

ESTTA Tracking number: **ESTTA46098**

Filing date: **09/23/2005**

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

| | |
|--|--|
| Name | ACI Worldwide, Inc. |
| Granted to Date of previous extension | 09/24/2005 |
| Address | 330 South 108th Avenue Omaha, NE 68154 UNITED STATES |

| | |
|-----------------------------|--|
| Attorney information | Jill Robb Ackerman Baird, Holm, McEachen, Pedersen, Hamann & Strasheim LLP 1500 Woodmen Tower Omaha, NE 68102 UNITED STATES jrackerman@bairdholm.com, gderrick@bairdholm.com Phone:(402) 344-0500 |
|-----------------------------|--|

Applicant Information

| | | | |
|-----------------------------------|------------|-----------------------------------|------------|
| Application No | 76277540 | Publication date | 07/26/2005 |
| Opposition Filing Date | 09/23/2005 | Opposition Period Ends | 09/24/2005 |
| International Registration | NONE | International Registration | NONE |

| No. | Date |
|------------------|---|
| Applicant | Autonomy Corporation PLC Cambridge Business Park Cowley Road Cambridge CB4 0WZ, UNITED KINGDOM |

Goods/Services Affected by Opposition

Class 009.

All goods and services in the class are opposed, namely: computer software that automates the processing of unstructured, semi-structured and structured information and data, namely, computer software used for management of information stored in databases, E-mail archives, document management systems, multimedia files, intranet sites, Internet sites and contained in telephone or voicemail messages, and for identifying concepts and topics contained in such information; computer software that analyzes concepts contained in information stored in databases, e-mail archives, document management systems, multimedia files, intranet sites, Internet sites and contained in telephone or voicemail messages and for creating summaries of that information based on the concepts identified; computer software for creating and inserting metatags into documents and information stored in databases, e-mail archives, document management systems, multimedia files, intranet sites, Internet sites, telephone or voicemail messages to facilitate operation of search engine software; computer software for creating and inserting hyperlinks connecting conceptually or topically related documents and information stored in databases, e-mail archives, document management systems, multimedia files, intranet sites, Internet sites, telephone or voicemail messages; computer database software for creating, maintaining, and updating databases containing information stored in email archives, document management systems, multimedia files, intranet sites, Internet sites, telephone or voicemail messages; computer database searching software that allows users to search and retrieve information stored in databases, e-mail archives, document management systems, multimedia files, intranet sites, Internet sites, telephone or voicemail messages; computer software for analyzing and generating summaries of information stored in databases, e-mail archives, document management systems, multimedia files, intranet sites, Internet sites and contained in telephone or voicemail messages; computer software that creates, updates and maintains profiles of users of local, wide-area, and global computer networks and delivers information from databases, e-mail archives, document management systems, multimedia files, intranet sites, Internet sites and contained in telephone or voicemail messages based on those profiles; computer software that transmits information from computer network servers, intranets and the Internet to desktop computers, mobile telephones, personal digital assistants, and portable digital communication devices; computer software that creates, updates and maintains customized portal sites for users of local, wide-area and global computer networks; computer software for customer relationship management namely, for receiving customer inquiries via telephone and email, automatically identifying concepts and topics contained in those inquiries, automatically generating a

response to those inquiries, and forwarding those inquiries to an appropriate technical advisor; computer software for human resources management, namely, for receiving employee inquiries via telephone and email, automatically identifying concepts and topics contained in those inquiries, and automatically generating a response to those inquiries; speech recognition computer software; text recognition computer software; image recognition computer software; computer operating system software; computer software for use in data retrieval, management and delivery in knowledge management new media, customer relationship management, online and off-line publishing and e-commerce computer software applications; computer software for providing on-line and off-line navigation of the global computer information network and for running web-site searches; computer software for performing concept matching, namely, searching data and returning references to documents that are conceptually related to the content identified as the initial reference; computer software used to develop computer programs for managing multimedia content customer service, on-line and off-line publishing and electronic commerce; computer software for creating, maintaining and updating software agents that automatically and systematically conduct searches of databases, intranets and the Internet; computer search engine software; computer software used for conducting standard text searches; computer programs that allow other computer programs to adapt their behavior according to a user's instructions or responses by personalizing and profiling for individual end-users the retrieval, management, and delivery of data in knowledge management, new media, customer relationship management, and e-commerce computer software applications; computer software used to create and manage Internet and intranet portal sites; computer software for management and processing of electronic commerce transactions; computer software used to retrieve information about current events, business, and sports from databases, Internet, intranets and other computer networks and transmitting the same to users via computer data networks, mobile telephones, personal digital assistants, and portable digital communication devices; computer software for email management; computer software that alerts users of computer networks to the existence of and contact information for other users with common interests; software for analyzing data contained in email archives, document management systems, multimedia files, intranet sites, Internet sites, telephone or voicemail messages

