

ORIGINAL

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

In re Application of:	§	
Xyron Corporation	§	
	§	International Class 9
Serial No.: 76/471,192	§	
	§	
Filed: November 29, 2002	§	Published: August 5, 2003
	§	
Mark: XYRONIUM	§	

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

NOTICE OF OPPOSITION

Intel Corporation, a Delaware corporation, having its principal place of business at 2200 Mission College Boulevard, Santa Clara, California 95052 ("Opposer"), believes that it will be damaged by the registration of the alleged mark shown in Application Serial No. 76/471,192, filed by Xyron Corporation, ("Applicant") and hereby opposes this application under the provisions of 15 U.S.C. §1063.

Application Serial No. 76/471,192 was filed on November 29, 2002, for the alleged mark XYRONIUM for "computer hardware, microprocessors, semiconductors, Field Programmable Gate Arrays (FPGAs), development boards, integrated circuits, microprocessor designs, namely, customized microchips, mask works, integrated circuits, printed circuit boards, and user manuals for use with, and sold as a unit with, all the aforesaid goods" in Class 9. The application was published for opposition on August 5, 2003.

As grounds for the opposition, it is alleged that:

1. Opposer manufactures and sells a wide variety of high technology products and services, including computer hardware and software, microprocessors, integrated circuits, semiconductors and circuit boards, technology integration products and services, and computer-related and communications-related services.

2. Since at least as early as 1993, Opposer has continuously manufactured and sold microprocessors in interstate commerce under the fanciful trademark PENTIUM, a coined term created by Opposer in 1992. Following the introduction of the original PENTIUM processor, Opposer established a series of PENTIUM marks, including PENTIUM PRO, PENTIUM MMX, PENTIUM II, PENTIUM II XEON, INTEL INSIDE PENTIUM II, PENTIUM III, INTEL INSIDE PENTIUM!!!, PENTIUM III XEON, PENTIUM 4 and PENTIUM M. These marks have been used in association with Opposer's increasingly advanced microprocessors, including those released in 1997, 1999, 2000 and 2003.

3. Opposer is the owner of record of numerous trademark registrations and applications in the United States Patent and Trademark Office covering its PENTIUM mark, either with the PENTIUM mark standing alone or as part of a composite mark, for microprocessors, chipsets, motherboards, daughterboards, and many components used in PCs and laptops, computer services and a variety of related goods including clothing, jewelry, toys and games, bags, mugs and other accessories. Among the PENTIUM registrations are the following:

<u>EXHIBIT</u>	<u>MARK</u>	<u>REG. NO.</u>	<u>REG. DATE</u>	<u>GOODS (CLASS)</u>
A	PENTIUM	1,834,434	5/3/94	(Class 9)
B	PENTIUM	2,173,650	7/14/98	(Class 9)
C	PENTIUM	2,201,867	11/3/98	(Class 16)
D	PENTIUM	2,257,967	6/29/99	(Class 14)
E	PENTIUM	2,250,489	6/1/99	(Class 21)
F	PENTIUM	2,250,493	6/1/99	(Class 25)
G	PENTIUM	2,261,579	7/13/99	(Class 28)
H	PENTIUM PROCESSOR (Stylized)	1,941,172	12/12/95	(Class 9)
I	PENTIUM	2,337,151	4/4/00	(Class 9)
J	INTEL INSIDE PENTIUM !!! & Design	2,377,327	8/15/00	(Class 9)
K	INTEL INSIDE PENTIUM PROCESSOR & Design	2,155,197	5/5/98	(Class 9)
L	PENTIUM	2,250,490	6/1/99	(Class 18)
M	PENTIUM	2,369,082	7/18/00	(Class 16)
N	PENTIUM	2,547,564	3/12/02	(Class 42)

Each of these registrations is currently valid and subsisting. Copies of all of these registrations are appended to this Notice of Opposition as Exhibits A–N. Further, Registrations No.

1,834,434 and No. 1,941,172 are now incontestable under the provisions of 15 U.S.C. § 1065.

4. Since 1993, Opposer's sale of PENTIUM processors has been very successful. To date, Intel's revenue from the sale of PENTIUM processors has exceeded \$130 billion. In 2002 alone, Intel's revenue from the sale of PENTIUM processors exceeded \$4 billion.

5. Opposer has devoted substantial resources to advertise and promote its products under the PENTIUM trademark over the last ten years. In 2002 alone, Intel spent in excess of \$850 million dollars to directly advertise its PENTIUM processors worldwide. Also in 2002, Intel spent in excess of \$100 million dollars to directly advertise its PENTIUM processors in the U.S.

