

ESTTA Tracking number: **ESTTA270047**

Filing date: **03/04/2009**

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**

Name	AMDOCS (UK) LTD
Granted to Date of previous extension	03/04/2009
Address	Grand Building1-3 Strand London London, WC2 N5EJ UNITED KINGDOM

Attorney information	Monica B. Richman Sonnenschein Nath Rosenthal LLP P.O. Box #061080 Wacker Drive Station, Sears Tower Chicago, IL 60606-1080 UNITED STATES trademarks@sonnenschein.com, mrichman@sonnenschein.com, pmorales@sonnenschein.com, kwoastl@sonnenschein.com Phone:212-768-5367
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**Applicant Information**

Application No	77502604	Publication date	11/04/2008
Opposition Filing Date	03/04/2009	Opposition Period Ends	03/04/2009
Applicant	ArtusLabs, Inc. 4220 Highway 55, Suite 160 Durham, NC 27713 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 009. All goods and services in the class are opposed, namely: Computer software for application and database integration; Computer software for creating searchable databases of information and data; Computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computer software for use in customer relationship management (CRM); Computer software that provides real-time, integrated business management intelligence by combining information from various databases and presenting it in an easy-to-understand user interface; Database management software for customer relationship management (CRM); Enterprise software in the nature of a database for non-transactional data and a search engine for database content
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**Grounds for Opposition**

Deceptiveness	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

## Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2646191	Application Date	05/25/1999
Registration Date	11/05/2002	Foreign Priority Date	NONE
Word Mark	ENSEMBLE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1998/05/28 First Use In Commerce: 1998/07/00 Computer software for customer care, financial management, and billing management for single and multiple service operations in the telecommunications, utilities, global computer information network, access provider, and application service provider industries, namely, computer software that manages customer information, customer orders, billing accounts, customer inquiries and complaints, accounts receivable, account payable and collections, call usage data, billing data and billing production		

Attachments	ENSEMBLECRM OPP.pdf ( 10 pages )(204837 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	/monica b. richman/
Name	Monica B. Richman-Attorney for Applicant
Date	03/04/2009

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

AMDOCS (UK) LTD.

Opposer,

- V -

ArtusLabs, Inc.

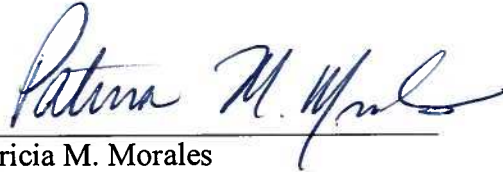
Applicant.

**CERTIFICATE OF  
SERVICE**

The undersigned hereby certifies that a copy of the Notice of Opposition has been served upon the attorney for the Applicant on March 4, 2009, by depositing same in the United States Mail, first class postage prepaid, in an enveloped addressed as follows:

ArtusLabs, Inc.  
4220 Highway 55, Suite 160  
Durham, NC 27713  
United States  
Phone Number: 919 361 5050 x12

Dated: March 4, 2009



Patricia M. Morales  
Sonnenschein Nath & Rosenthal LLP  
1221 Avenue of the Americas  
New York, New York 10020-1089  
Tel: (212) 768-5369  
Fax: (212) 768-6800  
pmorales@sonnenschein.com

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

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Amdocs (UK) Ltd. )  
Opposer, )  
v. ) Opposition No. \_\_\_\_\_  
ArtusLabs, Inc. )  
Applicant. )

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Serial No. 77/502604  
Mark: ENSEMBLE CRM  
Goods: Computer software  
Class: 9

**NOTICE OF OPPOSITION**

Opposer, Amdocs (UK) Ltd., a corporation of the United Kingdom, with an address at Grand Building 1-3 Strand, London, WC2 N5EJ United Kingdom (“Opposer”) believes that it would be damaged by registration of the mark ENSEMBLE CRM, U.S. Trademark Application 77/502604, and hereby opposes that application.

As grounds of opposition, Opposer hereby alleges:

1. Opposer has used the ENSEMBLE mark since at least as early as 1998 in the United States in connection with computer software for customer care, financial, billing and data management;
2. Opposer obtained USPTO Registration No. 2646191 for its ENSEMBLE mark in connection with computer software and the registration is incontestable (see Exhibit A);

3. The ENSEMBLE mark is an asset of substantial value to Opposer as a symbol of Opposer, its quality goods and goodwill;
4. Opposer has invested substantial resources in its ENSEMBLE mark and the mark has become associated with Opposer and its goods in the minds of consumers;
5. Some of the largest United States companies use Opposer's ENSEMBLE software in connection with customer care, financial, billing and data management;
6. On information and belief, Applicant, ArtusLabs, Inc., ("Applicant") is a corporation of Delaware, having an address at 4220 Highway 55, Suite 160, Durham, NC 27713;
7. On information and belief, on June 19, 2008, Applicant filed trademark application Serial No. 77/502604, with the United States Patent and Trademark Office to register the mark ENSEMBLE CRM in connection with "Computer software for application and database integration; Computer software for creating searchable databases of information and data; Computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computer software for use in customer relationship management (CRM); Computer software that provides real-time, integrated business management intelligence by combining information from various databases and presenting it in an easy-to-understand user interface; Database management software for customer relationship management (CRM); Enterprise software in the nature of a database for non-transactional data and a search engine for database content" (See Exhibit B);

8. On information and belief, Opposer has considerable prior use of its ENSEMBLE mark in the United States in connection with computer software, which therefore qualifies Opposer as the senior rights holder in and to an “ENSEMBLE” formative mark in connection with computer software; and
9. It is likely that Applicant’s mark ENSEMBLE CRM, when applied to Applicant’s particular type of computer software, will cause confusion, or cause mistake, or deceive with Opposer’s senior mark ENSEMBLE because (a) Applicant’s mark is nearly identical to Opposer’s mark, specifically, Applicant’s mark absorbs Opposer’s mark in its entirety and then simply adds the generic designation “CRM” to the end of the mark and (b) Applicant’s mark is for use in connection with closely-related computer software.

