

TTAB

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January 16, 2007

Commissioner for Trademarks
Trademark Trial and Appeal Board
United States Patent & Trademark Office
Madison East, Concourse Level Room C 55
600 Dulany Street
Alexandria, VA 22314

TRADEMARK FEE PROCESS
RECEIVED
2007 JAN 18 P 3:04
US PATENT &
TRADEMARK OFFICE

Re: Consolidated Petition for Cancellation for
Registrant: OpenDWG Alliance
Mark: OPENDWG in Class 42 (Reg. No. 2517750)
Mark: OPENDWG in Class 42 (Reg. No. 2563976)
Mark: OPENDWG in Class 42 (Reg. No. 2656757)
Mark: OPENDWG in Class 9 (Reg. No. 2672409)
Mark: OPENDWG in Class 9 (Reg. No. 2719529)
Mark: OPENDWG in Class 42 (Reg. No. 2920269)

Dear Commissioner:

Enclosed please find a previously filed Consolidated Petition for Cancellation for the marks OPENDWG in Class 42 (Reg. No. 2517750), OPENDWG in Class 42 (Reg. No. 2563976), OPENDWG in Class 42 (Reg. No. 2656757), OPENDWG in Class 9 (Reg. No. 2672409), OPENDWG in Class 9 (Reg. No. 2719529) and OPENDWG in Class 42 (Reg. No. 2920269) owned by OpenDWG Alliance.

Please charge the required filing fee of \$1,800.00 to Deposit Account No. 23-2415. The Commissioner is authorized to charge any deficiencies or additional fees which may be required, including extension fees, or credit any overpayment to Deposit Account No. 23-2415. A duplicate copy of this cover letter is enclosed for accounting purposes.

Please direct all future communications regarding the enclosed Consolidated Petition for Cancellation, to counsel for the Petitioner:

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01-18-2007

U.S. Patent & TMO/TM Mail Rcpt Dt. #72

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Wilson Sonsini Goodrich & Rosati
PROFESSIONAL CORPORATION

Thank you for your prompt attention to this matter.

Very truly yours,

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

A handwritten signature in black ink, appearing to read 'Christian P. Larsen', with a long horizontal flourish extending to the right.

Christian P. Larsen
Senior Paralegal

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

In the Matter of Certain Trademark Registrations
For the Mark OPENDWG

AUTODESK, INC.,)
) Cancellation No.:
)
) Petitioner,)
) CONSOLIDATED
) PETITION FOR CANCELLATION
)
) v.)
)
) OPENDWG ALLIANCE,)
)
) Respondent.)
)
)

Petitioner Autodesk, Inc. ("Petitioner") believes that it has been and will be damaged by Registration Nos. 2517750, 2563976, 2656757, 2672409, 2719529, and 2920269 and hereby petitions, pursuant to TBMP §306, to cancel the registrations.

As grounds for this Petition, Petitioner alleges that:

1. Petitioner is a Delaware corporation with its principal place of business in San Rafael, California. Petitioner is the world's leading design software and services provider for the building, manufacturing, infrastructure, and media and entertainment industries.
2. Petitioner is informed and believes, and therefore alleges, that Respondent is a Washington nonprofit corporation. Petitioner also is informed and believes, and therefore alleges, that Respondent is registered with the Washington Secretary of State as Open Design Alliance and now does business under

01/19/2007 SWILSON1 00000090 232415 2517750
that name.
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3. DWG is Petitioner's name for the proprietary file format and technology underlying many of its key computer-assisted design (CAD) software products.

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

5. According to public records of the United States Patent and Trademark Office, the current information regarding Registration No. 2517750 is as follows:

Registrant: OpenDWG Alliance
Mark: OPENDWG
Last listed address: 1420 Fifth Ave, 22nd Floor
Seattle, WA 98101
United States
Registration date: December 11, 2001
International Class: 042
Services: consulting services in the field of computer software and computer software tools and standards; providing multiple-user access to a global computer information network for the transfer and dissemination of a wide range of information.

This Registration is referred to hereinafter as "Registration No. 1."

6. According to public records of the United States Patent and Trademark Office, the current information regarding Registration No. 2563976 is as follows:

Registrant: OpenDWG Alliance
Mark: OPENDWG
Last listed address: 1420 Fifth Ave, 22nd Floor
Seattle, WA 98101
United States
Registration date: April 23, 2002
International Class: 042
Services: consulting services in the field of computer software and computer software tools and standards; providing multiple-user access to a global computer information network for the transfer and dissemination of a wide range of information.

This Registration is referred to hereinafter as "Registration No. 2."

7. According to public records of the United States Patent and Trademark Office, the current information regarding Registration No. 2656757 is as follows:

Registrant: OpenDWG Alliance
Mark: OPENDWG
Last listed address: 1420 Fifth Ave, 22nd Floor
Seattle, WA 98101
United States
Registration date: December 03, 2002
International Class: 042
Goods: consulting services in the field of computer software and computer software tools and standards; providing multiple-user access to a global computer information network for the transfer and dissemination of a wide range of information.

This Registration is referred to hereinafter as "Registration No. 3."

8. According to public records of the United States Patent and Trademark Office, the current information regarding Registration No. 2672409 is as follows:

Registrant: OpenDWG Alliance
Mark: OPENDWG
Last listed address: 1420 Fifth Ave, 22nd Floor
Seattle, WA 98101
United States
Registration date: January 7, 2003
International Class: 009
Goods: computer software for the exchange of information regarding computer aided design and computer software containing standards for the application of computer aided design.