6. Moreover, for nearly 10 years, under the Intel Inside licensing program, Opposer has licensed its famous PENTIUM mark to thousands of licensees in the United States, including original equipment manufacturers (*i.e.* computer manufacturers such as Dell, Compaq and Gateway) and retailers, for use on computers and shipping cartons, and in advertising and promotional materials. Opposer's extensive Intel Inside licensing program is a cooperative advertising program resulting in Intel's licensees' expenditure of additional hundreds of millions of dollars in advertising and promotional efforts that bear Opposer's PENTIUM mark. In 2002 alone, Intel's advertising reimbursements to licensees in the program exceeded an estimated \$450 million for the use of the INTEL INSIDE PENTIUM mark on and in association with the U.S. promotion of licensee computer systems. In 2002, the combined total U.S. advertising expenditures of Intel and its licensees for the INTEL INSIDE PENTIUM mark exceeded an estimated \$550 million.

7. In addition to its own advertising efforts, Intel's PENTIUM brand has been the subject of numerous articles in the media, including national and international print, radio and television coverage.

8. As a consequence of its extensive sales and marketing efforts and advertising, promotion, and use of the PENTIUM mark, Opposer has developed enormous recognition of the PENTIUM mark and the products associated with it. The PENTIUM mark is famous, well known and widely recognized by the consumers in the U.S. and has acquired and now enjoys an immensely valuable reputation and tremendous goodwill under the mark.

9. Opposer also owns Registration No. 2,562,173 for ITANIUM in International Class 9, for goods including integrated circuits, microprocessors, computer hardware and computer software. A copy of this registration is appended to this Notice of Opposition as Exhibit O.

10. The ITANIUM mark is actively promoted and used and has been the recipient of extensive worldwide press coverage, thus gaining a broad reputation in the computer market. The ITANIUM mark is used on microprocessors.

11. Both the PENTIUM mark and the ITANIUM mark are coined terms created by Opposer in 1992 and 1999 respectively, and both terms lack any dictionary meaning in the English language.

12. As a result of Opposer's extensive efforts in using and promoting its family of -IUM suffixed marks such as PENTIUM and ITANIUM, consumers have come to uniquely associate such -IUM marks with Opposer's goods, particularly with respect to microprocessors.

13. The dates of Opposer's first use and/or registrations of the above-referenced PENTIUM and ITANIUM marks long precede Applicant's November 29, 2002 filing date and March 18, 2002 first use date.

14. Applicant seeks registration for the alleged mark XYRONIUM for "computer hardware, microprocessors, semiconductors, Field Programmable Gate Arrays (FPGAs),

development boards, integrated circuits, microprocessor designs, namely, customized microchips, mask works, integrated circuits, printed circuit boards, and user manuals for use with, and sold as a unit with, all the aforesaid goods” in Class 9.

15. Applicant is selling goods under the alleged XYRONIUM mark that are identical to and competitive with the Opposer’s goods under the PENTIUM and ITANIUM marks.

16. Applicant’s alleged XYRONIUM mark so resembles Opposer’s previously used and registered family of –IUM suffixed marks (the PENTIUM and ITANIUM marks) so as to be likely, when used in connection with the identified products of Applicant – to cause confusion, mistake, or to deceive.

17. As a result of the continuing and unique association between –IUM suffixed marks and the goods of Opposer, it is likely that the consumer could be misled into believing that Applicant’s alleged XYRONIUM mark is yet another mark in the Intel family of –IUM suffixed marks, especially since the goods provided under the XYRONIUM mark are identical to those provided under the PENTIUM and ITANIUM marks.

18. On information and belief, Applicant adopted XYRONIUM with knowledge of Intel’s famous PENTIUM mark and its ITANIUM mark with the intent to create an association, connection, and likelihood of confusion with Opposer.

19. Contrary to the suggestion created by the use of the alleged XYRONIUM mark, Opposer is neither affiliated with nor a sponsor of Applicant, and the goods identified in the opposed application do not originate from Opposer.

20. Opposer’s fanciful PENTIUM and ITANIUM and family of –IUM suffixed marks are of sufficient fame and have a sufficient reputation among consumers such that if and

when Applicant's alleged XYRONIUM mark is used on or in connection with the goods of Applicant, a false connection with Opposer would be presumed by consumers.

