

ESTTA Tracking number: **ESTTA28167**

Filing date: **03/14/2005**

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

### Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

#### Petitioner Information

<b>Name</b>	Memorex International, Inc.		
<b>Entity</b>	Corporation	<b>Citizenship</b>	British Virgin Islands
<b>Address</b>	8th Floor, Paul Y. Centre Hung To Road Kwun Tong Kowloon, HONG KONG		

<b>Attorney information</b>	Harold Milstein Heller Ehrman White & McAuliffe LLP 275 Middlefield Road Menlo Park, CA 94025 UNITED STATES sv-trademark@hewm.com Phone:650-324-7000		
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#### Registrations Subject to Cancellation

<b>Registration No</b>	2620024	<b>Registration date</b>	09/17/2002
<b>Registrant</b>	Micron Technology, Inc. 8000 South Federal Way Boise, ID 837169632 UNITED STATES		
<b>Goods/Services Subject to Cancellation</b>	Class 009. First Use: 20010406, First Use In Commerce: 20010406 Goods/Services: semiconductor devices and printed circuit boards incorporating such semiconductor devices		
<b>Registration</b>	2660429	<b>Registration</b>	12/10/2002

<b>No</b>		<b>date</b>	
<b>Registrant</b>	Micron Technology, Inc. 8000 South Federal Way Boise, ID 837169632 UNITED STATES		
<b>Goods/Services Subject to Cancellation</b>	Class 009. First Use: 20001201, First Use In Commerce: 20001201 Goods/Services: semiconductor devices and printed circuit boards incorporating such semiconductor devices		
<b>Registration No</b>	2524975	<b>Registration date</b>	01/01/2002
<b>Registrant</b>	Micron Technology, Inc. 8000 S. Federal Way P.O. Box 6 Boise, ID 837070006 UNITED STATES		
<b>Goods/Services Subject to Cancellation</b>	Class 009. First Use: 20001116, First Use In Commerce: 20001116 Goods/Services: semiconductor devices and printed circuit boards incorporating such semiconductor devices		

<b>Attachments</b>	cancellation.txt ( 3 pages )
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<b>Signature</b>	/HaroldMilstein/
<b>Name</b>	Harold Milstein
<b>Date</b>	03/14/2005

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

In the matter of:

Registration No.: 2524975  
Mark: M and Design  
Registration No.: 2620024  
Mark: MICRON and Design  
Registration No.: 2660429  
Mark: MICRON and Design  
Registrant: Micron Technology, Inc.  
Last listed address: 8000 South Federal Way  
Boise, Idaho 83716-9632

International Class: 9

Goods: Semiconductor devices and printed circuit boards incorpo

rating

such semiconductor devices.

Memorex International, Inc.,  
Petitioner,

vs.

Micron Technology, Inc.,  
Respondent.

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CANCELLATION NO.:

CONSOLIDATED PETITION FOR CANCELLATION

Petitioner, Memorex International, Inc., a British Virgin Island

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corporation, located at 8th Floor, Paul Y. Centre Hung To Road Kwun  
Tong, Kowloon, Hong Kong, believes that is or will be damaged by  
Registration Nos. 2524975; 2620024 and 2660429 and hereby petitions to  
cancel each of the registrations.

As grounds for this Petition, Petitioner alleges that:

1. Through its predecessors in interest, Petitioner is the owner of the  
MEMOREX trademark. The MEMOREX mark has been used in relation to a  
wide variety of electronic recording media since as early as 1961 and  
continuously since then. Since that time, use of the MEMOREX mark has  
expanded to a wide variety of electronic products as well as to an ever  
evolving series of electronic and optical recording media.

