

ESTTA Tracking number: **ESTTA401911**

Filing date: **04/05/2011**

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	EV Group E. Thallner GmbH		
Entity	Corporation	Citizenship	Austria
Address	DI Erich Thallner Strasse 1 A-4782 S. S. Florian am Inn, AUSTRIA		

Attorney information	Charles S. Cotropia Sidley Austin LLP 717 N. Harwood Suite 3400 Dallas, TX 75201 UNITED STATES ccotropia@sidley.com, ttarnay@sidley.com, jchester@sidley.com, sboughnou@sidley.com Phone: 214-981-3300
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**Applicant Information**

Application No	85136455	Publication date	03/08/2011
Opposition Filing Date	04/05/2011	Opposition Period Ends	04/07/2011
Applicant	Brewer Science, Inc. 2401 Brewer Drive Rolla, MO 65401 UNITED STATES		

**Goods/Services Affected by Opposition**


Class 009. All goods and services in the class are opposed, namely: Electronic apparatus for separation of semiconductor wafers used in industry and science
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**Grounds for Opposition**

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Other	ownership in mark based upon contractual agreement; applicant was not the rightful owner of the mark at the time of filing

**Marks Cited by Opposer as Basis for Opposition**

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		

Design Mark	
Goods/Services	semiconductor wafer processing equipment; computer software for use in processing semiconductor wafers; and technical consultancy in relation to semiconductor wafer processing equipment

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	ZONEBOND		
Goods/Services	semiconductor wafer processing equipment; computer software for use in processing semiconductor wafers; and technical consultancy in relation to semiconductor wafer processing equipment		

Related Proceedings	U.S. Trademark Opposition No. 91197117 U.S. Trademark Opposition No. 91197997 and proceedings before the ICC International Court of Arbitration
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Attachments	ZoneBOND_Resized.jpg Zonebond Opposition.pdf ( 7 pages )(516615 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 Overnight Courier on this date.

Signature	/Charles S. Cotropia/
Name	Charles S. Cotropia
Date	04/05/2011



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

In the Matter of:  
Published in the Official Gazette of:

Application Serial No. 85/136,455  
March 8, 2011

\_\_\_\_\_  
EV Group E. Thallner GmbH )

Opposer )

v. )  
Brewer Science, Inc. )

Applicant )  
\_\_\_\_\_ )

Opposition No. \_\_\_\_\_

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**NOTICE OF OPPOSITION**

Sirs:

EV Group E. Thallner GmbH, a corporation organized under the laws of Austria, having a principal business address of DI Erich Thallner Strasse 1, A-4782 St. Florian am Inn, Austria, (hereinafter referred to as "Opposer"), believes it will be damaged by registration of the trademark shown in Serial No. 85/136,455, filed September 23, 2010 (hereinafter referred to as "the ZONEBOND Mark"), filed by Brewer Science, Inc. (hereinafter referred to as "Applicant") and hereby opposes the same.

As grounds for the opposition, it is alleged that:

1. Applicant's application Serial No. 85/136,455 seeks registration of the ZONEBOND Mark for the following goods and services:

“Electronic apparatus for separation of semiconductor wafers used in industry and science” in International Class 009.

2. Applicant is not, and was not at the time of the filing of the application for registration, the rightful owner of the ZONEBOND Mark.

3. The ZONEBOND Mark, if registered, will falsely suggest a connection with Opposer’s identity.

4. Opposer has a bona fide intent to use the mark ZONEBOND (both in the form ZONEBOND and ZoneBOND) for related goods and services and to register the mark in the U.S. and foreign countries, and believes registration of the mark ZONEBOND in the name of the Opposer will be refused in view of Applicant’s application for the ZONEBOND Mark and resulting registration.

5. Opposer is a leader in manufacturing of semiconductor wafer processing equipment, including but not limited to manual and automated temporary wafer bonding and de-bonding equipment, computer software for use in processing semiconductor wafers and technical consultancy in relation to semiconductor wafer processing equipment. Since 1990, Opposer has marketed, manufactured, and sold such technology worldwide.

6. On or before February 12, 2005, Applicant entered into discussions with Opposer with the objective of evaluating Applicant’s adhesives and subsequently jointly developing and commercializing an automated tool and work process for temporary silicon wafer bonding. Such discussions with Applicant included the commercialization of an automated tool and work process in view of Applicant’s chemical adhesives expertise and Opposer’s semiconductor wafer processing equipment expertise with the goal that Applicant and Opposer would then jointly introduce and market the same to the semiconductor industry.

7. For purposes of collaborating in this technology area, on May 15, 2005, Applicant and Opposer entered into a Material Testing Agreement (the "MTA"). After a period of collaboration under the MTA, to elevate the parties working relationship, Applicant and Opposer terminated the MTA in favor of a more comprehensive agreement, a Joint Development and Marketing Agreement (the "JDMA"), effective dated January 25, 2007. Pursuant to the JDMA, the parties were to collaborate exclusively at a technical level to develop process solutions, utilizing both Opposer's equipment and Applicant's adhesives and materials, to temporary wafer bonding. Opposer was to develop equipment, hardware, software and procedures designed for the temporary bonding and de-bonding, including all procedures, design, work steps and temporary bonding processes required to fulfill temporary bonding and de-bonding functions and operations.

