511. This application was filed April 9, 2009, and claims a date of first use of March 5, 2009 in connection with "computer software for use in the field of encryption and authentication, namely, for the purpose of generating security passwords which provide verification and authentication of computer users' personal identification to computer systems and for the purpose of authenticating computer users to computer services, namely, Virtual Private Networking, corporate networks, communication services, secure data access and encrypting transactions, namely, electronic communications, online banking transactions, information sharing and digital document transfers" in class 9, and "consultancy services in the field of computer system security, namely, providing information regarding the encryption and authentication of user, computer and electronic data; data encryption services; computer services, namely, encryption and authentication of data; Computer services, namely, providing information concerning the encryption and authentication of electronic data via the Internet and mobile devices" in class 42 ("Applicant's Goods")

7. Both Opposer's Goods and Applicant's Goods protect computer systems and corporate networks from unauthorized access.

8. Upon information and belief, both Opposer's Goods and Applicant's Goods are likely to be used by the same purchasers.

9. Upon information and belief, third party companies advertise and sell both goods that compete with Opposer's Goods and goods that compete with Applicant's Goods.

10. Upon information and belief, Applicant's Goods are marketed to the same purchasers and through the same channels of trade as Opposer's Goods.

11. The word portion of Applicant's mark, FireId, differs from Opposer's word mark FireEye by only one syllable.

12. The word portion of Applicant's mark is highly similar in sight and sound to Opposer's word mark.

13. The design portion of Applicant's mark (the image of flames appearing above a letter "I") is virtually identical to the design portion of Opposer's design mark (the image of flames emanating from a representation of an eye and appearing above the word "eye"), and presents the same overall commercial impression as Opposer's design mark.

14. Applicant's mark is likely to cause confusion, or to cause mistake or to deceive because relevant purchasers familiar with Opposer's Marks are likely to believe that Applicant's Goods are in some way affiliated with or emanating from Opposer so as to create a likelihood of confusion as to the source of the goods.

15. Applicant's use of Applicant's Mark in connection with the goods described in the opposed application falsely suggests a connection with Opposer within the meaning of Section 2(a) of the Trademark Act, 15 U.S.C. § 1052(a).

16. Applicant's mark is also likely to dilute Opposer's marks through tarnishment, because Opposer's Marks will suffer negative associations through Applicant's use of a confusingly similar mark on products and services which are not controlled by Opposer and which may not meet the same commercial standards as the goods and services sold under Opposer's Marks.

17. Upon information and belief, Applicant has no rights in Applicant's Mark prior to Opposer's rights.

18. Opposer would be injured by the granting to Applicant of the registration sought because Applicant's mark so resembles Opposer's Marks as to be likely, when used on Applicant's Goods, to cause confusion, or to cause mistake, or to deceive, to falsely suggest a connection with Opposer, to dilute Opposer's marks through tarnishment, and to damage Opposer's goodwill in Opposer's Marks.

19. Opposer has also filed Opposition No. 91193572 to registration of Applicant's corresponding application to register the word mark FIREID in connection with the same goods and services claimed in the subject application. A copy of the Notice of Opposition is attached as Exhibit C, and Opposer is separately filing a Motion to Consolidate these proceedings, pursuant to Trademark Rule 2.127(a).1.

WHEREFORE, Opposer believes that it will be damaged by the registration of Application Serial No. 77/710511 to Applicant and prays that the registration be denied.

Respectfully submitted,

Date: April 28, 2010



Julia Spoor Gard
James R. Sweeney, II
BARNES & THORNBURG
11 South Meridian Street
Indianapolis, Indiana 46204
Telephone: (317) 236-1313

Attorneys for Opposer,
FireEye, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Answer to Notice of Opposition has been served April 28, 2010, by depositing a copy of the same in the United States mail, first class postage prepaid and properly addressed to the following counsel of record:

Stacey Hallerman
Richemont North America
Fifth Floor 645 Fifth Avenue
New York, NY 10022

And Applicant:

FireID International S.a.r.l
43 Boulevard Prince Henri, L-1724
Luxembourg

A handwritten signature in black ink, appearing to read "Emily Ross", written over a horizontal line.