Class 035.

All goods and services in the class are opposed, namely: Licensing computer software

Class 042.

All goods and services in the class are opposed, namely: Computer services, namely, search engine services; leasing and rental of computer software; computer services, namely, providing temporary use of on-line non-downloadable computer software for automating information management, namely, for analyzing information stored in databases, e-mail archives, document management systems, multimedia files, intranet sites, Internet sites and contained in telephone or voicemail messages, and identifying concepts and topics contained in such information; computer services, namely, providing temporary use of on-line non-downloadable computer software used to create and insert metatags into documents and information stored in databases, email archives, document

management systems, multimedia files, intranet sites, Internet sites, telephone or voicemail messages to facilitate operation of search engine software; computer services, namely, providing temporary use of on-line non-downloadable computer software for creating and inserting hyperlinks connecting conceptually or topically related documents and information stored in databases, e-mail archives, document management systems, multimedia files, intranet sites, Internet sites, telephone or voicemail messages; providing temporary use of on-line non-downloadable computer database software; computer services, namely, providing temporary use of on-line non-downloadable computer database searching software that allows users to search and retrieve information stored in databases, e-mail archives, document management systems, multimedia files, intranet sites, Internet sites, telephone or voicemail messages; computer services, namely, providing temporary use of on-line non-downloadable computer software for analyzing and generating summaries of information stored in databases, e-mail archives, document management systems, multimedia files, intranet sites and contained in telephone or voicemail messages; computer services, namely, providing temporary use of on-line non-downloadable computer software that creates, updates and maintains profiles of users of local, wide-area, and global computer networks and delivers information from databases, email archives, document management systems, multimedia files, intranet sites, Internet sites and contained in telephone or voicemail messages based on those profiles; computer services, namely, providing temporary use of on-line non-downloadable computer software that transmits information from computer network servers, intranets and the Internet to desktop computers, mobile telephones, personal digital assistants, and portable digital communication devices; computer services, namely, providing temporary use of on-line non-downloadable computer software that creates, updates and maintains customized portal sites for users of local, wide-area and global computer networks; computer services, namely, providing temporary use of on-line non-downloadable computer software for customer relationship management, namely, for receiving customer inquiries via telephone and email, automatically identifying concepts and topics contained in those inquiries, automatically generating a response to those inquiries, and forwarding those inquiries to an appropriate technical advisor; computer services, namely, providing temporary use of on-line non-downloadable computer software for human resources management, namely, for receiving employee inquiries via telephone and email, automatically identifying concepts and topics contained in those inquiries, and automatically generating a response to those inquiries; computer services, namely, providing temporary use of on-line non-downloadable speech recognition computer software; computer services, namely, providing temporary use of on-line non-downloadable text recognition computer software; computer services, namely, providing temporary use of on-line non-downloadable image recognition computer software; computer services, namely, providing temporary use of on-line non-downloadable computer operating system software; computer services, namely, providing temporary use of on-line non-downloadable computer software for use in data retrieval, management and delivery in knowledge management, new media, customer relationship management, on-line publishing and e-commerce computer software applications; computer services, namely, providing temporary use of on-line non-downloadable computer software for providing on-line navigation of the global computer information network and for running web-site

