

ESTTA Tracking number: **ESTTA350310**

Filing date: **06/01/2010**

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	Unify Corporation
Granted to Date of previous extension	05/30/2010
Address	Suite 380, 1420 Rocky Ridge Drive Roseville, CA 95661 UNITED STATES

Attorney information	Rebecca B. Lederhouse Baker & McKenzie LLP 130 East Randolph Drive One Prudential Plaza, Suite 3500 Chicago, IL 60601 UNITED STATES rebecca.b.lederhouse@bakernet.com, david.j.davis@bakernet.com
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Applicant Information

Application No	77666672	Publication date	12/01/2009
Opposition Filing Date	06/01/2010	Opposition Period Ends	05/30/2010
Applicant	Iris Data Services, LLC 1050 Parkdale Drive Fairview, TX 75069 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 2008/10/15 First Use In Commerce: 2008/10/15 All goods and services in the class are opposed, namely: Computer software for accessing, viewing, transmitting, categorizing, organizing, searching, tagging, annotating, reviewing, and redacting electronic information and data on a global computer network and/or database for the legal and corporate industries

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.	1843232	Application Date	02/11/1992
Registration Date	07/05/1994	Foreign Priority Date	NONE
Word Mark	UNIFY		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 1984/09/12 First Use In Commerce: 1984/09/12 educational services; namely, providing courses, seminars and workshops in the field of computers; computer software, programming and database applications Class 042. First use: First Use: 1987/06/18 First Use In Commerce: 1987/06/18 computer software design for others and consulting services in the field of computers, computer software, programming and database applications

U.S. Registration No.	3783409	Application Date	03/18/2009
Registration Date	05/04/2010	Foreign Priority Date	NONE

Word Mark	UNIFY COMPOSER
Design Mark	

Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2007/01/01 First Use In Commerce: 2007/01/01 Computer software for business use in migrating, converting and updating data and applications between different computer platforms, databases and information technology infrastructures Class 042. First use: First Use: 2007/01/01 First Use In Commerce: 2007/01/01 Computer services for the migration, conversion and modernization of data and applications between differing computer platforms, databases and information technology infrastructures

U.S. Registration No.	2531160	Application Date	06/03/1999
Registration Date	01/22/2002	Foreign Priority Date	NONE

Word Mark	UNIFY DATASERVER
Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 1997/02/19 First Use In Commerce: 1997/02/19 COMPUTER PROGRAMS FOR DATABASE MANAGEMENT IN THE FIELD OF TELECOMMUNICATIONS, HEALTHCARE INFORMATION SYSTEMS, POINT-OF-SALE SYSTEMS, AND FOR COMPUTER APPLICATIONS REQUIRING DATABASE MANAGEMENT AND USER INSTRUCTION MANUALS SOLD THEREWITH

U.S. Registration No.	2289276	Application Date	03/24/1997
Registration Date	10/26/1999	Foreign Priority Date	NONE
Word Mark	UNIFY VISION		
Design Mark	UNIFY VISION		
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1993/11/16 First Use In Commerce: 1993/11/16 computer programs or software, namely, computer programs for use in developing application programs, database management software, and applications management software; and instructional manuals sold as a unit</p> <p>Class 041. First use: First Use: 1993/11/16 First Use In Commerce: 1993/11/16 educational services, namely, providing courses, seminars and workshops in the field of computers, computer software, programming and database applications</p> <p>Class 042. First use: First Use: 1993/11/16 First Use In Commerce: 1993/11/16 computer software design for others and consulting services in the field of computers, computer software, programming and database applications</p>		

U.S. Registration No.	2935354	Application Date	09/13/2002
Registration Date	03/22/2005	Foreign Priority Date	NONE
Word Mark	UNIFYNXJ		
Design Mark	UNIFYNXJ		
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2002/10/08 First Use In Commerce: 2002/10/31 Computer programs or software, namely, computer software for developing business applications and deploying business applications; computer software for rapid application development of business applications; computer software for developing and deploying business applications for the Internet and across an organization; computer software platform for business application development and deployment; user manuals and instructional manuals sold as a unit; and electronic publications, namely, user manuals and instructional manuals in the field of electronic deployment of business applications recorded on computer media</p> <p>Class 016. First use: First Use: 2002/10/08 First Use In Commerce: 2002/10/31 Downloadable electronic publications in the nature of user manuals and</p>		

	instructional manuals in the field of electronic deployment of business applications electronically delivered via computer software and via the Internet
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U.S. Registration No.	1663326	Application Date	01/24/1991
Registration Date	11/05/1991	Foreign Priority Date	NONE
Word Mark	UNIFY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1981/11/18 First Use In Commerce: 1981/11/18 computer programs and instructional manuals sold as a unit for use in business, science and education		

Attachments	77693718#TMSN.jpeg (1 page)(bytes) 75278385#TMSN.gif (1 page)(bytes) 76449129#TMSN.gif (1 page)(bytes) unifynoticeofoppositionScanned.pdf (5 pages)(154280 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	/Rebecca B. Lederhouse/
Name	Rebecca B. Lederhouse
Date	06/01/2010

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

Unify Corporation)	
)	
Opposer,)	Application No. 77666672
)	
v.)	
)	Mark: UNIFY
Iris Data Services, LLC)	
)	
Applicant,)	Opposition No. _____
)	
_____)	

NOTICE OF OPPOSITION

Unify Corporation, a Delaware corporation with its principal place of business at 1420 Rocky Ridge Drive, Roseville, CA 95661, United States (“Opposer”), believes that it is now or will be damaged by Application No. 77/666672 for UNIFY and design (“the subject application”) and hereby opposes the registration of the mark that is the subject of Application No. 77/666672 for the reasons detailed below.