Emily Ross

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-04-28 10:19:50 ET

Serial Number: 78710294 Assignment Information Trademark Document Retrieval

Registration Number: 3386418

Mark

FIREEYE

(words only): FIREEYE

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2008-02-19

Filing Date: 2005-09-09

Transformed into a National Application: No

Registration Date: 2008-02-19

Register: Principal

Law Office Assigned: LAW OFFICE 107

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2008-01-17

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. FireEye, Inc.

Address:

FireEye, Inc.
1390 McCarthy Blvd.
Milpitas, CA 95035
United States

Legal Entity Type: Corporation



State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 009

Class Status: Active

Computer hardware; computer peripherals; computer software for monitoring, filtering and reporting network traffic; computer software for detecting, reporting, blocking and eliminating viruses, worms, malware, spyware, unauthorized software and network attacks

Basis: 1(a)

First Use Date: 2007-02-26

First Use in Commerce Date: 2007-02-26

International Class: 042

Class Status: Active

Technical support services, namely, troubleshooting of computer hardware and software problems

Basis: 1(a)

First Use Date: 2007-02-26

First Use in Commerce Date: 2007-02-26

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

USPTO Reference Number: A0003582

International Registration Number: 0892561

International Registration Date: 2006-01-17

Original Filing Date with USPTO: 2006-01-17

International Registration Status: Application For IR Registered By IB

Date of International Registration Status: 2006-09-07

International Registration Renewal Date: 2016-01-17

Irregularity Reply by Date: 2008-11-19

Madrid History:

01-21-2010 - 18:59:06 - Partial Ceasing Of Effect Processed By IB

08-20-2008 - 09:02:08 - Irregularity On Ceasing Of Effect Received From IB

07-10-2008 - 21:00:43 - Partial Ceasing Of Effect Notice Sent To IB

07-10-2008 - 10:43:06 - Ceasing Of Effect Processed

05-19-2008 - 08:16:20 - Partial Ceasing Of Effect To Be Processed

10-05-2006 - 19:32:22 - Uspto Correction Processed By IB

09-07-2006 - 14:53:58 - Application For IR Registered By IB

04-12-2006 - 15:00:24 - Irregularity Response Sent To IB

04-12-2006 - 06:32:28 - Response To Irregularity Reviewed And Accepted

04-11-2006 - 14:26:09 - Irregularity Response Received From Applicant

02-14-2006 - 10:00:50 - Irregularity Notice Received From IB (Response Required)

01-18-2006 - 15:00:22 - IR Certified And Sent To IB

01-18-2006 - 08:54:30 - Manually Certified

01-17-2006 - 13:56:45 - New Application For IR Received

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-03-04 - Applicant/Correspondence Changes (Non-Responsive) Entered

2008-03-04 - TEAS Change Of Owner Address Received

2008-02-19 - Registered - Principal Register

2008-01-17 - Law Office Registration Review Completed

2008-01-17 - Assigned To LIE

2007-12-05 - Allowed for Registration - Principal Register (SOU accepted)

2007-12-04 - Statement of use processing complete

2007-11-13 - Amendment to Use filed

2007-11-13 - TEAS Statement of Use Received

2007-05-29 - Noa Mailed - SOU Required From Applicant

2007-03-27 - Extension Of Time To Oppose Process - Terminated

2006-10-09 - Extension Of Time To Oppose Received

2006-09-12 - Published for opposition

2006-08-23 - Notice of publication

2006-07-19 - Law Office Publication Review Completed

2006-07-14 - Assigned To LIE

2006-07-13 - Approved for Pub - Principal Register (Initial exam)