searches; computer services, namely, providing temporary use of on-line non-downloadable computer software for performing concept matching, namely, searching data and returning references to documents that are conceptually related to the content identified as the initial reference; computer services, namely, providing temporary use of on-line non-downloadable computer software used to develop computer programs for managing multimedia content, customer service, on-line publishing and electronic commerce; computer services, namely, providing temporary use of on-line non-downloadable computer software for creating, maintaining and updating software agents that automatically and systematically conduct searches of databases, intranets and the Internet; computer services, namely, providing temporary use of on-line non-downloadable computer search engine software; computer services, namely, providing temporary use of on-line non-downloadable computer software used for conducting standard text searches; computer services, namely, providing temporary use of on-line non-downloadable computer programs that allow other computer programs to adapt their behavior according to a user's instructions or responses by personalizing and profiling for individual end-users the retrieval, management, and delivery of data in knowledge management, new media, customer relationship management, and e-commerce computer software applications; computer services, namely, providing temporary use of on-line non-downloadable computer software used to create and manage Internet and intranet portal sites; computer services, namely, providing temporary use of on-line non-downloadable computer software for management and processing of electronic commerce transactions; computer services, namely, providing temporary use of on-line non-downloadable computer software used to retrieve information about current events, business, and sports from databases, Internet, intranets and other computer networks and transmitting the same via computer data networks, mobile telephones, personal digital assistants and other portable digital communication devices; computer services, namely, providing temporary use of on-line non-downloadable computer software for email management; computer services, namely, providing temporary use of on-line non-downloadable computer software that alerts users of computer networks to the existence of and contact information for other users with common interests; computer services, namely, providing temporary use of on-line non-downloadable computer software for data analysis; computer consultation; computer software design for others; maintenance of computer software and programs for others; installation of computer software and programs for others; rental of computer software; computer software design services and consulting services in the fields of knowledge management, new media, and e-commerce computer software applications that provide information via the global computer information network, mobile telephones, personal digital assistants and portable digital communication devices; computer services for concept matching, namely searching for data on computer networks, intranets and the Internet and identifying conceptually related documents available on computer networks, intranets and the Intranet; computer services, namely, creating, updating, maintaining and providing temporary use of on-line non-downloadable software used to create, update and maintain computer software agents that conduct user-specified text searches on an automatic and systematic basis; computer services, namely, designing, maintaining and updating computer software used to navigate the Internet and conduct searches on websites; website design and hosting services for others; database searching services for others; providing design,

development, customization, implementation and maintenance services in respect of knowledge management, new media, e-commerce, on-line publishing, e-mail routing, business intelligence, enterprise information portals, customer relationship and document management software

| | |
|--------------------|---------------------------------------|
| Attachments | Notice of Opposition.pdf (15 pages) |
|--------------------|---------------------------------------|

| | |
|------------------|----------------------|
| Signature | /Jill Robb Ackerman/ |
| Name | Jill Robb Ackerman |
| Date | 09/23/2005 |

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

In the matter of trademark application Serial No. 76/277540
Applicant: Autonomy Corporation PLC
For the mark: ACI
Published in the *Official Gazette* on July 26, 2005

ACI WORLDWIDE INC.
Opposer,

v.

AUTONOMY CORPORATION PLC
Applicant.

NOTICE OF OPPOSITION

In the matter of the application of Autonomy Corporation PLC (hereinafter the "Applicant") for registration of the mark ACI, Application Serial No. 76/277540, published in the *Official Gazette* on July 26, 2005 (hereinafter the "Proposed Mark"), ACI Worldwide Inc. (hereinafter the "Opposer"), believes that it will be damaged by registration of the Proposed Mark and hereby opposes the same.

Pursuant to 15 U.S.C. §§ 1052, 1053, 1063 and 1125 of the Lanham Act and 37 C.F.R. §§ 2.101 and 2.104, and predicated upon the following grounds, Opposer alleges as follows:

1. Opposer is a corporation duly organized and existing under the laws of Nebraska, having its principal place of business at 330 South 108th Avenue, Omaha, Nebraska 68154.

2. Opposer is the owner of the mark ACI and design, Registration No. 2,420,572, in International Classes 09, 35 and 42 (the "Registered Mark") (a copy of the TESS printout for this registration is attached hereto as Exhibit A). Opposer offers, among other things, computer software for management and processing of financial transactions in the field of banking and finance, electronic funds transfer and home banking, computer software design

for others, consultation services and distributorship services in the field of computer software and other closely related products and services under the Registered Mark.