For the above reasons, Opposer would be damaged by registration of the ENSEMBLE CRM mark, Serial No. 77/502604.

WHEREFORE, Opposer prays that this opposition is sustained and that registration of Application Serial No. 77/502604 is denied.

Respectfully submitted,

AMDOCS (U.K.) LTD.

Dated: March 4, 2009

By: Monica B. Richman  
Monica B. Richman, Esq.  
SONNENSCHN NATH & ROSENTHAL LLP  
1221 Avenue of the Americas  
New York, NY 10020  
212-768-5367  
mrichman@sonnenschein.com  
Attorneys for AMDOCS (U.K.) LTD.

# EXHIBIT A

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 2,646,191

Registered Nov. 5, 2002

**TRADEMARK  
PRINCIPAL REGISTER**

**ENSEMBLE**

AMDOCS (UK) LTD. (UNITED KINGDOM CORPORATION)  
GRAND BUILDING  
1-3 STRAND LONDON WC2 N5EJ, UNITED KINGDOM

FOR: COMPUTER SOFTWARE FOR CUSTOMER CARE, FINANCIAL MANAGEMENT, AND BILLING MANAGEMENT FOR SINGLE AND MULTIPLE SERVICE OPERATIONS IN THE TELECOMMUNICATIONS, UTILITIES, GLOBAL COMPUTER INFORMATION NETWORK, ACCESS PROVIDER, AND APPLICATION SERVICE PROVIDER INDUSTRIES, NAMELY, COMPUTER SOFTWARE

WARE THAT MANAGES CUSTOMER INFORMATION, CUSTOMER ORDERS, BILLING ACCOUNTS, CUSTOMER INQUIRIES AND COMPLAINTS, ACCOUNTS RECEIVABLE, ACCOUNT PAYABLE AND COLLECTIONS, CALL USAGE DATA, BILLING DATA AND BILLING PRODUCTION, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 5-28-1998; IN COMMERCE 7-0-1998.

SN 75-713,719, FILED 5-25-1999.

SCOTT BALDWIN, EXAMINING ATTORNEY

# EXHIBIT B

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

**This page was generated by the TARR system on 2009-03-04 11:39:13 ET**

**Serial Number:** 77502604 Assignment Information      Trademark Document Retrieval

**Registration Number:** (NOT AVAILABLE)

**Mark**

# Ensemble CRM

**(words only):** ENSEMBLE CRM

**Standard Character claim:** Yes

**Current Status:** A request for an extension of time to file an opposition has been filed at the Trademark Trial and Appeal Board.

**Date of Status:** 2008-11-24

**Filing Date:** 2008-06-19

**Filed as TEAS Plus Application:** Yes

**Currently TEAS Plus Application:** Yes

**Transformed into a National Application:** No

**Registration Date:** (DATE NOT AVAILABLE)

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 106

**Attorney Assigned:**  
SINGH TEJBIR

**Current Location:** 650 -Publication And Issue Section

**Date In Location:** 2008-10-02

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

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1. ArtusLabs, Inc.

**Address:**

ArtusLabs, Inc.  
4220 Highway 55, Suite 160  
Durham, NC 27713  
United States

**Legal Entity Type:** Corporation**State or Country of Incorporation:** Delaware**Phone Number:** 919 361 5050 x12

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**GOODS AND/OR SERVICES**

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**International Class:** 009**Class Status:** Active

Computer software for application and database integration; Computer software for creating searchable databases of information and data; Computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computer software for use in customer relationship management (CRM); Computer software that provides real-time, integrated business management intelligence by combining information from various databases and presenting it in an easy-to-understand user interface; Database management software for customer relationship management (CRM); Enterprise software in the nature of a database for non-transactional data and a search engine for database content

**Basis:** 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

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**ADDITIONAL INFORMATION**

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**Disclaimer:** "CRM"

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2008-11-24 - Extension Of Time To Oppose Received

2008-11-04 - Published for opposition

2008-10-15 - Notice of publication

2008-10-02 - Law Office Publication Review Completed

2008-10-02 - Approved for Pub - Principal Register (Initial exam)

2008-10-01 - Examiner's Amendment Entered

2008-10-01 - Assigned To LIE

2008-10-01 - Notification Of Examiners Amendment E-Mailed

2008-10-01 - Examiners amendment e-mailed

2008-10-01 - Examiners Amendment -Written

2008-09-25 - Assigned To Examiner

2008-06-24 - New Application Entered In Tram

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**ATTORNEY/CORRESPONDENT INFORMATION**

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**Correspondent**

ARTUSLABS, INC.

ARTUSLABS, INC.

4220 HIGHWAY 55 STE 160

DURHAM, NC 27713

Phone Number: 919 361 5050 x12

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