2006-07-12 - Teas/Email Correspondence Entered

2006-07-07 - Communication received from applicant

2006-07-07 - TEAS Response to Office Action Received

2006-03-22 - Priority Action Mailed

2006-03-21 - Priority Action Written

2006-03-21 - Assigned To Examiner

2005-09-19 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Joi A. White

Correspondent

JOI A. WHITE

CARR & FERRELL LLP

2200 GENG RD

PALO ALTO CA 94303-3322

Phone Number: 650 812 3400

Fax Number: 650 812 3444

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-04-28 10:20:24 ET

Serial Number: 78805838 Assignment Information Trademark Document Retrieval

Registration Number: 3386626

Mark



(words only): FIREEYE

Standard Character claim: No

Current Status: Registered.

Date of Status: 2008-02-19

Filing Date: 2006-02-02

Transformed into a National Application: No

Registration Date: 2008-02-19

Register: Principal

Law Office Assigned: LAW OFFICE 107

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2008-01-17

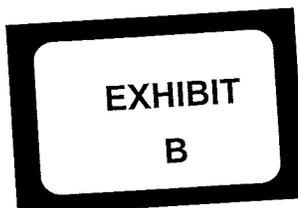
LAST APPLICANT(S)/OWNER(S) OF RECORD

1. FireEye, Inc.

Address:

FireEye, Inc.
1390 McCarthy Blvd.
Milpitas, CA 95035
United States

Legal Entity Type: Corporation



State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 009

Class Status: Active

Computer hardware; computer peripherals; computer software for monitoring, filtering and reporting network traffic; computer software for detecting, reporting, blocking and eliminating viruses, worms, malware, spyware, unauthorized software and network attacks

Basis: 1(a)

First Use Date: 2007-02-26

First Use in Commerce Date: 2007-02-26

International Class: 042

Class Status: Active

Technical support services, namely, troubleshooting of computer hardware and software problems

Basis: 1(a)

First Use Date: 2007-02-26

First Use in Commerce Date: 2007-02-26

ADDITIONAL INFORMATION

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s):

01.15.03 - Fire (flames), other than emanating from objects, words, numbers, fireplaces or candles; Flames, other than flames emanating from objects, words, numbers, fireplaces or candles

01.15.15 - Fire (flames), emanating from objects, words or numbers

02.11.02 - Eyes, human; Human eyes; Iris (eye)

MADRID PROTOCOL INFORMATION

USPTO Reference Number: A0005342

International Registration Number: 0894330

International Registration Date: 2006-07-24

Original Filing Date with USPTO: 2006-07-24

International Registration Status: Application For IR Registered By IB

Date of International Registration Status: 2006-09-21

International Registration Renewal Date: 2016-07-24

Irregularity Reply by Date: (DATE NOT AVAILABLE)

Madrid History:

07-22-2008 - 06:10:37 - Ceasing Of Effect Reviewed - No Action Required By Office

05-19-2008 - 08:16:21 - Partial Ceasing Of Effect To Be Processed

09-21-2006 - 13:01:02 - Application For IR Registered By IB

07-26-2006 - 21:00:24 - IR Certified And Sent To IB

07-26-2006 - 10:55:22 - Manually Certified

07-24-2006 - 13:36:05 - New Application For IR Received

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-03-04 - Applicant/Correspondence Changes (Non-Responsive) Entered

2008-03-04 - TEAS Change Of Owner Address Received

2008-02-19 - Registered - Principal Register

2008-01-17 - Law Office Registration Review Completed

2008-01-17 - Assigned To LIE

2007-12-05 - Allowed for Registration - Principal Register (SOU accepted)

2007-12-04 - Statement of use processing complete

2007-11-13 - Amendment to Use filed

2007-11-13 - TEAS Statement of Use Received

2007-05-29 - Noa Mailed - SOU Required From Applicant

2007-03-27 - Extension Of Time To Oppose Process - Terminated

2006-10-09 - Extension Of Time To Oppose Received

2006-09-12 - Published for opposition

2006-08-23 - Notice of publication

2006-07-18 - Law Office Publication Review Completed

2006-07-14 - Assigned To LIE

2006-07-11 - Approved for Pub - Principal Register (Initial exam)