21. On information and belief, Applicant's proposed use of the alleged XYRONIUM mark will falsely suggest a connection with Opposer. Because of the fame of Opposer's PENTIUM mark, ITANIUM mark and -IUM suffixed family of marks, built up at great expense to Opposer, and in light of identical goods offered by Opposer and Applicant as alleged herein, consumers are likely to be confused into believing that the goods associated with Applicant's alleged XYRONIUM mark emanate from, or are associated with, or sponsored by Opposer.

22. On information and belief, Applicant's proposed use of the alleged XYRONIUM mark is likely to and will cause dilution of the distinctive quality of Opposer's famous PENTIUM mark, its ITANIUM mark, and its family of -IUM suffixed marks.

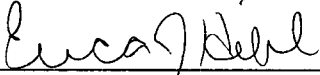
23. On information and belief, Applicant's proposed use of the alleged mark XYRONIUM is likely to and will blur and whittle away at the distinctiveness and identity-evoking quality of Opposer's PENTIUM and ITANIUM marks and its family of marks ending with the -IUM suffix.

The registration of Applicant's alleged XYRONIUM mark on the Principal Register would be inconsistent with Opposer's rights under the aforementioned registrations, applications, and common law, and would be damaging to Opposer.

WHEREFORE, Opposer requests that Application Serial No. 76/471,192 be rejected, and that no registration be issued in connection with this application, and that this opposition be sustained in favor of Opposer.

Respectfully submitted,

INTEL CORPORATION

By: 

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Attorneys for Opposer

Date: December 31, 2003

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CERTIFICATE OF EXPRESS MAIL	
NUMBER	<u>EL 910465649 US</u>
DATE OF DEPOSIT	<u>December 31, 2003</u>
I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514.	
	<u></u> Ro Renojo



Int. Cl.: 9

Prior U.S. Cl.: 26

United States Patent and Trademark Office

Reg. No. 1,834,434

Registered May 3, 1994

**TRADEMARK
PRINCIPAL REGISTER**

PENTIUM

INTEL CORPORATION (DELAWARE CORPORATION)
2200 MISSION COLLEGE BOULEVARD
SANTA CLARA, CA 950528119

FIRST USE 5-0-1993; IN COMMERCE
5-0-1993.

SN 74-291,248, FILED 7-2-1992.

FOR: COMPUTER HARDWARE; NAMELY,
MICROPROCESSORS, IN CLASS 9 (U.S. CL. 26).

MIDGE BUTLER, EXAMINING ATTORNEY

EXHIBIT A

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,173,650

United States Patent and Trademark Office

Registered July 14, 1998

**TRADEMARK
PRINCIPAL REGISTER**

PENTIUM

INTEL CORPORATION (DELAWARE CORPORATION)
2200 MISSION COLLEGE BOULEVARD
SANTA CLARA, CA 950528119

FOR: COMPUTER OPERATING SYSTEM SOFTWARE; COMPUTER OPERATING PROGRAMS; COMPUTER SYSTEM EXTENSIONS, TOOLS AND UTILITIES IN THE FIELD OF APPLICATION SOFTWARE FOR CONNECTING PERSONAL COMPUTERS, NETWORKS, TELECOMMUNICATIONS APPARATUS AND GLOBAL COMPUTER NETWORK APPLICATIONS; AUDIO AND VIDEO GRAPHICS FOR REAL TIME INFORMATION AND IMAGE TRANSFER, TRANSMISSION, RECEPTION, PROCESSING AND DIGITIZING; COMPUTER FIRMWARE; COMPUTER HARDWARE; COMPUTER PERIPHERALS; INTEGRATED CIRCUITS; INTEGRATED CIRCUIT CHIPS; SEMICONDUCTOR PROCESSORS; SEMICONDUCTOR PROCESSOR CHIPS; MICROPROCESSORS; PRINTED CIRCUIT BOARDS; ELECTRONIC CIRCUIT BOARDS; COMPUTER MEMORY DEVICES; SEMICONDUCTOR MEMORY DEVICES; VIDEO CIRCUIT BOARDS; AUDIO CIRCUIT BOARDS; AUDIO-

VIDEO CIRCUIT BOARDS; VIDEO GRAPHIC ACCELERATORS; MULTIMEDIA ACCELERATORS; VIDEO PROCESSORS; FAX/MODEMS; COMPUTER HARDWARE AND SOFTWARE FOR THE TRANSMISSION AND RECEIPT OF FACSIMILES; COMPUTER HARDWARE AND SOFTWARE FOR THE DEVELOPMENT, MAINTENANCE, AND USE OF LOCAL AND WIDE AREA COMPUTER NETWORKS; COMPUTER HARDWARE AND SOFTWARE FOR THE DEVELOPMENT, MAINTENANCE, AND USE OF INTERACTIVE AUDIO-VIDEO COMPUTER CONFERENCE SYSTEMS; COMPUTER HARDWARE AND SOFTWARE FOR THE RECEIPT, DISPLAY, AND USE OF BROADCAST VIDEO, AUDIO, AND DIGITAL DATA SIGNALS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 5-0-1993; IN COMMERCE 5-0-1993.