3. Opposer began promoting its products and services under the Registered Mark as early as 1991, and has continuously used the Registered Mark in interstate commerce for more than fourteen (14) years to manufacture, distribute, exhibit and advertise the goods and services identified in paragraph 2 and has created valuable goodwill in the Registered Mark. On information and belief, Opposer's first use of the Registered Mark long predates Applicant's first use of the Proposed Mark. Furthermore, it should be noted that Opposer is the owner of the mark ACI Applied Communications Inc. and design, Registration No. 1,375,170, in International Class 42. Opposer began using this mark in commerce on March 31, 1981, in conjunction with the custom design of computer software and distributorship services in the field of computer software (a copy of the TESS printout for this registration is attached hereto as Exhibit B). Although Opposer is no longer using this mark in commerce, the existence of this mark and its registration evidences the fact that Opposer has been using the "ACI" mark in some form for approximately twenty five (25) years. Additionally, registration of this mark puts Applicant on constructive notice of Opposer's use of and goodwill in all of its "ACI" marks.

4. Opposer was incorporated in 1975 and now has over 1,100 employees worldwide and operates in principal cities throughout the world. Opposer's branded products and services, including those identified by the Registered Mark, are used by more than 500 customers in over 70 countries, including 100 of the Top 500 banks in the world, 27 of the Top 100 global retailers and some of the largest global electronic payment processors and networks. Opposer's customers processed nearly 40 billion transactions in 2004.

5. Opposer has invested large sums of money in advertising, exhibiting, marketing, promoting and otherwise impressing upon the trade and purchasing public that the Registered Mark belongs to the Opposer and that the Opposer has the sole right to sell its products and services identified in paragraph 2 under its Registered Mark. Moreover, Opposer and its Registered Mark have been featured extensively in the press both in the United States and internationally. Consequently, the trade and purchasing public recognizes the Registered Mark and associates the Registered Mark with the products and services offered by Opposer. Opposer's goods and services bearing the Registered Mark have acquired a high reputation for quality, service and utility and Opposer has continuously used the Registered Mark as the dominant term in the operation of its business, and therefore, the Registered Mark has also acquired a high reputation in the business world.

6. Since its initial adoption and use of the Registered Mark, Opposer has made a substantial investment in advertising and marketing its products and services under this mark. Opposer has extensively used, advertised, promoted and offered for sale Opposer's products and services under the Registered Mark through various channels of trade and commerce. As a result of Opposer's extensive use and promotion of the Registered Mark and the extensive sales of goods and services under the Registered Mark, the Registered Mark has become famous.

7. On information and belief, on June 28, 2001, Applicant filed an intent to use application for the Proposed Mark for the following goods and services:

Class 09 – Computer software that automates the processing of unstructured, semi-structured and structured information and data, namely, computer software used for management of information stored in databases, email archives, document management systems, multimedia files, intranet sites, Internet sites and contained in telephone or voicemail messages, and for identifying concepts and topics contained in such information; computer software that analyzes concepts contained in information stored in databases, email archives, document management systems, multimedia files, intranet sites, Internet sites and contained in telephone or voicemail messages and for creating summaries of that information based on the concepts identified; computer software for creating and inserting metatags into documents and information stored in databases, email archives, document management systems, multi-media files, intranet sites, Internet

