

ESTTA Tracking number: **ESTTA395503**

Filing date: **02/28/2011**

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	Synopsys, Inc.
Granted to Date of previous extension	02/27/2011
Address	700 East Middlefield Road Mountain View, CA 94043 UNITED STATES

Attorney information	Sally M. Abel Fenwick & West LLP 801 California Street Mountain View, CA 94041 UNITED STATES trademarks@fenwick.com Phone:650-988-8500
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Applicant Information

Application No	85006751	Publication date	08/31/2010
Opposition Filing Date	02/28/2011	Opposition Period Ends	02/27/2011
Applicant	Brocade Communications Systems, Inc. 1745 Technology Drive San Jose, CA 95110 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: computer software, namely, software for optimizing the performance of and managing data center networks and virtualized network environments

Grounds for Opposition

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

U.S. Registration No.	2777162	Application Date	10/13/2000
Registration Date	10/28/2003	Foreign Priority Date	NONE
Word Mark	VCS		

Design Mark	VCS
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 1993/01/25 First Use In Commerce: 1993/01/25 Computer software for computer aided design, simulation, verification and analysis of integrated circuits and other semiconductor devices in the field of electronic design automation, and user manuals sold as a unit therewith

Attachments	76146479#TMSN.gif (1 page)(bytes) VCS Opposition.pdf (3 pages)(51030 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	/sabel/
Name	Sally M. Abel
Date	02/28/2011

STATEMENT OF OPPOSITION

Opposer, Synopsys, Inc. (“Opposer”), a Delaware corporation having its principal place of business at 700 East Middlefield Road, Mountain View, California, 94043, believes it will be damaged by registration of the mark shown in Application Serial Number 85/006,751 in International Classes 9 (the “Application”) and hereby opposes that Application, alleging as grounds for its opposition that:

1. Opposer has obtained the necessary extension of time in which to oppose the challenged trademark following publication on August 31, 2010 in the *Official Gazette*.

2. As is evidenced by the publication of the VCS mark in the August 31, 2010 Week #35, version of *Official Gazette*, Applicant Brocade Communications Systems, Inc. (“Applicant”) seeks to register the mark VCS (the “Proposed Mark”) as a trademark in International Class 9 for “computer software, namely, software for optimizing the performance of and managing data center networks and virtualized network environments.” Applicant is, upon information and belief, a Delaware company having its principal place of business at 1745 Technology Drive, San Jose, CA 95110.

3. Opposer is now and has been for many years engaged in the manufacture, distribution and sale of software for electronic design automation, including software for integrated circuit design. Starting in 1993, and continually since then, Opposer or its predecessor in interest has used the mark VCS in interstate and international commerce in connection with computer programs for use in analyzing, designing, simulating, verifying, and manufacturing integrated circuits and other semi-conductor devices in the field of electronic design automation. We refer to all of the foregoing goods collectively as “the VCS Goods.”

4. All of the VCS Goods have been or are being advertised, promoted, marketed, offered, and sold in connection with Opposer's VCS trademark.

5. Opposer's rights in the VCS mark are further evidenced by its ownership of United States Trademark Registration No. 2777162, for "Computer software for computer aided design, simulation, verification and analysis of integrated circuits and other semiconductor devices in the field of electronic design automation, and user manuals sold as a unit therewith" in Class 9. This incontestable registration is in full force and effect.

6. On information and belief, Opposer has priority of use and an earlier filing date than the Application. Applicant filed the Application on April 5, 2010, based on Section 1(b) of the Trademark Act. Opposer filed its application on October 13, 2000 and began use of VCS at least as early as January 25, 1993. On information and belief, Applicant had not begun use of the Proposed Mark prior to January 25, 1993 or October 13, 2000. Accordingly, Applicant's date of first use, if any, is subsequent to Opposer's date of first use of its VCS mark.

7. The Proposed Mark is identical to Opposer's VCS registered mark. In view of this and the related nature of the goods of the respective parties, Applicant's use of the Proposed Mark is likely to cause confusion, mistake or deception in the minds of consumers as to the origin, source, sponsorship or association of Applicant's goods and services, thereby causing loss, damage and injury to Opposer and consumers. Accordingly, use by Applicant of the Proposed Mark in connection with the specified goods would engender consumer confusion as to the source, sponsorship or affiliation of Applicant's goods, and therefore infringe Opposer's trademark rights.

8. By reason of the foregoing, Opposer is likely to be harmed by registration of Application Serial No. 85/006,751 for the mark VCS.

WHEREFORE, Opposer respectfully requests that Application Serial No. 85/006,751 be refused and the Opposition sustained.

This Notice is submitted electronically. Please charge the requisite fee of \$300.00 to our Deposit Account No. 500261, referencing No. 22524-00070.