OWNER OF U.S. REG. NOS. 1,834,434 AND 1,941,172.

SN 75-160,172, FILED 9-4-1996.

SOPHIA F. KIM, EXAMINING ATTORNEY

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, and 50

Reg. No. 2,201,867

United States Patent and Trademark Office

Registered Nov. 3, 1998

**TRADEMARK
PRINCIPAL REGISTER**

PENTIUM

INTEL CORPORATION (DELAWARE CORPORATION)
2200 MISSION COLLEGE BOULEVARD
SANTA CLARA, CA 950528119

FOR: PRINTED MATERIALS, NAMELY, BOOKS, MAGAZINES, NEWSLETTERS, JOURNALS, OPERATING MANUALS, USERS GUIDES, PAMPHLETS, AND BROCHURES ABOUT, FOR USE WITH AND DIRECTED TO USERS OF, COMPUTER OPERATING SYSTEM SOFTWARE; COMPUTER OPERATING PROGRAMS; COMPUTER SYSTEM EXTENSIONS; COMPUTER SYSTEM TOOLS; COMPUTER SYSTEM UTILITIES; COMPUTER APPLICATION SOFTWARE; COMPUTER FIRMWARE; COMPUTER HARDWARE; COMPUTER PERIPHERALS; COMPUTER COMPONENTS; INTEGRATED CIRCUITS; INTEGRATED CIRCUIT CHIPS; SEMICONDUCTOR PROCESSORS; SEMICONDUCTOR PROCESSOR CHIPS; MICROPROCESSORS; PRINTED CIRCUIT BOARDS; ELECTRONIC CIRCUIT BOARDS; COMPUTER MEMORY DEVICES; SEMICONDUCTOR MEMORY DEVICES; VIDEO CIRCUIT BOARDS; AUDIO CIRCUIT BOARDS; AUDIO-VIDEO CIRCUIT BOARDS; VIDEO GRAPHIC ACCELERATORS; MULTIMEDIA

ACCELERATORS; VIDEO PROCESSORS; FAX/MODEMS; COMPUTER HARDWARE AND SOFTWARE FOR THE TRANSMISSION AND RECEIPT OF FACSIMILES; COMPUTER HARDWARE AND SOFTWARE FOR THE DEVELOPMENT, MAINTENANCE, AND USE OF LOCAL AND WIDE AREA COMPUTER NETWORKS; COMPUTER HARDWARE AND SOFTWARE FOR THE DEVELOPMENT, MAINTENANCE, AND USE OF INTERACTIVE AUDIO-VIDEO COMPUTER CONFERENCE SYSTEMS; COMPUTER HARDWARE AND SOFTWARE FOR THE RECEIPT, DISPLAY, AND USE OF BROADCAST VIDEO, AUDIO, AND DIGITAL DATA SIGNALS; AND COMPUTER HARDWARE AND SOFTWARE FOR DEVELOPMENT, TESTING, PROGRAMMING, AND PRODUCTION OF HARDWARE AND SOFTWARE, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 5-0-1993; IN COMMERCE 5-0-1993.

OWNER OF U.S. REG. NOS. 1,834,434 AND 1,941,172.

SN 75-160,171, FILED 9-4-1996.

SOPHIA S. KIM, EXAMINING ATTORNEY

Int. Cl.: 14

Prior U.S. Cls.: 2, 27, 28, and 50

Reg. No. 2,257,967

United States Patent and Trademark Office

Registered June 29, 1999

**TRADEMARK
PRINCIPAL REGISTER**

PENTIUM

INTEL CORPORATION (DELAWARE CORPORATION)
2200 MISSION COLLEGE BLVD.
SANTA CLARA, CA 95052

FOR: CLOCKS, BRACELETS, JEWELRY,
CHARMS, CUFF LINKS, EARRINGS, KEY
CHAINS, NECKLACES, NECKTIE FASTENERS,
LAPEL PINS, MONEY CLIPS, PEND-

ANTS, TIE PINS, TROPHIES AND WATCHES,
IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 4-0-1995; IN COMMERCE
4-0-1995.