2. Petitioner is the owner of the mark MEMOREX and Design and United  
States Trademark Registration No. 2802233. Said Registration covers  
the following goods:

label making machines, namely, business card label maker, CD-R label  
maker, CD/DVD label maker, in Class 7;

audio and video equipment, namely, DVD players, CD players, video  
cassette recorders, VCD players, MP3 players and combinations thereof;  
television sets; television/video cassette recorder combination;

digital voice recorders; keychain databanks, namely, electronic  
devices, attached to a keychain, which provide a variety of functions,  
primarily, electronic telephone directory, clock, organizer, scheduler

and calculator; portable stereo systems comprising audio speakers and one or more of the following - AM-FM radio receiver, audio cassette player/recorder, and compact disc player; mini system, namely, digital AM/FM radio with CD player, cassette player and recorder and remote control; cassette player/recorder and compact disc player, AM-FM radio receiver; blank video tapes; head cleaning tapes for video; blank optical recording media, namely, CD-R, CD-RW, DVD-R, DVD-RAM and DVD-RW; CD/DVD scratch repair kit comprising solutions and wipes; CD cleaning and repair device, namely, an electronic motorized device for cleaning and repairing CD's; laser lens cleaner for cleaning CD and DVD players; computer memory cards; computer card readers; PCMCIA cards, namely, computer add-in cards which conform to an industry standard; PCMCIA adapters, namely, adapters to allow the use of computer add-in cards; blank audio and video cassettes; head cleaning tapes for audio cassette players and recorders; floppy diskettes; blank mini discs; cases for computer memory cards; cases for compact discs; corded and cordless telephones, answering machines; 2-way radios; karaoke systems, namely, karaoke machines, microphones, and software, namely, compact discs featuring music with accompanying lyrics and graphics; AM/FM clock radio; CD clock radio with dual alarm; shower CD clock radio; computer mice and keyboards, in Class 9; and business card labels, CD labels, paper shredders for office use; CD jewel case inserts, in Class 16.

3. Petitioner has used its MEMOREX and Design mark, as shown in Registration No. 2802233, since at least as early as December 31, 1996, and continuously since then.

4. Petitioner is the owner of the mark M and Design as shown in United States Trademark Application No. 76374149. Petitioner has used this mark on recording media since at least as early as 1999 and continuously since then.

5. Since 1961, the MEMOREX brand has been associated with recording media. Throughout the years, as leaders in the field of technology has discovered new and better forms of recording media, the MEMOREX brand has grown to incorporate these advances. From reel-to-reel magnetic tape, to audio cassette tapes, to floppy discs, to CD's and DVD's, to flash memory devices, the MEMOREX brand has remained a leader in this field.

6. Respondent, Micron Technology, Inc., has adopted the marks MICRON and Design and M and Design ("Micron Marks") and owns the subject registrations covering these marks. Said registrations all cover "semiconductor devices and printed circuit boards incorporating such semiconductor devices." The earliest date of first use claimed in the subject registrations is November 16, 2000. The filing dates of the underlying applications are each subsequent to this date so there is no issue of an earlier date of constructive use.

7. Petitioner is informed and believes, and therefore alleges that Registrant has no use of the Micron Marks prior to November 16, 2000. Accordingly, Registrant's dates of first use are all subsequent to Petitioner's dates of first use for its MEMOREX and Design and M and Design marks.

8. Respondent's goods are similar and highly related to those previously sold by Petitioner under its MEMOREX and Design and M and Design Marks.

9. Respondent's marks are identical or closely resemble Petitioner's prior adopted and used marks.

10. Respondent's use of the Micron Marks are likely to cause confusion, mistake or deception in the minds of prospective purchasers as to the source, origin, sponsorship or association of Registrant's goods, thereby causing loss, damage and injury to Petitioner.

WHEREFORE, Petitioner prays that Registration Nos. 2524975; 2620024 and 2660429 be cancelled and that this Petition for Cancellation be sustained in favor of the Petitioner.

This Petition is submitted electronically. Please charge the requisite fees of \$900. required to our Deposit Account No. 08-1645 referencing 19047-0084.

Respectfully submitted,

DATE:

By \_\_\_\_\_

Harold J. Milstein, Esq.  
Lisa Greenwald-Swire, Esq.

HELLER EHRMAN WHITE & McAULIFFE

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Attorneys for Petitioner

MEMOREX INTERNATIONAL, INC.

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(Footnote continued)

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