

ESTTA Tracking number: **ESTTA62584**

Filing date: **01/18/2006**

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	Det Norske Veritas AS
Granted to Date of previous extension	01/18/2006
Address	P.O. Box 300 Hovik, N-1323 NORWAY

Attorney information	Marie-Anne Mastrovito Abelman Frayne & Schwab 666 Third Avenue, 10th Floor New York, NY 10017-5612 UNITED STATES mamastrovito@lawabel.com Phone: 212 885 9248
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Applicant Information

Application No	78424117	Publication date	09/20/2005
Opposition Filing Date	01/18/2006	Opposition Period Ends	01/18/2006
Applicant	OPNET Technologies, Inc. 7255 Woodmont Avenue Bethesda, MD 20814 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Computer software that enables three dimensional displays of communication networks and their performance, incorporating topology, node relationships and performance statistics overlaid on realistically rendered terrain; The software provides the ability to visualize line-of-sight, transmission quality, throughput, delay, and message status information; The software includes an application programming interface for creating custom three dimensional network visualization graphics
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Attachments	13220001.pdf (2 pages)
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Signature	/mam/
Name	Marie-Anne Mastrovito
Date	01/18/2006

NOTICE OF OPPOSITION

Det Norske Veritas AS believes that it will be damaged by registration of the above identified trademark and hereby opposes the same.

As grounds for opposition it is alleged that:

1. Applicant, OPNET Technologies, Inc. has filed an application for registration of the mark 3DENV ("Applicant's Mark") in connection with computer software that enables three dimensional displays for communication networks and their performance, incorporating topology, node relationships and performance statistics overlaid on realistically rendered terrain; the software provides the ability to visualize line-of-sight, transmission quality, throughput, delay and message status information; the software includes an application programming interface for creating custom three dimensional network visualization graphics" in Class 9 ("Applicant's Goods and Services"). The application has been assigned Serial No. 78/424117 ("Applicant's Application").

2. Applicant's Application was filed on May 24, 2004, and is based on Applicant's intention to use Applicant's Mark in commerce under Section 1(b) of the Trademark Act.

3. Opposer is the owner of all right, title and interest to the trademark DNV and DNV AND DESIGN ("Opposer's Marks") in connection with computer software for design, construction, strength assessment, risk and information management and analysis, database functions, application services provider functions and for providing technical and business support for a variety of services including analysis and technical consultation relating to oil field exploitation. (Opposer's Goods and Services)

4. Opposer is the owner of federal applications for the trademark DNV AND DESIGN in connection with Opposer's Goods and Services and said applications have been assigned Serial Nos. 78/741387 and 76/632496.

5. On information and belief, Opposer's first use of Opposer's Marks in U.S. commerce preceded the filing date of Applicant's Application and any use which Applicant may have made of Applicant's Mark.

6. Registration of Applicant's Mark, which is highly similar to Opposer's Marks and which covers goods and services which are the same as, or closely related to the goods and services with which Opposer has previously used Opposer's Marks is likely to cause confusion, mistake, or deception of purchasers as to the source of Applicant's goods and services, and is likely to falsely suggest a common association, sponsorship or origin of said goods and services between Applicant and Opposer, all to Opposer's irreparable damage and injury.

7. Applicant's Mark should be precluded from registration under Sections 2(d) of the Trademark Act because it so resembles trademarks previously used by Opposer and not abandoned as to be likely when used on or in connection with the goods and services of the Applicant to cause confusion, to cause mistake, or to deceive.

WHEREFORE, Opposer believes that it has a real interest in this proceeding and will be irreparably damaged by the registration of the Applicant's Mark, and respectfully requests that the Board sustain this Opposition and refuse the registration of the Applicant's Mark.