

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

ALTERA CORPORATION,)	
)	
Opposer)	
)	Opposition No. 91154120
v.)	
)	Application Serial No. 76/178,910
LATTICE SEMICONDUCTOR CORPORATION)	
)	
Applicant)	

ANSWER TO NOTICE OF OPPOSITION

Lattice Semiconductor Corporation ("Applicant"), by its counsel, hereby responds to the Notice of Opposition filed by Altera Corporation ("Opposer"), as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations made or contained in Paragraph 1 of the Notice of Opposition and therefore denies those allegations.

2. Applicant admits that it has filed an intent-to-use trademark application for its mark ISPSOC in connection with "integrated circuits" in International Class 9 on December 11, 2000; otherwise denies the balance of the allegations made or contained in Paragraph 2 of the Notice of Opposition.

3. Applicant admits that Exhibit B constitutes one of Applicant's promotional items; denies the balance of the allegations in the third and fourth sentences of Paragraph 3 of the Notice of Opposition; further denies the allegation made in the final sentence of Paragraph 3 that "[t]herefore, the acronyms ISP and SOC are generic or descriptive as applied to integrated circuits and are not capable of functioning as identifiers of source;" and further states that it is without knowledge or information sufficient to form a belief as to the truth or falsity of the

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balance of the allegations made or contained in Paragraph 3 of the Notice of Opposition, and therefore denies those allegations.

4. Applicant denies each and every allegation and alternative allegation made or contained in Paragraph 4 of the Notice of Opposition.

5. Applicant denies each and every allegation made or contained in Paragraph 5 of the Notice of Opposition.

6. Applicant denies each and every allegation made or contained in Paragraph 6 of the Notice of Opposition.

FIRST AFFIRMATIVE DEFENSE

7. The Notice of Opposition fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

8. Applicant has been the long-standing owner of numerous federal registrations for marks incorporating the prefix "ISP" for integrated circuits, software and related goods. These marks are as follows:

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>	<u>Goods</u>
ISPGAL	1,466,223	11/24/87	Class 9: semiconductor integrated circuits
ISPLSI	1,794,138	9/21/93	Class 9: semiconductor integrated circuits
ISPGDS	2,122,967	12/23/97	Class 9: digital integrated circuits
ISPDOWNLOAD	2,153,379	4/28/98	Class 9: software and firmware for use in manufacturing integrated circuits
ISPGDX	2,204,974	11/24/98	Class 9: integrated circuits
ISPPAC	2,304,390	12/28/99	Class 9: intergrated circuits
ISPATE	2,304,447	12/28/99	Class 9: software and firmware for programming and testing integrated circuits

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>	<u>Goods</u>
ISPVM	2,525,494	1/1/02	Class 9: computer software for designing, programming, and testing integrated circuits; electronic systems composed of computer hardware and computer software for use in programming programmable logic devices

Applicant has accordingly developed a family of marks featuring the prefix "ISP" on the Principal Register for integrated circuits and related goods, which has developed recognition as a common characteristic recognized by the relevant consuming public as an indication of source and origin of that of Applicant.

THIRD AFFIRMATIVE DEFENSE

9. Acronym marks are not *ipso facto* descriptive; and accordingly, even assuming, *arguendo*, that individual elements of the mark are descriptive, Applicant's ISPSOC mark should not be deemed descriptive.


FOURTH AFFIRMATIVE DEFENSE

10. Applicant's mark ISPSOC is a unitary mark which should not be dissected, and accordingly, cannot be found descriptive or generic as alleged.

WHEREFORE, Applicant respectfully requests that the above opposition be dismissed.

Respectfully submitted,

PATTISHALL, McAULIFFE, NEWBURY,
HILLIARD & GERALDSON

By: 

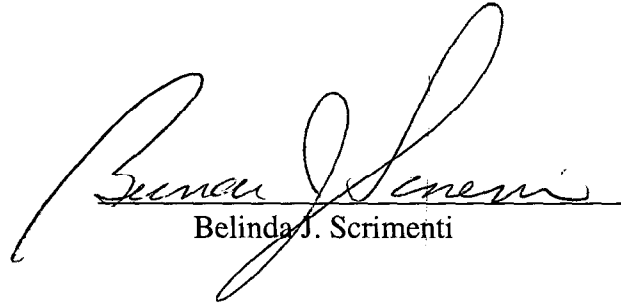
Raymond I. Geraldson, Jr.
311 South Wacker Drive
Chicago, Illinois 60606
(312) 554-8000

Belinda J. Scrimenti
Janet Shih Hajek
1700 Diagonal Road
Suite 550
Alexandria, Virginia 22314
(703) 684-7550

Attorneys for Applicant

CERTIFICATE OF SERVICE

I, Belinda J. Scrimenti, hereby certify that a copy of the forgoing ANSWER TO NOTICE OF OPPOSITION has been served upon Rochelle D. Alpert, Morgan, Lewis & Bockius, Spear Street Tower, One Market, San Francisco, CA 94105, this 8th day of April, 2003, via first class mail, postage prepaid.


Belinda J. Scrimenti

PATTISHALL, MCAULIFFE, NEWBURY, HILLIARD & GERALDSON

ATTORNEYS AT LAW

ALEXANDRIA, VA OFFICE
SUITE 550
1700 DIAGONAL ROAD
ALEXANDRIA, VIRGINIA 22314
(703) 684-7550

FACSIMILE
(703) 684-7888

SUITE 5000
311 SOUTH WACKER DRIVE
CHICAGO, ILLINOIS 60606
(312) 554-8000

FACSIMILE
(312) 554-8015

BELINDA J. SCRIMENTI
(703)684-7550
bscrimenti@pattishall.com

April 8, 2003

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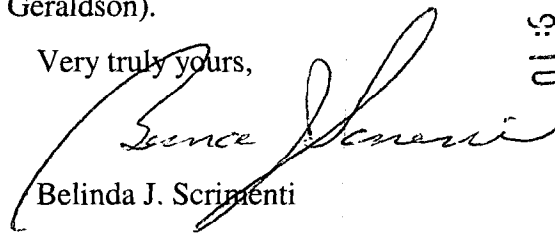
Re: Opposition No. 91154120; Serial No. 76/178,910
Altera Corporation v. Lattice Semiconductor Corporation

Dear Commissioner:

On behalf of our client, Lattice Semiconductor Corporation, enclosed in connection with the captioned opposition is an Answer to Notice of Opposition.

Please charge any deficiencies in fees submitted to our deposit account, No. 16-0650 (Pattishall, McAuliffe, Newbury, Hilliard & Geraldson).

Very truly yours,



Belinda J. Scrimenti

BJS/prl
Enclosure

cc: Rochelle D. Alpert, Esq. (w/enclosure)

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