

TTAB

**TRADEMARK/SERVICE MARK**

**ATTORNEY DOCKET NO. 19625-65**

Date of Deposit: November 25, 2002

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TOWNSEND AND TOWNSEND AND CREW LLP

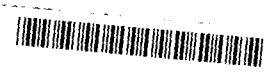
By: *Kim White*  
Kim White

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

In re Application of:  
  
TERAGO COMMUNICATIONS, INC.  
  
Serial No. 76/396,869  
  
Published: November 5, 2002  
  
For: **PROTERA**

Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**



11-29-2002  
U.S. Patent & TMO/c/TM Mail Rcpt Dt. #77

Commissioner for Trademarks  
BOX TTAB -- FEE  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Madam:

Marvell International Ltd., a Bermuda corporation, located and doing business at Cedar House, 41 Cedar Avenue, Hamilton HM 12, Bermuda, believes that it will be damaged by the registration of the mark **PROTERA** for the goods and services identified in International Classes 9 and 42 shown in Application Serial No. 76/396,869 filed April 17, 2002, by Terago Communications, Inc., a Delaware corporation with a principal place of business at 6900

Wedgwood Road, Suite 300, Maple Grove, Minnesota 55416-4463, and published in the Official Gazette of November 5, 2002, and hereby opposes registration thereof.

The grounds for opposition are as follows:

1. By this application, Applicant is seeking to obtain, under the provisions of the Trademark Act of 1946, as amended, registration upon the Principal Register of the **PROTERA** mark for integrated circuits, software for controlling and using integrated circuits; computer communications hardware and software for facilitating processing and transfer of packetized digital data; computer hardware and software for establishment, operation, management, monitoring, control and data flow management of electronic communications networks in International Class 9 and design of computer hardware, integrated circuits, computer communications hardware and software, and computer networks for others in International Class 42.

2. On September 7, 2001, Opposer filed U.S. Trademark Application Serial No. 76/310,310 for **PRESTERA**, for integrated circuits and semiconductors. That application is presently pending.

3. Applicant's mark, opposed herein, was filed on April 17, 2002, pursuant to Section 1(b) of the Trademark Act, 15 U.S.C. §1051(b), and based upon its intent to use the mark in commerce for the goods and services identified in the application and as set forth in Paragraph 1 hereof. Accordingly, Applicant's rights, if any, in and to the term **PROTERA** are subsequent to those of Opposer for its **PRESTERA** mark.

4. Applicant's goods and services recited in International Classes 9 and 42 are identical or highly related to the Opposer's goods.

5. Applicant's mark **PROTERA** for the goods and services in International Classes 9 and 42 so resembles Opposer's previously applied for and used **PRESTERA** mark as identified in paragraph 2, supra, as to be likely to cause confusion, mistake or deception in the trade and among clientele as to the source, origin or sponsorship of Applicant's goods and services.

6. Because Applicant's mark and Opposer's mark are similar, are used for identical goods and highly related services, the purchasing public is likely to believe and would be justified in believing that Applicant's goods and services originate from Opposer or from an entity which is in some way associated or affiliated with the Opposer, resulting in damage and detriment to Opposer and its reputation.

7. Registration of Applicant's mark shown in the opposed application will result in damage to Opposer under the provisions of §2(d) of the Trademark Act, 15 U.S.C. §1052(d), pursuant to the allegations stated above.

WHEREFORE, Opposer requests that the registration sought by Applicant in United States Application Serial No. 76/396,869 be refused and that this Notice of Opposition be sustained in favor of Opposer.

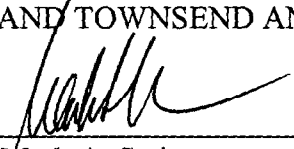
**AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT**

Please charge the fee of \$600 for the opposition in International Classes 9 and 42 to Townsend and Townsend and Crew LLP, Deposit Account No. 20-1430. Please charge any additional fees that may be due, or credit any overpayment, to Deposit Account No. 20-1430.

Respectfully submitted,

TOWNSEND AND TOWNSEND AND CREW  
LLP

Date: November 25, 2002

By:  \_\_\_\_\_

Mark A. Steiner  
Attorneys for Opposer  
Marvell International Ltd.

Two Embarcadero Center, 8th Floor  
San Francisco, California 94111-3834  
Telephone: (415) 576-0200  
Facsimile: (415) 576-0300  
SF 1409534 v1