This Registration is referred to hereinafter as "Registration No. 4."

9. According to public records of the United States Patent and Trademark Office, the current information regarding Registration No. 2719529 is as follows:

Registrant: OpenDWG Alliance
Mark: OPENDWG
Last listed address: 1420 Fifth Ave, 22nd Floor
Seattle, WA 98101
United States

Registration date: May 27, 2003
International Class: 009
Goods: computer software for the exchange of information regarding computer aided design and computer software containing standards for the application of computer aided design.

This Registration is referred to hereinafter as "Registration No. 5."

10. According to public records of the United States Patent and Trademark Office, the current information regarding Registration No. 2920269 is as follows:

Registrant: OpenDWG Alliance
Mark: OPENDWG
Last listed address: 1420 Fifth Ave, 22nd Floor
Seattle, WA 98101
United States
Registration date: January 25, 2005
International Class: 042
Services: consulting services in the field of computer software and computer software tools and standards; providing multiple-user access to a global computer information network for the transfer and dissemination of a wide range of information.

This Registration is referred to hereinafter as "Registration No. 6." All of the above-cited registrations are hereinafter referred to collectively as the "Registrations."

11. Petitioner is informed and believes, and therefore alleges, that Respondent owns the Registrations.

12. On or about October 29, 2003, Respondent distributed the press release attached hereto as Exhibit A, announcing Respondent's name change from OpenDWG Alliance to Open Design Alliance.

13. Petitioner is informed and believes, and therefore alleges, that the mark OPENDWG in Registration No. 1 has been abandoned.

14. Petitioner is informed and believes, and therefore alleges, that the mark OPENDWG in Registration No. 2 has been abandoned.

15. Petitioner is informed and believes, and therefore alleges, that the mark OPENDWG in Registration No. 3 has been abandoned.

16. Petitioner is informed and believes, and therefore alleges, that the mark OPENDWG in Registration No. 4 has been abandoned.

17. Petitioner is informed and believes, and therefore alleges, that the mark OPENDWG in Registration No. 5 has been abandoned.

18. Petitioner is informed and believes, and therefore alleges, that the mark OPENDWG in Registration No. 6 has been abandoned.

19. The Registrations have resulted in and will continue to result in confusion in the trade and in the public.

20. Petitioner has been and will be damaged by the Registrations because, among other reasons, Petitioner uses a variety of DWG-related names and trademarks with similar goods and services and continued registration of OPENDWG by Respondent may adversely affect Petitioner's rights.

WHEREFORE, Petitioner prays that the Registrations be cancelled in their entirety and that this Consolidated Petition for Cancellation be sustained in favor of the Petitioner.

Please address all U.S.P.T.O. communications regarding this Consolidated Petition to Petitioner's

attorneys:

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650 Page Mill Road
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trademarks@wsgr.com

Dated: December 7, 2006

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

A handwritten signature in black ink, appearing to read "John Slafsky", is written over a horizontal line.

By: John L. Slafsky
Attorneys for Petitioner

EXHIBIT A



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News

OpenDWG Alliance Announces Name Change to Open Design Alliance

Broader Demand for Additional Data Formats Key to Name Change

PHOENIX, October 29, 2003 - OpenDWG™ Alliance, a non-profit industry consortium committed to promoting open industry-standard formats for the exchange of CAD data, today announced that it is changing its name to Open Design Alliance™.

The new name reflects the growth in the number and types of file format the Alliance supports within the program libraries it develops. The Alliance previously only supported DWG and DXF (the file formats which are native to Autodesk's AutoCAD product). In May 2003, the Alliance signed an agreement with Bentley Systems, providing for formal support of the OpenDGN standard. The Alliance also provides support, on a level extensive basis, for DWF (Autodesk's Design Web Format), and SVG (The W3C XML-based Simplified Vector Format.)

"Our new name reflects our commitment to open design data," said Ev Yares, president of The Open Design Alliance. "DWG is still a very popular format, but there are others, such as DGN, that are also extensively used. By thoughtfully expanding the formats we support, we are taking significant steps towards making CAD data interoperability much less of a problem."

The Open Design Alliance plans to selectively expand the types of file formats supported in the future. The Alliance was created to leverage the billion CAD files in the world that are stored in de facto standard formats. The Alliance develops and maintains commercial-quality program libraries that allow software developers and users to read and write these files. Unlike open-source software, the Alliance libraries are developed by a team of professional software developers, and are supported by a dedicated staff. Alliance libraries are licensed on a level-playing field basis.

"CAD users and developers have come to count on us to provide baseline tools that solve interoperability problems for them," said Yares. "Because we are a non-profit consortium, and we serve the entire

engineering software industry, we can focus on problems that might otherwise be hard to address."

About the Open Design Alliance

Founded in 1998, the Open Design Alliance is a non-profit consortium committed to promoting open industry-standards for the exchange of CAD data. Its members include thousands of the largest and the small companies in the world. The Open Design Alliance is a leading light in interoperability issues for the engineering software industry and its use

For additional information about the Open Design Alliance, please visit www.opendesign.com

Open Design Alliance, OpenDWG, and OpenDGN are trademarks of Open Design Alliance. All products are trademarks or registered trademarks of their respective companies.

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