sites, telephone or voicemail messages to facilitate operation of search engine software; computer software for creating and inserting hyperlinks connecting conceptually or topically related documents and information stored in databases, email archives, document management systems, multimedia files, intranet sites, Internet sites, telephone or voicemail messages; computer database software for creating, maintaining, and updating databases containing information stored in email archives, document management systems, multimedia files, intranet sites, Internet sites, telephone or voicemail messages; computer database searching software that allows users to search and retrieve information stored in databases, email archives, document management systems, multimedia files, intranet sites, Internet sites, telephone or voicemail messages; computer software for analyzing and generating summaries of information stored in databases, email archives, document management systems, multimedia files, intranet sites, Internet sites and contained in telephone or voicemail messages; computer software that creates, updates and maintains profiles of users of local, wide-area, and global computer networks and delivers information from databases, email archives, document management systems, multimedia files, intranet sites, Internet sites and contained in telephone or voicemail messages based on those profiles; computer software that transmits information from computer network servers, intranets and the Internet to desktop computers, mobile telephones, personal digital assistants, and portable digital communication devices; computer software that creates, updates and maintains customized portal sites for users of local, wide-area and global computer networks; computer software for customer relationship management namely, for receiving customer inquiries via telephone and email, automatically identifying concepts and topics contained in those inquiries, automatically generating a response to those inquiries, and forwarding those inquiries to an appropriate technical advisor; computer software for human resources management, namely, for receiving employee inquiries via telephone and email, automatically identifying concepts and topics contained in those inquiries, and automatically generating a response to those inquiries; speech recognition computer software; text recognition computer software; image recognition computer software; computer operating system software; computer software for use in data retrieval, management and delivery in knowledge management new media, customer relationship management, on-line and off-line publishing and e-commerce computer software applications; computer software for providing on-line and off-line navigation of the global computer information network and for running web-site searches; computer software for performing concept matching, namely, searching data and returning references to documents that are conceptually related to the content identified as the initial reference; computer software used to develop computer programs for managing multimedia content customer service, on-line and off-line publishing and electronic commerce; computer software for creating, maintaining and updating software agents that automatically and systematically conduct searches of databases, intranets and the Internet; computer search engine software; computer software used for conducting standard text searches; computer programs that allow other computer programs to adapt their behavior according to a user's instructions or responses by personalizing and profiling for individual end-users the retrieval, management, and delivery of data in knowledge management, new media, customer relationship management, and e-commerce computer software applications; computer software used to create and manage Internet and intranet portal sites; computer software for management and processing of electronic commerce transactions; computer software used to retrieve information about current events, business, and sports from databases, Internet, intranets and other computer networks and transmitting the same to users via computer data networks, mobile telephones, personal digital assistants, and portable digital communication devices; computer software for email management; computer software that alerts users of computer networks to the existence of and contact information for other users with common interests; software for analyzing data contained in email archives, document management systems, multimedia files, intranet sites, Internet sites, telephone or voicemail messages.

Class 35 – Licensing computer software.

Class 42 – Computer services, namely, search engine services; leasing and rental of computer software; computer services, namely, providing temporary use of on-line non-downloadable computer software for automating information management, namely, for analyzing information stored in databases, email archives, document management systems, multimedia files, intranet sites, Internet sites and contained in telephone or voicemail messages, and identifying concepts and topics contained in such information; computer services, namely, providing temporary use of on-line non-downloadable computer software used to create and insert metatags into documents and information stored in databases, email archives, document management systems, multimedia files, intranet sites, Internet sites, telephone or voicemail messages to facilitate operation of search engine software; computer services, namely, providing temporary use of on-line non-downloadable computer software for creating and inserting hyperlinks connecting conceptually or topically related documents and information stored in databases, email archives, document management systems, multimedia files, intranet sites, Internet sites, telephone or voicemail message; providing temporary use of on-line non-downloadable computer database software; computer services, namely, providing temporary use of on-line non-downloadable computer database searching software that allows users to search and retrieve information stored in databases, email archives, document management systems, multimedia files, intranet sites, Internet sites, telephone or voicemail messages; computer services, namely, providing temporary use of on-line non-downloadable computer software for analyzing and generating summaries of information stored in databases, email archives, document management systems, multimedia files, intranet sites, Internet sites and contained in telephone or voicemail messages; computer services, namely, providing temporary use of on-line non-downloadable computer software that creates, updates and maintains profiles of users of local, wide-area, and global computer networks and delivers information from databases, email archives, document management systems, multimedia files, intranet sites, Internet sites and contained in telephone or voicemail messages based on those profiles; computer services, namely, providing temporary use of on-line non-downloadable computer software that transmits information from computer network servers, intranets and the Internet to desktop computers, mobile telephones, personal digital assistants, and portable digital communication devices; computer services, namely, providing temporary use of on-line non-downloadable computer software that creates, updates and maintains customized portal sites for users of local, wide-area and global computer networks; computer services, namely, providing temporary use of on-line non-downloadable computer software for customer relationship management, namely, for receiving customer inquiries via telephone and email, automatically identifying concepts and topics contained in those inquiries, automatically generating a response to those inquiries, and forwarding those inquiries to an appropriate technical advisor; computer services, namely, providing temporary use of on-line non-downloadable computer software for human resources management, namely, for receiving employee inquiries via telephone and email, automatically identifying concepts and topics contained in those inquiries, and automatically generating a response to those inquiries; computer services, namely, providing temporary use of on-line non-downloadable speech recognition computer software; computer services, namely, providing temporary use of on-line non-downloadable text recognition computer software; computer services, namely, providing temporary use of on-line non-downloadable image recognition computer software; computer services, namely, providing temporary use of on-line non-downloadable computer operating system software; computer services, namely, providing temporary use of on-line non-downloadable computer software for use in data retrieval, management and delivery in knowledge management, new media, customer relationship management, on-line publishing and e-commerce computer software applications; computer services, namely, providing temporary use of on-line non-downloadable computer software for providing on-line navigation of the global computer information network and for running web-site searches; computer services, namely, providing

