

ESTTA Tracking number: **ESTTA19478**

Filing date: **11/17/2004**

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

### Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

#### Opposer Information

<b>Name</b>	Sierra Entertainment, Inc.
<b>Granted to Date of previous extension</b>	11/17/2004
<b>Address</b>	14205 SE 36th Street Suite 220 Bellevue, WA 98006 UNITED STATES

<b>Correspondence information</b>	Sierra Entertainment, Inc. 14205 SE 36th Street Suite 220 Bellevue, WA 98006 UNITED STATES rod.rigole@vugames.com, stacey.gordon@vugames.com Phone:310.431.4334
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#### Applicant Information

<b>Application No</b>	76010696	<b>Publication date</b>	07/20/2004
<b>Opposition Filing Date</b>	11/17/2004	<b>Opposition Period Ends</b>	11/17/2004
<b>Applicant</b>	SIERRA SYSTEMS GROUP INC. 1177 West Hastings Street, Suite 1400 Vancouver, British Columbia V6E 2K3,		

CANADA
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**Goods/Services Affected by Opposition**

Class 009. First Use: 19801100First Use In Commerce: 19801100

All goods and services in the class are opposed, namely: Computer software for managing information in the fields of healthcare, law enforcement, judicial systems, financial services, insurance and government

Class 035. First Use: 19801100First Use In Commerce: 19801100

All goods and services in the class are opposed, namely: Business management consulting services in the field of information technology, namely assisting others in the design, selection, implementation and use of computer hardware and software systems in the fields of healthcare, law enforcement, judicial systems, financial services, insurance and government

<b>Attachments</b>	Sierra Systems Group Opposition.pdf ( 3 pages )
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<b>Signature</b>	/rod a rigole/
<b>Name</b>	Sierra Entertainment, Inc.
<b>Date</b>	11/17/2004

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

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Sierra Entertainment, Inc.	:	
	:	Opposition No.:
Opposer,	:	
v.	:	
	:	Serial No. : 76/010,696
Sierra Systems Group Inc.	:	
	:	
Applicant.	:	

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NOTICE OF OPPOSITION

Sierra Entertainment, Inc., a Delaware corporation located at 14205 SE 36th Street, Suite 220, Bellevue, Washington 98006 (“Opposer”), believes it will be damaged by the registration of the mark SIERRA, Application Serial No. 76/010,696 (“Applicant’s Mark”) filed on March 27, 2000 by Sierra Systems Group Inc., a Canadian corporation located at 1177 West Hastings Street, Suite 1400, Vancouver, British Columbia V6E 2K3, Canada (“Applicant”) for the following goods:

Computer software for managing information in the fields of healthcare, law enforcement, judicial systems, financial services, insurance and government;

Business management consulting services in the field of information technology, namely assisting others in the design, selection, implementation and use of computer hardware and software systems in the fields of healthcare, law enforcement, judicial systems, financial services, insurance and government.

This application was published on July 20, 2004. Opposer, as a result, hereby opposed the registration of Applicant's Mark.

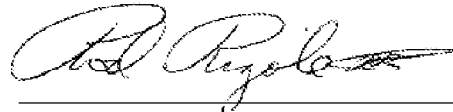
As grounds for opposition it is alleged that:

1. Since at least as early as 1984, Opposer has continuously produced and sold computer software, electronic games, education software, personal productivity software and other educational and entertainment related goods bearing the mark SIERRA ("Opposer's Mark"). By virtue of the sale, advertising, promotion and distribution of products bearing Opposer's Mark, this mark is widely recognized by the purchasing public as identifying Opposer.
2. Opposer's Mark is registered in the United States Patent & Trademark Office, No. 2,460,623 issued June 19, 2001 for computer educational programs for teaching computer skills, reading, pre-reading skills, speaking, foreign languages, writing, typing, math, science, history, geography, ecology, problem solving and comprehension; computer game and entertainment programs and 2,472,580 issued July 31, 2001 for computer programs, namely, screen savers.
3. Applicant's Mark is identical to Opposer's Mark.
4. The goods identified by Applicant's Mark are related to the goods identified by Opposer's Mark.
5. The goods in Applicant's Mark are capable of being marketed through the same channels of trade to the same classes of prospective purchasers as the goods in Opposer's Mark.
6. Opposer's filing dates of its Marks predate the filing date of Applicant's Mark.
7. Based on Opposer's understanding of Applicant's Mark and the use thereof, it is Opposer's belief that Applicant's Mark is confusingly similar to Opposer's Mark and its use and registration is likely to deceive and cause mistake or confusion among members of the public as to the source of Applicant's goods within the meaning of 15 U.S.C. §1052(d).

8. As a result of the foregoing, Opposer will be damaged within the meaning of 15 U.S.C. §1063.

Wherefore, Opposer prays that this opposition be sustained and that registration of Application Serial No. 76/010,696 be denied.

Respectfully submitted,



Dated: November 17, 2004

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