2006-07-11 - Teas/Email Correspondence Entered

2006-07-07 - Communication received from applicant

2006-07-07 - TEAS Response to Office Action Received

2006-04-20 - Notice Of Design Search Code And Pseudo Mark Mailed

2006-03-22 - Priority Action Mailed

2006-03-21 - Priority Action Written

2006-03-21 - Assigned To Examiner

2006-02-08 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Jefferson F. Scher

Correspondent

JOI A. WHITE

CARR & FERRELL LLP

2200 GENG RD

PALO ALTO CA 94303-3322

Phone Number: 650 812 3400

Fax Number: 650 812 3444

ESTTA Tracking number: **ESTTA329142**

Filing date: **01/27/2010**

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	FireEye, Inc.
Granted to Date of previous extension	01/27/2010
Address	1390 McCarthy Blvd. Milpitas, CA 95035 UNITED STATES

Correspondence information	FireEye, Inc. 1390 McCarthy Blvd. Milpitas, CA 95035 UNITED STATES jwhite@carrferrell.com,shernandez@carrferrell.com Phone:650-812-3400
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Applicant Information

Application No	77710534	Publication date	09/29/2009
Opposition Filing Date	01/27/2010	Opposition Period Ends	01/27/2010
Applicant	FIREID INTERNATIONAL S.A.R.L. 43 BOULEVARD PRINCE HENRI, L-1724 LUXEMBOURG, LUXEMBOURG		

Goods/Services Affected by Opposition

Class 009. First Use: 2009/03/05 First Use In Commerce: 2009/03/05 All goods and services in the class are opposed, namely: Computer software for use in the field of encryption and authentication, namely, for generating security passwords which provide verification and authentication of personal identification to computer systems, and authenticating users to computer services, and encrypting transactions
Class 042. First Use: 2009/03/05 First Use In Commerce: 2009/03/05 All goods and services in the class are opposed, namely: Consultancy services in the field of computer system security, namely, providing information regarding the encryption and authentication of user, computer and electronic data; data encryption services; computer services, namely, encryption and authentication of data; computer services, namely, providing information concerning the encryption and authentication of electronic data via the Internet and mobile devices

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Other	Section 43(a) likelihood of confusion

Marks Cited by Opposer as Basis for Opposition



U.S. Registration No.	3386418	Application Date	09/09/2005
Registration Date	02/19/2008	Foreign Priority Date	NONE
Word Mark	FIREEYE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2007/02/26 First Use In Commerce: 2007/02/26 Computer hardware; computer peripherals; computer software for monitoring, filtering and reporting network traffic; computer software for detecting, reporting, blocking and eliminating viruses, worms, malware, spyware, unauthorized software and network attacks</p> <p>Class 042. First use: First Use: 2007/02/26 First Use In Commerce: 2007/02/26 Technical support services, namely, troubleshooting of computer hardware and software problems</p>		

U.S. Registration No.	3386626	Application Date	02/02/2006
Registration Date	02/19/2008	Foreign Priority Date	NONE
Word Mark	FIREEYE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2007/02/26 First Use In Commerce: 2007/02/26 Computer hardware; computer peripherals; computer software for monitoring, filtering and reporting network traffic; computer software for detecting, reporting, blocking and eliminating viruses, worms, malware, spyware, unauthorized software and network attacks</p> <p>Class 042. First use: First Use: 2007/02/26 First Use In Commerce: 2007/02/26 Technical support services, namely, troubleshooting of computer hardware and</p>		

	software problems
Related Proceedings	77/710,511
Attachments	78710294#TMSN.jpeg (1 page)(bytes) 78805838#TMSN.jpeg (1 page)(bytes) Notice of Opposition (00423882).PDF (7 pages)(28557 bytes)