SN 75-371,325, FILED 10-10-1997.

NANCY L. HANKIN, EXAMINING ATTORNEY

EXHIBIT D

Int. Cl.: 21

Prior U.S. Cls.: 2, 13, 23, 29, 30, 33, 40, and 50

Reg. No. 2,250,489

United States Patent and Trademark Office

Registered June 1, 1999

**TRADEMARK
PRINCIPAL REGISTER**

PENTIUM

INTEL CORPORATION (DELAWARE CORPORATION)
2200 MISSION COLLEGE BLVD.
SANTA CLARA, CA 95052

FIRST USE 4-0-1995; IN COMMERCE
4-0-1995.

SN 75-371,289, FILED 10-10-1997.

FOR: MUGS, SPORTS BOTTLES, IN CLASS
21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

NANCY L. HANKIN, EXAMINING ATTORNEY

EXHIBIT E

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 2,250,493

United States Patent and Trademark Office

Registered June 1, 1999

**TRADEMARK
PRINCIPAL REGISTER**

PENTIUM

INTEL CORPORATION (DELAWARE CORPORATION)
2200 MISSION COLLEGE BLVD.
SANTA CLARA, CA 95052

FOR: T-SHIRTS, SHIRTS, BEACHWEAR,
LOUNGEWEAR, BOXER SHORTS, SWEAT-
SHIRTS, SWEAT SUITS, COVERALLS, JACK-
ETS, PANTS, SHORTS, TIES, BANDANNAS,
HEADWEAR, FOOTWEAR, BOW TIES, CARDI-

GANS, GLOVES, HATS, JACKETS, JOGGING
SUITS, NECKTIES, POLO SHIRTS, SCARVES,
INFANT ROMPERS, VISORS, IN CLASS 25 (U.S.
CLS. 22 AND 39).

FIRST USE 4-0-1995; IN COMMERCE
4-0-1995.

SN 75-371,547, FILED 10-10-1997.

NANCY L. HANKIN, EXAMINING ATTORNEY

EXHIBIT F

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38, and 50

Reg. No. 2,261,579

United States Patent and Trademark Office

Registered July 13, 1999

**TRADEMARK
PRINCIPAL REGISTER**

PENTIUM

**INTEL CORPORATION (DELAWARE CORPORATION)
2200 MISSION COLLEGE BLVD.
SANTA CLARA, CA 95052**

**CHRISTMAS TREE ORNAMENTS, IN CLASS 28
(U.S. CLS. 22, 23, 38 AND 50).**

**FIRST USE 8-0-1997; IN COMMERCE
8-0-1997.**

SN 75-371,361, FILED 10-10-1997.

**FOR: TOYS, NAMELY, STUFFED TOYS;
PLUSH TOYS, DOLLS, BEAN BAGS, AND**

NANCY L. HANKIN, EXAMINING ATTORNEY

EXHIBIT G

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 1,941,172

Registered Dec. 12, 1995

TRADEMARK
PRINCIPAL REGISTER

pentium
P R O C E S S O R

INTEL CORPORATION (DELAWARE CORPORATION)
2200 MISSION COLLEGE BOULEVARD
SANTA CLARA, CA 950528119

FOR: COMPUTER HARDWARE, NAMELY
MICROPROCESSORS, IN CLASS 9 (U.S. CLS. 21,
23, 26, 36 AND 38).

FIRST USE 5-0-1993; IN COMMERCE
5-0-1993.

OWNER OF U.S. REG. NO. 1,834,434.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "PROCESSOR", APART FROM
THE MARK AS SHOWN.

SER. NO. 74-622,440, FILED 1-18-1995.

