

ESTTA Tracking number: **ESTTA517222**

Filing date: **01/22/2013**

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	Cavium, Inc.
Granted to Date of previous extension	01/30/2013
Address	2315 N. First Stree San Jose, CA 95131 UNITED STATES

Attorney information	Farah P. Bhatti Buchalter Nemer 18400 Von Karman Ave., Suite 800 Irvine, CA 92612 UNITED STATES trademark@buchalter.com Phone:949.224.6291
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Applicant Information

Application No	85425859	Publication date	10/02/2012
Opposition Filing Date	01/22/2013	Opposition Period Ends	01/30/2013
Applicant	CAMBIUM NETWORKS, LTD UNIT B2, LINHAY BUSINESS PARK, EASTERN ROADASHBURTON, NEWTON ABBOT DEVON, TQ13 7UP UNITED KINGDOM		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: point-to-point and point-to-multipoint wireless networking devices, namely, wireless ethernet bridges, distributed access points, and subscriber modules enabling the transmission of voice, video and data
Class 038. All goods and services in the class are opposed, namely: wireless communication services, namely, providing internet access service; providing access to telecommunication networks; transmission of data via telecommunications networks, including private and virtual-private-network transmission services provided via wireless means including point-to-point wireless, point-to-multipoint wireless
Class 042. All goods and services in the class are opposed, namely: Design and development of wireless communication systems for transmission and reception of voice, data and video

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. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	CAVIUM		
Goods/Services	Semiconductors; semiconductor chips; semiconductor chip sets; microprocessors; customized microprocessors and related software for use in switches, routers, computer servers, cellular communication equipment, base stations and radio network controllers; application specific integrated circuits; computer boards; computer processors; computer hardware; computer network services; computer workstations; computers; laptop computers; desktop computers; mobile handsets; software for use with audio/video processors; software to enable wired and wireless transmission of audio, video and control signals; audio/video processors; processors with search technology for use in network search applications for networking and communication infrastructure equipment; computer security software; computer software for searching; semiconductors and software for wireless communications or field programmable gate array products		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	CAVIUM NETWORKS		
Goods/Services	Semiconductors; semiconductor chips; semiconductor chip sets; microprocessors; customized microprocessors and related software for use in switches, routers, computer servers, cellular communication equipment, base stations and radio network controllers; application specific integrated circuits; computer boards; computer processors; computer hardware; computer network services; computer workstations; computers; laptop computers; desktop computers; mobile handsets; software for use with audio/video processors; software to enable wired and wireless transmission of audio, video and control signals; audio/video processors; processors with search technology for use in network search applications for networking and communication infrastructure equipment; computer security software; computer software for searching; semiconductors and software for wireless communications or field programmable gate array products		

Attachments	Notice of Opposition - CAMBIUM NETWORKS.pdf (5 pages)(18698 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	/fbhatti/
Name	Farah P. Bhatti
Date	01/22/2013

The grounds for this Opposition are as follows:

1. Opposer has used the marks CAVIUM and CAVIUM NETWORKS since at least as early as 2000.

2. Opposer has used the CAVIUM and CAVIUM NETWORKS marks (“Opposer’s Marks”) for, *inter alia*, Semiconductors; semiconductor chips; semiconductor chip sets; microprocessors; customized microprocessors and related software for use in switches, routers, computer servers, cellular communication equipment, base stations and radio network controllers; application specific integrated circuits; computer boards; computer processors; computer hardware; computer network services; computer workstations; computers; laptop computers; desktop computers; mobile handsets; software for use with audio/video processors; software to enable wired and wireless transmission of audio, video and control signals; audio/video processors; processors with search technology for use in network search applications for networking and communication infrastructure equipment; computer security software; computer software for searching; semiconductors and software for wireless communications or field programmable gate array products” (“Opposer’s Goods”).

3. Opposer began promoting its goods under the CAVIUM and CAVIUM NETWORKS marks in 2000 and has continuously used the marks in interstate commerce since that time. On information and belief, Opposer’s first use of the CAVIUM and CAVIUM NETWORKS marks pre-dates Applicant’s first use (or any use) of Applicant’s Mark.

4. Opposer’s Marks are recognized, known and associated with Opposer’s Goods. Moreover, Opposer’s Marks are being used in advertising and promoting Opposer’s Goods in the relevant industries.

5. Since its initial adoption of Opposer’s Marks, Opposer has made a substantial investment in advertising and marketing its goods under Opposer’s Marks. Opposer has used, advertised, promoted and offered for sale Opposer’s Goods under Opposer’s Marks. As a result of Opposer’s use and promotion of Opposer’s Marks, Opposer’s Marks are becoming well-known in the industry and in interstate commerce.

6. On information and belief, on September 19, 2011, Applicant filed Application Serial No. 85/425859 for the mark CAMBIUM NETWORKS under Section 1(b) for the following goods: point-to-point and point-to-multipoint wireless networking devices, namely, wireless ethernet bridges, distributed access points, and subscriber modules enabling the transmission of voice, video and data; wireless communication services, namely, providing internet access service; providing access to telecommunication networks; transmission of data via telecommunications networks, including private and virtual-private-network transmission services provided via wireless means including point-to-point wireless, point-to-multipoint wireless; design and development of wireless communication systems for transmission and reception of voice, data and video. The application was published for opposition in the *Official Gazette* on

October 2, 2012. Opposer filed an Extension of Time to Oppose which was granted until January 30, 2013. Therefore, this Opposition is being timely filed.

7. The Applicant's application was filed under Section 1(b) of the Trademark Act and hence, on the Opposer's information and belief, Applicant does not have prior rights in the CAMBIUM NETWORKS mark.

8. On information and belief, Opposer believes that prior to 2012, Applicant never used Applicant's Mark in connection with any goods or services.

9. Applicant's Mark is identical and/or substantially similar to Opposer's Marks and therefore, when and if used in connection with the goods or services set forth in the Applicant's application, it is *inter alia*, likely to cause confusion, or to cause mistake, or to deceive purchasers and potential purchasers within the meaning of 15 U.S.C. §1052(d).

10. Applicant's Mark is confusingly similar to Opposer's Marks. The overall commercial impression conveyed by Applicant's Mark is similar to Opposer's Marks.

11. The goods and services in Applicant's Mark are similar and related to Opposer's Goods with which Opposer uses Opposer's Marks. Applicant's use and registration of Applicant's Mark in connection with its goods and services is likely to cause confusion, deception and/or mistake among the relevant public.

12. The channels of distribution employed by Opposer and Applicant are similar, and the classes of customers sold to by Opposer and Applicant are similar. Therefore, purchasers of Applicant's products are likely to believe or be confused or deceived into thinking that Applicant's products also originate with or are in some way associated with, sponsored by or authorized by Opposer, and registration of Applicant's Mark is likely to cause confusion or mistake or to deceive, all to the injury of Opposer.

13. Applicant's use and registration of Applicant's Mark is likely to falsely suggest a connection with Opposer and Opposer's Marks.

14. Applicant's use and registration of Applicant's Mark interferes with Opposer's Marks and will damage Opposer, its business and its goodwill.

WHEREFORE, Opposer requests that registration sought by Applicant be denied and that this Opposition be sustained.

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Please charge Deposit Account No. 500977 to cover the opposition fee and any additional fees which may be required, or credit any overpayment to this account.

Dated: January 22, 2013

Respectfully Submitted,

Cavium, Inc.

/fbhatti/

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