temporary use of on-line non-downloadable computer software for performing concept matching, namely, searching data and returning references to documents that are conceptually related to the content identified as the initial reference; computer services, namely, providing temporary use of on-line non-downloadable computer software used to develop computer programs for managing multimedia content, customer services, on-line publishing and electronic commerce; computer services namely, providing temporary use of on-line non-downloadable computer software for creating, maintaining and updating software agents that automatically and systematically conduct searches of databases, intranets and the Internet; computer services, namely, providing temporary use of on-line non-downloadable computer search engine software; computer services, namely, providing temporary use of on-line non-downloadable computer software used for conducting standard text searches; computer services, namely, providing temporary use of on-line non-downloadable computer programs that allow other computer programs to adapt their behavior according to a user's instructions or responses by personalizing and profiling for individual end-users the retrieval, management, and delivery of data in knowledge management, new media, customer relationship management, and e-commerce computer software application; computer services, namely, providing temporary use of on-line non-downloadable computer software used to create and manage Internet and intranet portal sites; computer services, namely, providing temporary use of on-line non-downloadable computer software for management and processing of electronic commerce transactions; computer services, namely, providing temporary use of on-line non-downloadable computer software used to retrieve information about current events, business, and sports from databases, Internet, intranets and other computer networks and transmitting the same via computer data networks, mobile telephones, personal digital assistants and other portable digital communication devices; computer services, namely, providing temporary use of on-line non-downloadable computer software for email management; computer services, namely, providing temporary use of on-line non-downloadable computer software that alerts users of computer networks to the existence of and contact information for other users with common interests; computer services, namely, providing temporary use of on-line non-downloadable computer software for data analysis; computer consultation; computer software design for others; maintenance of computer software and programs for others; installation of computer software and programs for others; rental of computer software; computer software design services and consulting services in the fields of knowledge management, new media, and e-commerce computer software applications that provide information via the global computer information network, mobile telephones, personal digital assistants and portable digital communication devices; computer services for concept matching, namely searching for data on computer networks, intranets and the Internet and identifying conceptually related documents available on computer networks, intranets and the Internet; computer services, namely, creating, updating, maintaining and providing temporary use of on-line non-downloadable software used to create, update and maintain computer software agents that conduct user-specified text searches on an automatic and systematic basis; computer services, namely, designing, maintaining and updating computer software used to navigate the Internet and conduct searches on websites; website design and hosting services for others; database searching services for others; providing design, development, customization, implementation and maintenance services in respect of knowledge management, new media, e-commerce, on-line publishing, email routing, business intelligence, enterprise information portals, customer relationship and document management software.

8. The Proposed Mark is confusingly similar to Opposer's Registered Mark and the Proposed Mark, when used in connection with the goods and services set forth in Applicant's application, is likely to cause confusion, or to cause mistake, or to deceive the trade and

purchasers and potential purchasers of Applicant's goods and services to erroneously believing that there is some connection or relationship between Opposer and Applicant, or that Opposer has authorized, sponsored or licensed Applicant's use of the mark ACI, in violation of 15 U.S.C. § 1052(d) and which Opposer guarantees the quality of Applicant's goods and services and further that registration by Applicant of its Proposed Mark will be likely to interfere with the use by Opposer of its Registered Mark and will be likely to result in great loss and irreparable damage to Opposer.