ADAM STRIEGEL, EXAMINING ATTORNEY

EXHIBIT H

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 2,337,151

United States Patent and Trademark Office

Registered Apr. 4, 2000

**TRADEMARK
PRINCIPAL REGISTER**

PENTIUM

INTEL CORPORATION (DELAWARE CORPORATION)
2200 MISSION COLLEGE BLVD.
SANTA CLARA, CA 95052

FOR: COMPUTERS; COMPUTER HARDWARE; COMPUTER FIRMWARE FOR USE IN OPERATING AND MAINTAINING THE COMPUTER SYSTEM; SEMICONDUCTORS; MICROPROCESSORS; INTEGRATED CIRCUITS; MICROCOMPUTERS; COMPUTER CHIPSETS; COMPUTER MOTHERBOARDS AND DAUGHTERBOARDS; COMPUTER GRAPHICS BOARDS; COMPUTER NETWORKING HARDWARE; COMPUTER NETWORK ADAPTORS, SWITCHES, ROUTERS AND HUBS; COMPUTER PERIPHERALS AND ELECTRONIC APPARATUS FOR USE WITH COMPUTERS; KEYBOARDS; TRACKBALLS; COMPUTER MOUSE DEVICES; COMPUTER INPUT DEVICES; COMPUTER MONITORS; VIDEO APPARATUS; VIDEO CIRCUIT BOARDS; APPARATUS AND EQUIPMENT FOR RECORDING, PROCESSING, RECEIVING, REPRODUCING, TRANSMITTING, MODIFYING, COMPRESSING, DECOMPRESSING, BROADCASTING, MERGING AND/OR ENHANCING SOUND, VIDEO IMAGES, GRAPHICS, AND DATA; ALGORITHM SOFTWARE PROGRAMS FOR THE OPERATION AND CONTROL OF COMPUTERS; COMPUTER COMPONENT TESTING AND CALIBRATING ELECTRONIC UNITS; SET-TOP BOXES, NAMELY, ELECTRONIC CONTROL BOXES FOR THE INTERFACE AND CONTROL OF COMPUTERS AND GLOBAL COMPUTER NETWORKS WITH TELEVISION AND CABLE

BROADCASTS AND EQUIPMENT; COMPUTER PROGRAMS FOR NETWORK MANAGEMENT; COMPUTER UTILITY PROGRAMS; COMPUTER OPERATING SYSTEM SOFTWARE; COMPUTER PROGRAMS FOR RECORDING, PROCESSING, RECEIVING REPRODUCING, TRANSMITTING, MODIFYING, COMPRESSING, DECOMPRESSING, BROADCASTING, MERGING, AND/OR ENHANCING SOUND, VIDEO IMAGES, GRAPHICS, AND DATA; COMPUTER PROGRAMS FOR WEB PAGE DESIGN; COMPUTER PROGRAMS FOR ACCESSING AND USING THE GLOBAL COMPUTER NETWORKS; TELECOMMUNICATIONS APPARATUS AND INSTRUMENTS; APPARATUS AND EQUIPMENT FOR USE IN VIDEO-CONFERRING, TELECONFERRING, DOCUMENT EXCHANGE AND EDITING; CAMERAS AND DIGITAL CAMERAS FOR USE WITH COMPUTERS; HEADSETS FOR USE WITH COMPUTERS, COMPUTER SOFTWARE, VIDEO-CONFERRING EQUIPMENT AND TELECONFERRING EQUIPMENT; PARTS, FITTINGS, AND TESTING APPARATUS FOR ALL THE AFORESAID GOODS; AND USER MANUALS FOR USE WITH, AND SOLD AS A UNIT WITH, ALL THE AFORESAID GOODS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 5-0-1993; IN COMMERCE 5-0-1993.

OWNER OF U.S. REG. NOS. 1,834,434 AND 1,941,172.

SER. NO. 75-412,487, FILED 12-31-1997.

NANCY J. HANKIN, EXAMINING ATTORNEY

Int. Cl.: 9

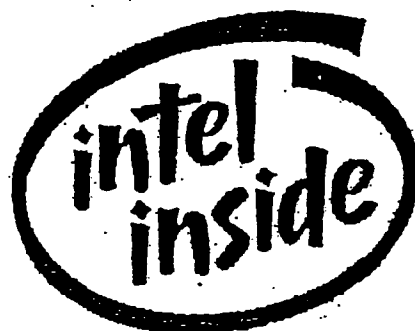
Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 2,377,327

Registered Aug. 15, 2000

TRADEMARK
PRINCIPAL REGISTER



pentium !!!

INTEL CORPORATION (DELAWARE CORPORATION)
2200 MISSION COLLEGE BOULEVARD
SANTA CLARA, CA 950528119

FOR: COMPUTER HARDWARE, INCLUDING INTEGRATED CIRCUITS, MICROPROCESSORS, AND OTHER SEMICONDUCTOR DEVICES; COMPUTERS; COMPUTER WORKSTATIONS; NOTEBOOK AND LAPTOP COMPUTERS; PORTABLE COMPUTERS;

MICROCOMPUTERS; SERVERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 2-0-1999; IN COMMERCE 2-0-1999.
OWNER OF U.S. REG. NOS. 1,702,463, 2,188,280 AND OTHERS.

