

ESTTA Tracking number: **ESTTA97562**Filing date: **09/02/2006**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**

Name	Autodesk, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	111 McInnis Parkway San Rafael, CA 94903 UNITED STATES		

Correspondence information	John L. Slafsky Attorney for Petitioner Wilson Sonsini Goodrich & Rosati 650 Page Mill Road Palo Alto, CA 94304 UNITED STATES trademarks@wsgr.com Phone:650-493-9300
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**Registration Subject to Cancellation**

Registration No	3134536	Registration date	08/22/2006
Registrant	SolidWorks Corporation 300 Baker Avenue Concord, MA 01742 UNITED STATES		
Goods/Services Subject to Cancellation	Class 009. First Use: 2004/08/26 , First Use In Commerce: 2004/08/26 Goods/Services: COMPUTER SOFTWARE FOR USE IN COMPUTER-AIDED DESIGN AND COMPUTER-AIDED MANUFACTURING FOR DESIGN AND MODELING APPLICATIONS		

Related Proceedings	Opposition Number 91170857
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Attachments	Petition.pdf ( 4 pages )(151459 bytes )
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Signature	/John L. Slafsky/
Name	John L. Slafsky
Date	09/02/2006

AUTODESK, INC.,  
a Delaware corporation,  
  
Petitioner,  
  
v.  
  
SOLIDWORKS CORPORATION,  
a Delaware corporation,  
  
Respondent.

PETITION FOR CANCELLATION

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2. Petitioner develops and distributes software to over six million users. Petitioner's customers include 100 percent of *Fortune 100* companies and approximately 98 percent of *Fortune 500* companies.

3. Petitioner is the well-known leader in the field of software for computer-aided design ("CAD"). CAD software is used in design applications by architects, engineers, manufacturers and others.

4. DWG is Petitioner's name for the proprietary file format and technology underlying many of its key CAD software products.

5. Petitioner has been using the DWG name with its CAD software products since at least as early as 1983.

6. Petitioner has sold in interstate commerce billions of dollars of software products using the DWG name.

7. Petitioner has included the DWG name in the user interface of its software products. Petitioner has distributed promotional materials, instruction manuals, and other documents featuring the DWG name. Petitioner has also promoted the DWG name on its <autodesk.com> website.

8. Petitioner's DWG name has received considerable publicity. Upon information and belief, thousands of press reports have associated the DWG name with Petitioner.

9. As a result of the significant sales and success of Petitioner's products over 20 years, users of CAD software have come to associate the DWG name closely with Petitioner.

10. Petitioner's DWG name is symbolic of extensive goodwill and customer recognition built up by Petitioner.

11. Petitioner's DWG name is famous within the CAD software field. This fame pre-dates Respondent's first use of and applications to register trademarks based on DWG.

12. Petitioner owns the following federal trademark applications: DWG (Serial No. 78/852,798; DWG AND DESIGN (Serial No. 78/852,808); REALDWG (Serial No.

78/852,836); DWG TRUEVIEW (Serial No. 78/852,813); DWG TRUECONVERT (Serial No. 78/852,822); DWGX (Serial No. 78/852,849); and DWG EXTREME (Serial No. 78/852,843).

13. Petitioner's federal trademark applications for DWG-related marks include the following identification of goods: "computer software for data management and creation and manipulation of engineering and design data, particularly adapted for engineering, architecture, manufacturing, building, and construction applications, together with instruction manuals sold as a unit; computer-aided design software; computer software for animation, graphics and design modeling applications."

14. Petitioner is informed and believes, and therefore alleges, that Respondent filed an intent-to-use application on June 16, 2005 to register DWGEDITOR as a trademark.

15. Respondent's DWGEDITOR mark is derived from Petitioner's DWG name.

16. Respondent's trademark registration for DWGEDITOR covers "computer software for use in computer-aided design and computer-aided manufacturing for design and modeling applications."

17. Respondent has registered the trademark DWGEDITOR in connection with goods that are substantially similar to Petitioner's goods.

18. In view of the substantially similar marks and goods and services of the parties, Respondent's DWGEDITOR mark so resembles Petitioner's DWG name as to be likely to cause confusion, to cause mistake, or to deceive.

19. Respondent's use and registration of its DWGEDITOR mark are well outside the bounds of fair use contemplated by the Lanham Act and recognized by U.S. courts.

20. The U.S. Patent and Trademark Office objected to registration of Respondent's mark DWGEDITOR on the Principal Register, citing evidence that "DWG is the filename extension for [Petitioner's] drawing files."

21. As a result of the registration of DWGEDITOR, confusion in the trade and in the public is likely to result. Confusion caused by Respondent will damage Petitioner and injure its reputation in the trade and with the public. That confusion will also injure the public, in that

consumers, upon seeing Respondent's mark used in connection with Respondent's goods, are likely to believe that Respondent's goods are somehow associated with or approved by Petitioner.

22. As a result of the registration of DWGEDITOR, the distinctiveness of Petitioner's DWG name will be diluted.

WHEREFORE, Petitioner prays that Registration No. 3134536 be cancelled and that this petition be sustained in favor of Petitioner.

Petitioner authorizes payment of the required filing fee of \$300.00 from its counsel's USPTO Deposit Account. Please charge the fee to Deposit Account No. 23-2415 ATTN: 5477.506.


Please address all U.S.P.T.O. communications regarding this Petition for Cancellation to:

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Date: August 31, 2006

Respectfully Submitted,

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By:   
John L. Slafsky  
Attorneys for Petitioner  
Autodesk, Inc.