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	/Joi A. White/
Name	FireEye, Inc.
Date	01/27/2010

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

In the Matter of
Trademark Application Serial No. 77/ 710,534
Published: September 29, 2009
Mark: FIREID
Opposed Classes: 9, 42

_____)	
FireEye, Inc.)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
FIREID INTERNATIONAL S.A.R.L.)	
)	
Applicant.)	
_____)	

Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

NOTICE OF OPPOSITION

Sir:

Opposer FireEye, Inc., a Delaware corporation having its principal place of business at 1390 McCarthy Blvd., Milpitas, California 95035, believes it will be damaged by registration of the mark shown in Application Serial Number 77/ 710,534 ("Applicant's Mark").

Opposer was granted an extension of time up to and including January 27, 2010, within which to file this Notice of Opposition. Opposer hereby opposes Applicant's application for FIREID with respect to the goods in Class 9 and the services in Class 42, alleging as grounds for its opposition that:

1. As is evidenced by the publication of Applicant's Mark in the September 29, 2009 issue of the Official Gazette, Applicant FIREID INTERNATIONAL S.A.R.L. seeks to register FIREID in Class 9 in connection with computer and data security software for "verification and authentication of personal identification to computer systems" and for "authenticating users to computer services, and encrypting transactions".

2. As is evidenced by the publication of Applicant's Mark in the September 29, 2009 issue of the Official Gazette, Applicant seeks to register FIREID in Class 42 in connection with "computer system security" consulting services, "data encryption services," and providing information concerning data encryption and authentication services.

3. Opposer FireEye, Inc. has used its FIREEYE mark in connection with computer and data security hardware, software and services, for, among other things, verification of computer systems for access to computer networks, and ensuring computer services, data and encrypted transactions are not bound for unauthorized destinations. Opposer has also used its mark in connection with computer system security consulting services and providing information about computer system security. Opposer has used FIREEYE in advertising and on the internet since at least as early as May 1, 2006. The FIREEYE mark has been used in interstate commerce since at least as early as February 26, 2007, and the mark has been used continuously since that time. Opposer's common law trademark rights pre-date the April 9, 2009 filing date of Applicant's Mark and the Applicant's date of first use of March 5, 2009, claimed in Application Serial Number 77/ 710,534. Opposer's FIREEYE mark has become well-

known as identifying Opposer's goods and services and, as a result, has become a valuable asset of Opposer and the principal symbol of its goodwill.

4. Opposer FireEye, Inc. has registered its FIREEYE mark in the U.S. Patent and Trademark Office and owns U.S. Registration No. 3,386,418 for FIREEYE in plain text "standard characters", filed with the U.S. Patent and Trademark Office on September 9, 2005, claiming a date of first use at least as early as February 26, 2007, for use in connection with "Computer hardware; computer peripherals; computer software for monitoring, filtering and reporting network traffic; computer software for detecting, reporting, blocking and eliminating viruses, worms, malware, spyware, unauthorized software and network attacks in Class 9" and "Technical support services, namely, troubleshooting of computer hardware and software problems" in Class 42. Said registration is valid and subsisting, not abandoned, and in good standing. Said registration evidences Opposer's exclusive right to use FIREEYE in connection with said goods and services. Opposer's constructive use date of September 9, 2005 pre-dates the April 9, 2009 filing date of Applicant's Mark and the Applicant's date of first use of March 5, 2009, claimed in Application Serial Number 77/ 710,534.

