

ESTTA Tracking number: **ESTTA259376**

Filing date: **01/08/2009**

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

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| Name | SafeNet, Inc. |
| Granted to Date of previous extension | 01/14/2009 |
| Address | 4690 Millennium Drive Belcamp, MD 21017 UNITED STATES |

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| Attorney information | Barry A. Cooper Gottlieb, Rackman & Reisman, PC 270 Madison Avenue New York, NY 10016 UNITED STATES bcooper@grr.com, mmisthal@grr.com, emercado@grr.com, jbuchman-ziv@grr.com, cquintero@grr.com Phone:212 684-3900 |
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Applicant Information

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|--------------------------------|--|---------------------------------|------------|
| Application No | 79046424 | Publication date | 09/16/2008 |
| Opposition Filing Date | 01/08/2009 | Opposition Period Ends | 01/14/2009 |
| International Registration No. | 0943949 | International Registration Date | 10/25/2007 |
| Applicant | Siemens Home and Communication Devices GmbH & Co. KG St-Martin-Strasse 47 81541 Munich GERMANY | | |

Goods/Services Affected by Opposition


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| Class 009. All goods and services in the class are opposed, namely: COMPUTER HARDWARE, COMPUTER PERIPHERALS AND COMPUTER SOFTWARE FOR RECORDING AND TRANSMITTING SOUNDS, IMAGES AND SIGNALS; COMPUTER SOFTWARE FOR USE IN ACCESSING AND TRANSMITTING DATA, SOUNDS AND IMAGES |
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Grounds for Opposition

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

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| U.S. Registration No. | 2855564 | Application Date | 07/15/2002 |
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|---------------------|---|-----------------------|------------|
| Registration Date | 06/22/2004 | Foreign Priority Date | 06/19/2002 |
| Word Mark | QUICKSEC | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | <p>Class 009. First use: COMPUTER HARDWARE; COMPUTER SOFTWARE FOR PREVENTING UNAUTHORIZED ACCESS TO COMPUTER NETWORKS AND FOR PROVIDING SECURED CONNECTIONS WITHIN AND TO COMPUTER NETWORKS IN THE FIELD OF ENCRYPTED AND SECURE COMMUNICATION AS WELL AS IN THE FIELD OF IDENTIFICATION AND AUTHENTICATION AND IN THE FIELD OF CONTROL OF COMPUTER SYSTEMS USED FOR ENCRYPTED COMMUNICATION</p> <p>Class 038. First use: TELECOMMUNICATIONS, NAMELY, PROVIDING TELECOMMUNICATIONS CONNECTIONS TO A GLOBAL COMPUTER NETWORK AND OTHER NETWORK SYSTEMS IN THE FIELD OF ENCRYPTED AND SECURE COMMUNICATIONS</p> | | |

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| Attachments | 76431999#TMSN.gif (1 page)(bytes) Not ofOpp.01.08.09.pdf (5 pages)(16288 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.

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| Signature | /s/Barry A. Cooper |
| Name | Barry A. Cooper |
| Date | 01/08/2009 |

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

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In the Matter of Trademark Application Serial No. 79046424 :
For the mark: QuickSync : Opposition No.
Published in the Official Gazette on: September 16, 2008 :
SafeNet, Inc., :
 :
Opposer, :
v. :
 :
Siemens Home and Communication :
Devices GmbH & Co. KG, :
 :
Applicant. :
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NOTICE OF OPPOSITION

In re Application No. 79046424, filed on October 25, 2007 by Siemens Home and Communication Devices GmbH & Co. KG (“Applicant”), and published in the Official Gazette on September 16, 2008:

SafeNet, Inc. (“Opposer”), a Delaware corporation, having an office and place of business at 4690 Millennium Drive, Belcamp, Maryland, believes that it may be damaged by registration of the mark shown in Application No. 79046424 and hereby opposes the same pursuant to §13 of the Act of July 5, 1946, 15 U.S.C. §1063, on the following grounds:

1. Opposer is the owner of all right, title and interest in and to the trademark and service mark QuickSec (hereinafter “Opposer’s Mark”) as applied to computer hardware, software and telecommunication services for secure network

connections, secure communications and secure encryption.

2. Opposer's Mark has been used by Opposer directly and via its predecessor-in-interest continuously since at least as early as May 2002.

3. Opposer is the owner of all right, title and interest in and to U.S. Registration No. 2,855,564 for Opposer's Mark for computer hardware, computer software for preventing unauthorized access to computer networks and for providing secured connections within and to computer networks in the fields of encrypted and secure communication, identification and authentication and control of computer systems used for encrypted communication in Int. Class 9 and for telecommunications, namely, providing telecommunications connections to a global computer network and other network systems in the field of encrypted and secure communications in Int. Class 38.

4. Opposer's sales of computer hardware and software and its rendering of telecommunication services for secure network connections, secure communications and secure encryption under Opposer's Mark have been substantial, as have widespread advertising and promotion.

5. The sales success and promotion of products and services under Opposer's Mark have established for Opposer an enviable reputation in the trade.

6. On or about October 25, 2007, Applicant filed an application, Serial No. 79046424 ("Applicant's Application"), in the United States Patent and Trademark Office to register the mark QuickSync (hereinafter "Applicant's Mark") for computer hardware, computer peripherals and computer software for recording and transmitting

sounds, images and signals, computer software for use in accessing and transmitting data, sounds and images. Applicant's Application was published in the Official Gazette on September 16, 2008.

7. Applicant's Application was based on International Registration No. 0943949, dated October 25, 2007.

8. As between Applicant and Opposer, Opposer has priority of use of Opposer's Mark relative to Applicant's Mark.

9. Applicant's Mark at issue herein as applied to the goods of Applicant, as set forth in Applicant's Application, so resembles Opposer's Mark previously used and registered by Opposer, as to be likely to cause confusion, mistake or deceit.

10. The use by Applicant of Applicant's Mark in connection with the goods of Applicant, as set forth in Applicant's Application, is likely to cause the relevant public, familiar with the goods and services of Opposer and sold or rendered under Opposer's Mark, to falsely assume that the goods of the Applicant are certified, sponsored, endorsed by or in some way associated or connected with Opposer.

11. The potential use by Applicant of Applicant's Mark in connection with the goods of Applicant, as set forth in Applicant's Application, is likely to dilute the distinctive quality of Opposer's Mark and cause injury to Opposer's business reputation.

12. Based on the foregoing, the issuance of a registration to Applicant based on Applicant's Application is likely to harm and damage Opposer.

WHEREFORE, Opposer prays that Application Serial No. 79046424 be rejected and this Opposition be sustained.

This Notice of Opposition is submitted along with the fee of \$300.

The Patent and Trademark Office is authorized to charge any deficiencies to Deposit Account No. 07-1730.

Respectfully submitted,

GOTTLIEB, RACKMAN & REISMAN, P.C.
Attorneys for Opposer
270 Madison Avenue
New York, New York 10016
(212) 684-3900

By /s/ Barry A. Cooper

Barry A. Cooper, Esq.
bcooper@grr.com
Marc P. Misthal
mmisthal@grr.com

Dated: New York, New York
January 8, 2009

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of January, 2009, I caused a true copy of this Notice of Opposition to be served by first class air mail, postage prepaid, applicant, namely, Siemens Home and Communication Devices GmbH & Co. KG, at its address of record: Siemens Aktiengesellschaft, CTNM, Postfach 22 16 34, 80506 Munich, Germany.

/s/ Barry A. Cooper

Barry A. Cooper