9. Opposer's Registered Mark and the Applicant's Proposed Mark are substantially similar in sound, appearance and meaning and more importantly phonetically identical. Applicant's goods and services identified by the Proposed Mark are substantially similar to the goods and services identified by Opposer's Registered Mark.

10. Opposer believes that Applicant's selection of the Proposed Mark may take advantage of the nationwide and worldwide reputation of Opposer and its Registered Mark and may take advantage of the goodwill of Opposer gained by original and persistent advertising and marketing, which entailed expenditures of large sums of money for the same. Opposer further believes that if the Proposed Mark continues to be used in commerce, it will likely confuse, mislead or deceive the trade and members of the public by suggesting that Applicant's Proposed Mark identifies goods or services sold, sponsored or approved by Opposer.

11. If the specified goods or services of Applicant are inferior in quality, there will be irreparable injury to Opposer's valuable goodwill and its Registered Mark because the Registered Mark would be tainted with an unfavorable connotation.

12. The Proposed Mark, when used in association with the goods and services identified in Applicant's application, is likely to cause dilution of the distinctiveness of Opposer's famous Registered Mark in violation of 15 U.S.C. § 1125(c).

13. Applicant seeks to register the Proposed Mark which so resembles Opposer's Registered Mark as to be likely, when applied to the goods and services of Applicant, to cause confusion, mistake or deception of purchasers as to source of sponsorship, and will inevitably suggest a false trade connection between Opposer and Applicant.

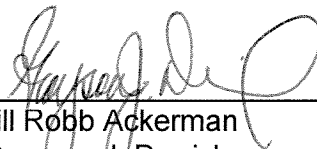
14. Registration of the Proposed Mark will damage Opposer, as such registration will give color of exclusive right to the mark ACI to Applicant in derogation and violation of the prior and superior rights of Opposer.

WHEREFORE, Opposer, ACI Worldwide Inc., believes that it will be damaged by registration of the Proposed Mark, and therefore prays that the Trademark Trial and Appeal Board will sustain this opposition and that Applicant be denied the registration which it seeks.

This Notice of Opposition and filing fee of \$900 have been filed electronically on the Electronic System for Trademark Trials and Appeals.

Respectfully submitted,

ACI WORLDWIDE INC.

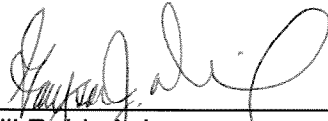


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Attorneys for ACI WORLDWIDE INC.

Dated: 9/23/05

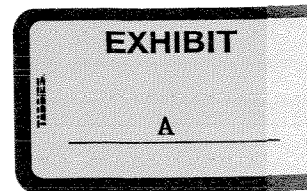
**CERTIFICATE OF MAILING BY
FIRST CLASS MAIL**

I hereby certify that this request is being filed electronically on the Electronic System for Trademark Trials and Appeals on September 23, 2005. I further certify that this Notice of Opposition is being deposited with the United States Postal Service, first class, postage prepaid, in an envelope addressed to Robert W. Sacoff, Esq., Pattishall McAuliffe Newbury Hilliard & Geraldson LLP, 311 South Wacker Drive, Suite 5000, Chicago, Illinois 60606-6631.



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DOCS/691584.2



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This page was generated by the TARR system on 2005-09-23 10:32:08 ET

Serial Number: 75634635 Assignment Information

Registration Number: 2420572 Assignment Information

Mark



(words only): ACI

Standard Character claim: No

Current Status: Registered.

Date of Status: 2001-01-16

Filing Date: 1999-02-05

Transformed into a National Application: No

Registration Date: 2001-01-16

Register: Principal

Law Office Assigned: LAW OFFICE 102

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2004-11-24

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Applied Communications, Inc.