SER. NO. 75-746,763, FILED 7-8-1999.

F. D. CARMINE, EXAMINING ATTORNEY

Int. Cl.: 9

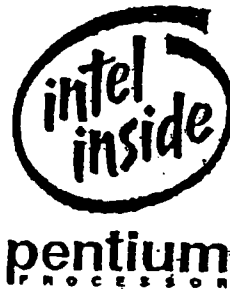
Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,155,197

United States Patent and Trademark Office

Registered May 5, 1998

TRADEMARK
PRINCIPAL REGISTER



INTEL CORPORATION (DELAWARE CORPORATION)
2200 MISSION COLLEGE BOULEVARD
SANTA CLARA, CA 950528119

FOR: COMPUTER HARDWARE, NAMELY,
MICROPROCESSORS, IN CLASS 9 (U.S. CLS. 21,
23, 26, 36 AND 38).

FIRST USE 5-0-1993; IN COMMERCE
5-0-1993.

OWNER OF U.S. REG. NOS. 1,702,463,
1,705,796, AND 1,941,172.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "PROCESSOR", APART FROM
THE MARK AS SHOWN.

SN 74-716,085, FILED 8-8-1995.

K. MARGARET LE, EXAMINING ATTORNEY

Int. Cl.: 18

Prior U.S. Cls.: 1, 2, 3, 22, and 41

Reg. No. 2,250,490

United States Patent and Trademark Office

Registered June 1, 1999

**TRADEMARK
PRINCIPAL REGISTER**

PENTIUM

INTEL CORPORATION (DELAWARE CORPORATION)
2200 MISSION COLLEGE BLVD.
SANTA CLARA, CA 95052

BAGS, FANNY PACKS, UMBRELLAS, IN
CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).
FIRST USE 5-0-1998; IN COMMERCE
5-0-1998.

SN 75-371,290, FILED 10-10-1997.

FOR: TRAVEL BAGS, LUGGAGE, SCHOOL
BAGS, BACK PACKS, BEACH BAGS, DUFFEL

NANCY L. HANKIN, EXAMINING ATTORNEY

EXHIBIT L

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, and 50

Reg. No. 2,369,082

United States Patent and Trademark Office

Registered July 18, 2000

**TRADEMARK
PRINCIPAL REGISTER**

PENTIUM

INTEL CORPORATION (DELAWARE CORPORATION)
2200 MISSION COLLEGE BLVD.
SANTA CLARA, CA 95052

FOR: BINDERS, BOOKENDS, BOOKMARKERS,
BOXES FOR PENS, CALENDERS, TABLETS, NOTE
CARDS AND PLAYING CARDS, SELF-ADHESIVE
PADS, DESK PADS, AND CALENDER PADS, PENS,
PENCILS, FOLDERS, PAPERWEIGHTS, PENCIL AND

PENCIL HOLDERS, PHOTOGRAPH STANDS, RULERS,
GIFT WRAP, ERASERS, MARKERS, CRAYONS,
CHALK, DESK SETS, DESK ORGANIZERS, BUMPER
STICKERS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23,
29, 37, 38 AND 50).

FIRST USE: 4-0-1997; IN COMMERCE 4-0-1997.

SN. 75-371,273, FILED 10-10-1997.

NANCY L. HANKIN, EXAMINING ATTORNEY

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 2,547,564

Registered Mar. 12, 2002

**SERVICE MARK
PRINCIPAL REGISTER**

PENTIUM

INTEL CORPORATION (DELAWARE CORPORATION)
2200 MISSION COLLEGE BOULEVARD
SANTA CLARA, CA 950528119

FOR: INSTALLATION, MAINTENANCE, AND UPDATING OF COMPUTER SOFTWARE; CONSULTING SERVICES IN THE FIELD OF COMPUTER NETWORKS, COMPUTER SYSTEMS, AND COMMUNICATIONS-RELATED EQUIPMENT AND SOFTWARE; PROVIDING INFORMATION IN THE FIELD OF COMPUTER TECHNOLOGY VIA THE GLOBAL COMPUTER NETWORK; PROVIDING ON-LINE PUBLICATIONS, NAMELY, BOOKS, INFORMATIONAL BROCHURES, WHITE PAPERS, CATALOGS AND PAMPHLETS IN THE FIELDS OF COMPUTER AND INFORMATION

TECHNOLOGY; DESIGNING AND DEVELOPING STANDARDS FOR OTHERS IN THE MANUFACTURE, DESIGN, AND IMPLEMENTATION OF COMPUTER SOFTWARE, COMPUTER HARDWARE, AND TELECOMMUNICATIONS EQUIPMENT, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 1-0-1999; IN COMMERCE 1-0-1999.