As grounds for its Notice of Opposition, Unify Corporation hereby alleges:

1. Unify Corporation is the owner of a number of U.S. Trademark Registrations for UNIFY and UNIFY-formative trademarks (“UNIFY Marks”): These registrations are U.S. Reg. Nos. 1663326, 1843232, 2289276, 2531160, 2935354 and 2783409 (collectively, the “UNIFY Registrations”). These registrations cover a broad variety of goods and services pertaining to computer programs, database management and related services (“UNIFY Goods and Services”) and reflect use in U.S. commerce at least as early as 1981.

2. Opposer's database management services and software have number of uses including, but not limited to, archiving and retrieval of documents for e-discovery.

3. Unify Corporation has a number of registrations for UNIFY Marks throughout the world including Australia, Benelux, Brazil, Brunei Darussalam, Canada, European Community, France, Germany, Hong Kong, Italy, Japan, South Korea, Mexico, Singapore, Sweden, Switzerland, Thailand and the United Kingdom.

4. Opposer continues to this day to use the UNIFY Marks in connection with the UNIFY Goods and Services.

5. As a result of Opposer's extensive and longstanding use of its UNIFY Marks, it has built up valuable goodwill and the UNIFY marks exclusively identify themselves as Opposer's goods and services to customers across the United States and throughout the world.

6. On February 9, 2009, Iris Data Services, LLC ("Iris Data" or "Applicant") filed Application No. 77/666672 for UNIFY and design ("Iris Data's Application") for the following: "computer software for accessing, viewing, transmitting, categorizing, organizing, searching, tagging, annotating, reviewing, and redacting electronic information and data on a global computer network and/or database for the legal and corporate industries" alleging use since October 15, 2008.

7. Opposer's UNIFY Marks were first used in U.S. commerce more than a quarter of a century before Iris Data's alleged date of first use.

8. On information and belief, the goods and services associated with Application No. 77/666672 are offered or are likely to be offered to the same class of customers who may purchase Opposer's goods and services.

9. The mark that is the subject of Application No. 77/666672 is visually, phonetically and connotatively identical and/or substantially similar to Opposer's UNIFY Marks.

10. Iris Data's Application No. 77/666672 for UNIFY and design as used and as proposed for registration in connection with the goods described therein is likely to cause confusion or mistake with Opposer's prior UNIFY Marks under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

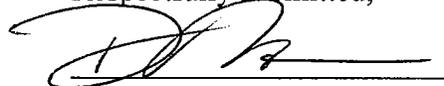
11. If the mark that is the subject of Application No. 77/666672 is allowed to proceed to registration in the face of Opposer's prior rights in its UNIFY Marks, this will result in detriment and damage to Opposer by creating the potential for confusion in the marketplace whereby current or prospective consumers of Applicant's goods and/or services may believe that such goods and/or services are either offered by Opposer or that Opposer has sponsored, endorsed, licensed or otherwise permitted Applicant to use Opposer's prior UNIFY Marks or variations thereof.

WHEREFORE, Opposer prays that Application No. 77/666672 for the mark UNIFY and design be rejected pursuant to Section 2(d) of the Trademark Act and that no registration be issued to Applicant thereon and that this Opposition be granted in Opposer's favor. The filing fee for this Notice of Opposition are being paid by Attorneys' Deposit Account 501649 online.

Opposer hereby appoints Baker & McKenzie to act as attorneys for Opposer, with full power to prosecute this Notice of Opposition, to transact all relevant business with the Patent and Trademark Office and in the United States Courts and to receive all official communications in connection with this Notice of Opposition.

Dated: June 1, 2010

Respectfully submitted,



Rebecca B. Lederhouse
BAKER & MCKENZIE
One Prudential Plaza
130 East Randolph Street
Chicago, IL 60601
(312) 861-8949

CERTIFICATE OF MAILING

I hereby certify that this NOTICE OF OPPOSITION is being filed electronically at:

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
Attn. TTAB

on June 1, 2010



Rebecca B. Lederhouse

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing NOTICE OF OPPOSITION was served upon Opposer's attorneys of record by depositing a copy of the same with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to:

Matthew John Madalo
Apt 1210
2728 McKinnon Street
Dallas, TX 75201

and

Patricia Werner
Bryan Cave
1290 Avenue of the Americas
New York, NY 10104-3300
United States of America

on June 1, 2010



Rebecca B. Lederhouse