

ESTTA Tracking number: **ESTTA181982**

Filing date: **12/19/2007**

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	ATI Technologies ULC
Granted to Date of previous extension	12/19/2007
Address	700 2nd Street SW, Suite 1200 Calgary, AB T2P 4V5 CANADA

Attorney information	Belinda J. Scrimenti Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP 311 South Wacker Drive Suite 5000 Chicago, IL 60606 UNITED STATES bscrimenti@pattishall.com, rgeraldson@pattishall.com, adowner@pattishall.com
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Applicant Information

Application No	77093680	Publication date	08/21/2007
Opposition Filing Date	12/19/2007	Opposition Period Ends	12/19/2007
Applicant	Agere Systems Inc. Room 12L-308 1110 American Parkway NE Allentown, PA 181099138 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Integrated circuits; electronic circuit cards
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2357902	Application Date	11/11/1996
Registration Date	06/13/2000	Foreign Priority Date	NONE
Word Mark	FIRE		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 009. First use: First Use: 1992/03/10 First Use In Commerce: 1992/03/10 graphics boards for computers		
U.S. Registration No.	3319980	Application Date	05/04/2005
Registration Date	10/23/2007	Foreign Priority Date	NONE
Word Mark	CROSSFIRE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2005/10/31 First Use In Commerce: 2005/10/31 Semiconductors, circuit boards, peripheral graphics boards, and driver software for operating the foregoing, all for enhancing the visual experience of those using applications with high-end visual graphics and video such as gaming, animation, or playback		

Attachments	75195550#TMSN.gif (1 page)(bytes) 78622982#TMSN.jpeg (1 page)(bytes) Notice of Opposition for FIRESIDE (CL 9).pdf (4 pages)(29477 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/s/Andrew N. Downer
Name	Andrew N. Downer
Date	12/19/2007

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

In the Matter of Application Serial No. 77/093,680: FIRESIDE
Published in the *Official Gazette* of August 21, 2007, Page TM 663 in International Class 9

ATI TECHNOLOGIES ULC)	
)	
Opposer,)	
)	
v.)	Oppn. No. _____
)	
AGERE SYSTEMS INC.)	
)	
Applicant.)	

NOTICE OF OPPOSITION

ATI Technologies ULC ("ATI"), an Alberta, Canada Unlimited Liability Corporation located and doing business at 700 2nd Street SW, Suite 1200, Calgary, Alberta, T2P 4V5, Canada (formerly located at 421 7 Avenue SW, Calgary, Alberta T2P 4K9, Canada), believes it will be damaged by registration of the mark shown in Application Serial No. 77/093,680, and hereby opposes the same. ATI and its predecessors in interest are hereinafter referred to as "Opposer."

The grounds for the opposition are as follows:

1. Since before the filing date of Applicant's application, Opposer has for many years manufactured, distributed, advertised and sold semiconductors, circuit boards, graphics boards for computers, and related software for use with computer applications with high-end visual graphics and video under the trademarks FIRE and CROSSFIRE.

2. Opposer has registered the mark FIRE in the United States Trademark Office ("USPTO"), Reg. No. 2,357,902, registered on June 13, 2000, for "graphics boards for

computers." That registration has become incontestable in accordance with 15 U.S.C. §§ 1064 and 1115(b).

3. Opposer has also registered the mark CROSSFIRE in the USPTO, Reg. No. 3,319,980, registered October 23, 2007, for "semiconductors, circuit boards, peripheral graphics boards, and driver software for operating the foregoing, all for enhancing the visual experience of those using applications with high-end visual graphics and video such as gaming, animation, or playback."

4. Opposer's computer hardware and software sold under the marks FIRE and CROSSFIRE are used for and promoted in connection with a wide variety of computer products and computing applications.

5. Opposer has sold hundreds of thousands of dollars worth of products and services under the marks FIRE and CROSSFIRE throughout the United States and has spent substantial sums of money advertising and promoting these marks throughout the United States.

6. By virtue of these extensive sales, advertising and promotions, Opposer now owns valuable goodwill symbolized by its FIRE and CROSSFIRE marks.

7. On January 29, 2007, Applicant filed its application to register the mark FIRESIDE for " Integrated circuits; electronic circuit cards."

8. Upon information and belief, Applicant had no basis for claiming rights in FIRESIDE prior to the filing date of the opposed application.

9. Applicant's proposed use of and application to register the mark FIRESIDE is without Opposer's consent.

10. Applicant's proposed use of FIRESIDE is likely to result in confusion, mistake or deception with Opposer's FIRE and CROSSFIRE marks, or in the belief that Applicant or its

FIRESIDE goods are in some way connected with, licensed or approved by Opposer, or that Applicant is a business partner of or otherwise affiliated with Opposer.

WHEREFORE, registration by Applicant of FIRESIDE for the goods stated in Application Serial No. 77/093,680 would be damaging to Opposer.

Opposer submits the requisite filing fee of \$300. Please debit any deficiency or credit any overpayment to Deposit Account No. 16-0650. Please address all correspondence to Raymond I. Geraldson, Jr., Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP, 311 South Wacker Drive, Suite 5000, Chicago, Illinois 60606.

PATTISHALL, McAULIFFE, NEWBURY,
HILLIARD & GERALDSON LLP

By: /s/Andrew N. Downer/

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Attorneys for ATI Technologies ULC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Opposition was served upon Applicant, which is unrepresented by counsel, Agere Systems Inc., 1110 American Parkway NE, Rm. 12L-308, Allentown, Pennsylvania 18109-9137, by United States Mail, postage prepaid, this 19th day of December 2007.

/s/Andrew N. Downer/