OWNER OF U.S. REG. NOS. 1,834,434 AND 1,941,172.

SN 75-412,486, FILED 12-31-1997.

PAUL F. GAST, EXAMINING ATTORNEY

EXHIBIT N

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 2,562,173

Registered Apr. 16, 2002

**TRADEMARK
PRINCIPAL REGISTER**

ITANIUM

INTEL CORPORATION (DELAWARE CORPORATION)
2200 MISSION COLLEGE BLVD.
SANTA CLARA, CA 95052

FOR: COMPUTER OPERATING SYSTEM SOFTWARE; COMPUTER OPERATING PROGRAMS; COMPUTER SYSTEM EXTENSIONS, TOOLS AND UTILITIES IN THE FIELD OF APPLICATION SOFTWARE FOR CONNECTING PERSONAL COMPUTERS, NETWORKS, TELECOMMUNICATIONS APPARATUS AND GLOBAL COMPUTER NETWORK APPLICATIONS; AUDIO AND VIDEO GRAPHICS FOR REAL TIME INFORMATION AND IMAGE TRANSFER, TRANSMISSION, RECEPTION, PROCESSING AND DIGITIZING; COMPUTER FIRMWARE; COMPUTER HARDWARE; COMPUTER PERIPHERALS; INTEGRATED CIRCUITS; INTEGRATED CIRCUIT CHIPS; SEMICONDUCTOR PROCESSORS; SEMICONDUCTOR PROCESSOR CHIPS; MICROPROCESSORS; PRINTED CIRCUIT BOARDS; ELECTRONIC CIRCUIT BOARDS; COMPUTER MEMORY DEVICES; SEMICONDUCTOR MEMORY DEVICES; VIDEO CIRCUIT BOARDS; AUDIO CIRCUIT BOARDS; AUDIO VIDEO CIRCUIT BOARDS; VIDEO GRAPHIC ACCELERA-

TORS; MULTIMEDIA ACCELERATORS; VIDEO PROCESSORS; FAX/MODEMS; COMPUTER HARDWARE AND SOFTWARE FOR THE TRANSMISSION AND RECEIPT OF FACSIMILES; COMPUTER HARDWARE AND SOFTWARE FOR THE DEVELOPMENT, MAINTENANCE, AND USE OF LOCAL AND WIDE AREA COMPUTER NETWORKS; COMPUTER HARDWARE AND SOFTWARE FOR THE DEVELOPMENT, MAINTENANCE, AND USE OF INTERACTIVE AUDIO-VIDEO COMPUTER CONFERENCE SYSTEMS; COMPUTER HARDWARE AND SOFTWARE FOR THE RECEIPT, DISPLAY, AND USE OF BROADCAST VIDEO, AUDIO, AND DIGITAL DATA SIGNALS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 5-29-2001; IN COMMERCE 5-29-2001.

PRIORITY CLAIMED UNDER SEC. 44(D) ON FED REP GERMANY APPLICATION NO. 39853087.4, FILED 9-16-1998, DATED 0-0-0000.

SN 75-660,120, FILED 3-15-1999.

ODESSA BIBBINS, EXAMINING ATTORNEY

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December 31, 2003

Via Express Mail No.: EL 910465649 US

Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3514

RE: *Notice of Opposition*
Mark: XYRONIUM
Serial No.: 76,471,192
Filing Date: November 29, 2002
Publication Date: August 5, 2003
Applicant: Xyron Corporation
Potential Opposer: Intel Corporation
File No.: 13466.0379.00US00

Dear Madam:

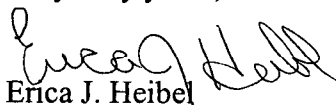
Enclosed for filing are:

1. This letter (in duplicate),
2. Notice of Opposition (2 extra copies),
3. A self-addressed stamped postcard to evidence receipt of this Notice of Opposition.

The Commissioner for Trademarks is hereby authorized to draw on the deposit account No. 08-3038, Order No. 11355.0158.00US00/Erica Heibel for any necessary fees.

Please return the enclosed postcard to evidence receipt of the Notice of Opposition.

Very truly yours,


Erica J. Heibel

Enclosures

cc: Dawn Franza
Olga Rapoport



01-05-2004

U.S. Patent & TMO/TM Mail Rpt Dt. #57