5. Opposer FireEye, Inc. has registered its FIREEYE (& Design) mark , depicting flames over an eye and the word FIREEYE, and owns U.S. Registration No. 3,386,626, filed with the U.S. Patent and Trademark Office on February 2, 2006, claiming a date of first use at least as early as February 26, 2007, for use in connection with "Computer hardware; computer peripherals; computer software for monitoring, filtering and reporting network traffic; computer software for detecting, reporting, blocking and eliminating viruses, worms, malware, spyware, unauthorized software and network attacks" in Class 9 and "Technical support services, namely, troubleshooting of computer hardware and software problems" in Class 42. Said registration is valid and subsisting, not abandoned, and in good standing. Said registration evidences Opposer's exclusive right to use its Logo, FIREEYE (& Design), in

connection with said goods and services. Opposer's constructive use date of February 2, 2006, pre-dates the April 9, 2009 filing date of Applicant's Mark and the Applicant's date of first use of March 5, 2009, claimed in Application Serial Number 77/ 710,534.

6. Applicant mark, FIREID, is identical to Registrant's in the first two syllables: "FIRE and I". Applicant's mark, FIREID, is aurally identical to Opposer mark, FIREEYE, but for one syllable: "D". Registrant's mark is heard in its entirety in the Applicant's mark.

7. Applicant's mark, FIREID, is identical in the appearance of the first half of the mark, as both contain the word FIRE.

8. In view of the aural and visual similarities of Opposer's and Applicant's respective marks and the related nature of the parties' goods and services, it is alleged that Applicant's Mark so resembles Opposer's FIREEYE mark and FIREEYE (& Design) mark as to be likely to cause confusion or mistake or to deceive, thereby causing loss, damage and injury to Opposer and the purchasing public.

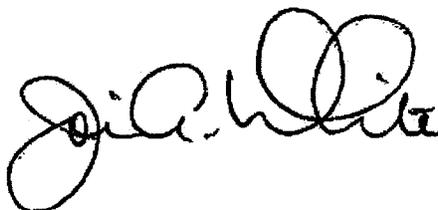
WHEREFORE, Opposer prays that this Notice of Opposition be sustained, that Applicant's Trademark Application Serial Number 77/ 710,534 be rejected, and that Applicant be denied registration of FIREID for the goods in Class 9 and the services in Class 42, as specified in said application.

Please address all correspondence regarding this matter to
Joi A. White, Carr & Ferrell LLP, 2200 Geng Road, Palo Alto, California, 94303.

The required fee under 37 C.F.R. §2.6(a)(17) of \$600.00 is being submitted with this electronic filing. Should any additional fees be required, please charge such

necessary fees to our Deposit Account No. 50-3937.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ji A. White". The signature is fluid and cursive, with the first and last names being more prominent than the middle initial.

Dated: January 27, 2010

Ji A. White, Esq.
Jefferson F. Scher, Esq.
CARR & FERRELL LLP
2200 Geng Road
Palo Alto, California 94303
Phone: (650) 812-3400
Fax: (650) 812-3444

PROOF OF SERVICE BY MAIL

I declare that:

I am employed in the County of Santa Clara, California.

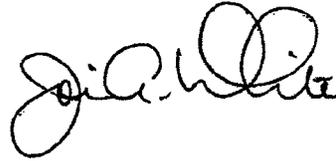
I am over the age of eighteen years and not a party to the within cause; my business address is 2200 Geng Road, Palo Alto, California 94303. On January 27, 2010, I served the within NOTICE OF OPPOSITION on the interested party in said cause, by placing a true copy thereof enclosed in a sealed envelope and placing the envelope for collection and mailing at the above address, following ordinary business practices, addressed as follows:

Stacey Hallerman
Richemont North America
Fifth Floor
645 Fifth Avenue
New York NY 10022
Michael Chiappetta
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, New York 10017

John P. Margiotta
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, New York 10017

I am readily familiar with this business' practice for collection and processing of correspondence for mailing with the U.S. Postal Service. This correspondence would be deposited with the U.S. Postal Service this same day in the ordinary course of business.

I declare under penalty of perjury that the foregoing is true and correct,
and that this declaration was executed at Palo Alto, California, this 27th day of
January, 2010.

A handwritten signature in black ink, appearing to read "Ji A. White". The signature is written in a cursive style with a large, prominent loop at the end.

Ji A. White