

**TTAB**

TRADEMARK  
Docket No. 49144-24045.31

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

In the matter of Application Serial No. 78/458,545  
Filed on July 29, 2004  
Published in the Official Gazette at 557 on  
June 28, 2005

Emulex Design & Manufacturing Corporation

Opposer,

vs.

Nvidia Corporation,

Applicant.

Opposition No.:

**NOTICE OF OPPOSITION**

Box TTAB FEE  
Commissioner for Trademarks  
P.O. Box 1451  
Arlington, VA 22313-1451

Emulex Design & Manufacturing Corporation (“Opposer”), a Delaware Corporation having its principal place of business at 3333 Susan Street, Costa Mesa, California 92626, believes that it will be damaged by registration of the mark shown in Serial No. 78/458,545 and hereby opposes the same.

As grounds for the opposition, it is alleged as follows:

1. Opposer is the world’s preeminent supplier and developer of storage networking host bus adapters, and also manufactures a wide range of other computer peripheral controllers and



storage networking products as well as integrated circuits used by the world's leading computer server and computer storage providers. Host bus adapters are circuit boards that permit a computer to communicate with the set of cables which connects a computer to external storage devices. A circuit board is an insulated board on which interconnected integrated circuits designed to perform a specific function are mounted. Integrated circuits are commonly called semiconductors because they are constructed in part of a semiconducting material. A system consisting of a computer and the host bus adapters and external storage devices to which the computer is connected is referred to as a storage area network. Host bus adapters have a wide variety of applications in any storage area network, and in any computer system that involves external storage devices and networks. Opposer also supplies software and hardware devices, including semiconductors, used to set protocols for linking different devices in storage systems, storage interfaces, and storage networks. Opposer offers its host bus adapters and other computer peripheral controllers to original equipment manufacturers of computers to install in the computer systems that they sell to end users. Opposer also offers its goods to end users such as corporations developing their own storage area networks for internal use. Opposer has used the letters SLI in connection with its products, and Opposer has been using Opposer's SLI Trademark in connection with storage network software and hardware devices since at least as early as 1996.

2. Since substantially prior to the filing date of the application for the opposed mark, Opposer has been using and continues to use Opposer's SLI Trademark in connection with software and hardware devices designed for use in storage systems, storage interfaces, and storage networks. Opposer has also used Opposer's SLI Trademark consistently on a variety of printed matter and electronic publications, including customer training manuals, product training seminar materials, and on its website. Through such use, Opposer's SLI Trademark has come to be identified with Opposer.

3. Opposer has promoted products in connection with the SLI Trademark through channels of trade specifically targeting original equipment manufacturers in the computer

networking and computer storage technology industries. For example, Opposer promotes products offered under the SLI Trademark through channels of trade such as the ceBIT conference targeting original equipment manufacturers of computer networking and computer storage technology, end users of computer networking and computer storage technology, and investors in the fields of computer networking and computer storage technology. These original equipment manufacturers, end users, and investors targeted by Opposer at conferences such as ceBIT are also potential consumers of Applicant's integrated circuits, semiconductors, chipsets and related goods, as Applicant's integrated circuits, semiconductors and chipsets could be used in storage interfaces and storage networks, which could constitute part of a computer storage system.

4. As a result of its promotion and sales of its goods bearing Opposer's SLI Trademark for the past nine years, Opposer's SLI Trademark has come to be identified and associated with Opposer.

5. By its application Serial No. 78/458,545, herein opposed, Applicant Nvidia Corporation seeks to register Applicant's SLI designation in International Class 9 for "computer hardware, namely, integrated circuits, semiconductors and chipsets, and associated computer software and hardware for operating the same."

6. The opposed application was filed as an intent-to-use application on July 29, 2004.

7. Applicant's SLI designation is identical in sight and sound to Opposer's SLI Trademark.

8. The goods for which Applicant seeks registration of Applicant's SLI designation are related and complementary to the goods offered by Opposer under Opposer's SLI Trademark. Opposer's SLI Trademark is used in connection with hardware devices and software designed for use in storage interfaces, storage systems, and storage networks; Applicant's SLI designation is used on integrated circuits and chipsets and on computer software and hardware for operating semiconductors chipsets and integrated circuits, all of which can be used in storage interfaces,

storage systems, and storage networks. Therefore, Applicant's integrated circuits, chipsets and associated software and Opposer's hardware devices and software could be combined in a single computer storage system.

9. The channels of trade and customer base for Applicant's goods and Opposer's goods and services overlap significantly because Opposer promotes products bearing its marks through channels of trade such as the ceBIT conference targeting original equipment manufacturers of computer networking and computer storage technology, end users of computer networking and computer storage technology, and investors in the fields of computer networking and computer storage technology. These original equipment manufacturers, end users, and investors targeted by Opposer at conferences such as ceBIT are also potential consumers of Applicant's semiconductor software and hardware products and related goods.

10. Opposer's SLI Trademark has no dictionary meaning related to Opposer's storage network software. Applicant's SLI designation also has no dictionary meaning. Because it does not have a well-known meaning, and because it is identical to Opposer's SLI Trademark, Applicant's SLI designation will convey the same commercial impression to consumers who therefore will be likely to believe that there is an association between Opposer and Applicant.

11. In view of the fact that Applicant's SLI designation is identical in sight and sound to Opposer's SLI Trademark; that Applicant and Opposer both use the SLI designation in connection with related and complementary goods; that Applicant's SLI designation conveys the same commercial impression as Opposer's SLI Trademark; and that Opposer's goods and Applicant's goods are sold to the same type of customers, Applicant's SLI designation so resembles Opposer's SLI Trademark as to be likely to cause confusion, or to cause mistake, or to deceive. Opposer would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's SLI designation.

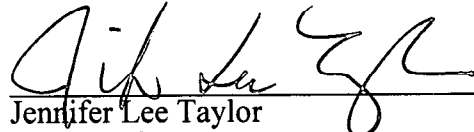
12. Filing Fee: The Patent & Trademark Office is authorized to charge \$300.00 for the Notice of Opposition to Morrison & Foerster's **Deposit Account 03-1952 (Reference No. 49144-2404531)**, and a triplicate copy of this document is being provided for that purpose.

WHEREFORE, Opposer prays that application Serial No. 78/458,545 be rejected in International Class 9, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

Respectfully submitted,

Dated: October 25, 2005

By:

  
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Emulex Design & Manufacturing  
Corporation

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