



07-08-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

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

TTAB

In the Matter of Application Serial No. 76/059,706 for IDAPTER  
Published in the Official Gazette of March 12, 2002

TRINITI CORPORATION )

Opposer )

v. )

DARC CORPORATION )


Applicant )

Opposition No.

TRADEMARK TRIAL AND  
APPEAL BOARD  
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DATE OF DEPOSIT: July 5, 2002  
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Arlington, VA. 20202-3513.

7-5-02   
Date Signature

07/15/2002 CMAY11 00000159 76059706

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**NOTICE OF OPPOSITION**

Commissioner For Trademarks  
BOX TTAB FEE  
2900 Crystal Drive  
Arlington, VA 22202-3513

Trinit Corporation, a corporation of the State of Delaware, located and doing business at  
1275 Glenlivet Drive, Suite 330, Allentown, Pennsylvania, 18106, believes it will be damaged

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by the registration of the IDAPTER mark that is the subject of application Serial No. 76/059,706 and hereby opposes same.

As grounds in support of the opposition, it is alleged that:

1. Opposer is now and has been in the business of providing computer software for enhanced business to business solutions including software which creates interfaces between standard and customized enterprise resource planning packages, manufacturing execution system packages, advanced planning system packages, and electronic business integration packages.

2. Opposer owns U.S. Trademark Registration No. 2,529,992 for "EDAPTER" which was filed as a use based application on May 11, 2001 for "computer software for creating interfaces between standard and customized enterprise resource planning packages, manufacturing execution system packages, advanced planning system packages, and electronic business integration packages" in International Class 9 and asserts a date of first use of April 2, 2000 and a date of first use in commerce of April 2, 2000.

3. Opposer has so used its EDAPTER mark in connection with its goods that the EDAPTER mark has come to signify Opposer as the source and originator of the goods that Opposer offers under its EDAPTER mark.

4. Applicant, Darc Corporation, filed application Serial No. 76/059,706 on May 31, 2000 for the mark IDAPTER for "software for enabling interactive communication between

multiple computer programs” in International Class 9. The application was filed as an “intent-to-use” application. The application was published for opposition in the Official Gazette on March 12, 2002.

5. Since prior to May 31, 2000, the filing date of Applicant’s intent-to-use application, Opposer has continuously used the mark EDAPTER in connection with computer software which creates interfaces between standard and customized enterprise resource planning packages, manufacturing execution system packages, advanced planning system packages, and electronic business integration packages.

6. Upon information and belief, the goods of Opposer and Applicant are offered in similar channels of commerce and are directed to similar customers.

7. Opposer’s EDAPTER mark and Applicant’s IDAPTER mark are similar in commercial impression.

8. Because Applicant’s mark so resembles Opposer’s previously used and registered EDAPTER mark and because the goods of Opposer and Applicant are similar, are in similar channels of commerce, and are directed to similar customers, registration of IDAPTER in connection with Applicant’s goods is likely to cause confusion, to cause mistake, or to deceive, to the irreparable damage of Opposer.

9. Opposer would be injured if Applicant is permitted to register and use Applicant's IDAPTER mark for the goods specified in application Serial No. 76/059,706 because such registration and use is likely to cause confusion in trade, resulting in damage and injury to Opposer. Persons familiar with Opposer's EDAPTER mark would be likely to assume that Applicant's goods originated from Opposer or were offered in association or affiliation with, or under authorization by, Opposer.

10. Additionally, if Applicant is granted registration for the IDAPTER mark, Applicant would obtain thereby at least *prima facie* evidence of a purported exclusive right to use the mark. Such registration would be a source of damage and injury to Opposer.

11. Based upon the foregoing, the registration of IDAPTER will cause injury and damage to Opposer.

WHEREFORE registration by Applicant of the IDAPTER mark for the recited goods in International Class 9 would be damaging to Opposer, Opposer hereby requests that registration of Serial No. 76/059,706 be denied and this opposition be sustained.

Opposer hereby submits the requisite filing fee in the amount of \$300.00. Please charge any additional fees to Deposit Account 10-0447 (47063-00019). A duplicate copy of this Notice of Opposition is being filed herewith for that purpose.

Please address all correspondence for this proceeding to

Paul R. Kitch  
Jenkins & Gilchrist  
225 W. Washington St., Ste. 2600  
Chicago, IL 60606-3418  
Telephone (312) 425-3900

Please file-stamp and return the attached postcard in acknowledgment of receipt of this correspondence and check.

Respectfully submitted,

Date: July 5, 2002



Janet M. Garetto  
JENKENS & GILCHRIST, P.C.  
225 West Washington Street  
Suite 2600  
Chicago, Illinois 60606-3418  
(312) 425-8514

One of the Attorneys for Opposer