Address:

Applied Communications, Inc.
330 South 108th Avenue

Omaha, NE 681542684

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Nebraska

GOODS AND/OR SERVICES

International Class: 009

computer software, namely, computer software for management and processing of financial transactions in the fields of banking and finance, electronic funds transfer, and home banking

First Use Date: 1991-00-00

First Use in Commerce Date: 1991-00-00

Basis: 1(a)

International Class: 035

Distributorship services in the field of computer software

First Use Date: 1991-00-00

First Use in Commerce Date: 1991-00-00

Basis: 1(a)

International Class: 042

Computer software design for others; and consultation services in the field of computer software

First Use Date: 1991-00-00

First Use in Commerce Date: 1991-00-00

Basis: 1(a)

ADDITIONAL INFORMATION

Prior Registration Number(s):

1164422

1375170

1825576

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2005-03-02 - Attorney Revoked And/Or Appointed

2005-03-02 - TEAS Revoke/Appoint Attorney Received

2005-03-02 - Attorney Revoked And/Or Appointed

2005-03-02 - TEAS Revoke/Appoint Attorney Received
2001-01-16 - Registered - Principal Register
2000-10-24 - Published for opposition
2000-09-22 - Notice of publication
2000-07-12 - Approved for Pub - Principal Register (Initial exam)
2000-06-07 - Examiner's amendment mailed
2000-02-16 - Communication received from applicant
1999-08-16 - Non-final action mailed
1999-07-27 - Case file assigned to examining attorney

CORRESPONDENCE INFORMATION

Correspondent

Grayson J. Derrick (Attorney of record)

Grayson J. Derrick
Baird Holm
1500 Woodmen Tower
Omaha NE 68102

Phone Number: (402) 344-0500

Fax Number: (402) 231-8554

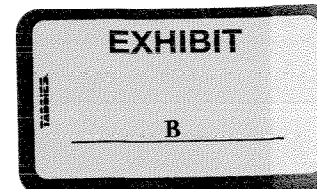
Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2005-09-23 10:59:53 ET

Serial Number: 73320671 Assignment Information

Registration Number: 1375170 Assignment Information

Mark



(words only): ACI APPLIED COMMUNICATIONS, INC.

Standard Character claim: No

Current Status: Registered.

Date of Status: 1994-01-10

Filing Date: 1981-07-27

Transformed into a National Application: No

Registration Date: 1985-12-10

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 1994-04-05

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. APPLIED COMMUNICATIONS, INC.

Address:
APPLIED COMMUNICATIONS, INC.
206 SOUTH 108TH AVE.

OMAHA, NE 68154

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Nebraska

GOODS AND/OR SERVICES

International Class: 042

CUSTOM DESIGN OF COMPUTER SOFTWARE FOR OTHERS; DISTRIBUTORSHIP SERVICES
IN THE FIELD OF COMPUTER SOFTWARE

First Use Date: 1981-03-31

First Use in Commerce Date: 1981-03-31

Basis: 1(a)

ADDITIONAL INFORMATION

Disclaimer: "APPLIED COMMUNICATIONS INC."

Prior Registration Number(s):

1196496

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2005-03-02 - Attorney Revoked And/Or Appointed

2005-03-02 - TEAS Revoke/Appoint Attorney Received

1994-01-27 - Section 7 amendment issued

1991-03-25 - Cancellation dismissed for Proceeding

1992-06-23 - Section 8 (6-year) accepted

1992-05-28 - Post Registration action mailed - Section 7

1991-12-10 - Section 8 (6-year) filed

1991-12-10 - Section 7 amendment filed

1991-09-18 - Post Registration action mailed - Section 7

1987-04-24 - Cancellation Instituted No. 999999

1985-12-10 - Registered - Principal Register
1985-10-01 - Published for opposition
1985-08-30 - Notice of publication
1985-08-05 - Approved for Pub - Principal Register (Initial exam)
1985-07-11 - Communication received from applicant
1985-01-30 - Letter of suspension mailed
1985-01-10 - Communication received from applicant
1985-01-16 - Continuation of final refusal mailed
1984-11-13 - Communication received from applicant
1984-05-09 - Final refusal mailed
1984-02-19 - Communication received from applicant
1983-07-25 - Non-final action mailed
1983-07-15 - Allowance/count withdrawn
1983-04-08 - Communication received from applicant
1982-03-09 - Non-final action mailed
1982-02-08 - Cancellation terminated for Proceeding

CORRESPONDENCE INFORMATION

Correspondent

Grayson J. Derrick (Attorney of record)

Grayson J. Derrick
Baird Holm
1500 Woodmen Tower
Omaha NE 68102

Phone Number: (402) 344-0500

Fax Number: (402) 231-8554