8. The JDMA is currently in force and effect and has not been terminated by the parties.

9. The JDMA addresses ownership of any intellectual property that is conceived or made by one or both parties in connection with the performance of any of the activities contemplated by the JDMA and intellectual property rights which are generated by a party or jointly by the parties during the term of the JDMA and in the framework of the program contemplated by the JDMA.

10. Pursuant to the express terms of the JDMA, all intellectual property rights including trademarks, conceived or made in connection with the performance of any of the activities contemplated by the JDMA or generated during the term of the JDMA and in the framework of the program contemplated by the JDMA, whether solely developed by one party or jointly developed by both parties, relating to hardware and software concerning the temporary bonding and de-bonding capability and the procedures, to design, work steps and temporary bonding

processes required to fulfill temporary bonding and de-bonding functionalities and operation, as well as to Opposer's technology and Opposer's temporary bonding processes, were to be the sole property of Opposer, with the Opposer being entitled to any and all corresponding intellectual property rights, including trademarks, related thereto.

11. Pursuant to the terms of the JDMA, Applicant and Opposer agreed to conduct joint promotional efforts and each party was free to approach customers independently in support of the collaboration.

12. Since the effective date of the JDMA, Applicant and Opposer have conducted joint promotional efforts using the mark ZONEBOND to identify to the public, in the United States and elsewhere, products and services, including equipment and materials for manual and automated temporary silicon wafer bonding and de-bonding under the mark ZONEBOND.

13. Since the execution of the JDMA, Opposer has and continues to actively engage in independently and jointly marketing and advertising with the Applicant, equipment and materials for manual and automated temporary silicon wafer bonding and de-bonding under the mark ZONEBOND.

14. By virtue of Opposer's efforts and considerable expenditure on research, development, and manufacturing of equipment, and by virtue of the excellence of its equipment, Opposer has developed valuable goodwill in the mark ZONEBOND in the United States and worldwide.

15. By virtue of Opposer's efforts and considerable expenditure on promotional and marketing activities, and by virtue of the excellence of its equipment, the mark ZONEBOND has

gained a valuable reputation and has become associated in the minds of consumers in the United States and elsewhere with Opposer and Opposer's products and services.

16. On September 23, 2010, Applicant filed the present application seeking to register the ZONEBOND Mark which is the subject of this Opposition.

17. Applicant has indicated its intent to separately develop new technology under the ZONEBOND Mark including developing wafer processing equipment manufactured by third parties.

18. If Applicant is granted the registration herein opposed, it would thereby obtain at least a prima facie exclusive right to the use of the ZONEBOND Mark, and an application filed by Opposer in connection with its semiconductor wafer processing equipment, computer software for use in processing semiconductor wafers, and technical consultancy in relation to semiconductor wafer processing equipment, would be denied pursuant to section 2(d) of the Trademark Act or on other grounds. Such registration would be a source of damage and injury to Opposer.

19. Based upon the joint marketing efforts by Opposer and Applicant and the contractual agreement between the parties regarding the ownership in trademarks, including the mark ZONEBOND, used in such efforts as they relate to Opposer's wafer bonding equipment, software and related technology, Applicant is not the rightful owner of the ZONEBOND Mark.

20. The ZONEBOND Mark proposed for registration is identical to the mark which Opposer and Applicant have jointly promoted as representing products and services provided and

emanating from Opposer, namely Opposer's wafer bonding equipment, software and related technology.

21. Registration of the ZONEBOND Mark in the name of Applicant would falsely raise a connection with Opposer's identity as to the origin of Applicant's goods and services bearing the mark ZONEBOND. Such association would be a source of damage and injury to Opposer.

WHEREFORE, Opposer requests that registration of the ZONEBOND Mark be denied and that this opposition be sustained. The Notice of Opposition has been served on Applicant's attorney of record pursuant to 37 C.F.R. § 2.101(b) and proof of service is attached hereto. Opposer hereby requests that \$300.00 be withdrawn from Sidley Austin LLP deposit account #18-1260 to pay the filing fee for this Notice of Opposition. Opposer believes that this fee is appropriate and sufficient, but that Sidley Austin LLP deposit account # 18-1260 may be charged in the event that an additional fee is required or to be credited.

**EV GROUP E. THALLNER GMBH**



By and through its attorneys:  
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DATED: April 5, 2011

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Notice of Opposition has been served on Michael Elbein, Esq., attorney of record for Applicant, by overnight courier on

*April 14* 2011 via Federal Express: to Michael Elbein, Esq., Hovey Williams LLP, 10801 Mastin Blvd., Suite 1000, Overland Park, Kansas, 66210.

By:

  
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Julia M. Chester  
Sidley Austin LLP  
Attorneys for Opposer