

ESTTA Tracking number: **ESTTA517683**

Filing date: **01/23/2013**

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	Cambridge Silicon Radio Limited
Granted to Date of previous extension	01/23/2013
Address	Churchill House, Cambridge Business Park Cowley Road Cambridge, CB40WZ UNITED KINGDOM
Attorney information	Harold J. Milstein Sheppard Mullin Richter & Hampton LLP 379 Lytton Avenue Palo Alto, CA 94301 UNITED STATES HMilstein@sheppardmullin.com, svtdocketing@sheppardmullin.com, cbush@sheppardmullin.com Phone:650-815-2600

Applicant Information

Application No	85588111	Publication date	09/25/2012
Opposition Filing Date	01/23/2013	Opposition Period Ends	01/23/2013
Applicant	MIPS Technologies, Inc. 955 East Arques Avenue Sunnyvale, CA 940854521 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Computer software used in, and for use in the design and development of, microprocessor cores and semiconductor intellectual property (SIP) cores; computer code products, namely, simulators for microprocessor cores and SIP cores; microprocessor cores and SIP cores; electronic publications in the nature of manuals, specifications, guides, and data sheets all in the field of computer technology in downloadable form or recorded on computer media

Applicant Information

Application No	85603332	Publication date	09/25/2012
Opposition Filing Date	01/23/2013	Opposition Period Ends	
Applicant	MIPS Technologies, Inc. 955 East Arques Avenue Sunnyvale, CA 940854521 UNITED STATES		

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Applicant Information

Application No	85603328	Publication date	09/25/2012
Opposition Filing Date	01/23/2013	Opposition Period Ends	
Applicant	MIPS Technologies, Inc. 955 East Arques Avenue Sunnyvale, CA 940854521 UNITED STATES		

Goods/Services Affected by Opposition

Class 009.

All goods and services in the class are opposed, namely: Computer software used in, and for use in the design and development of, microprocessor cores and semiconductor intellectual property (SIP) cores; computer code products, namely, simulators for microprocessor cores and SIP cores; microprocessor cores and SIP cores; electronic publications in the nature of manuals, specifications, guides, and data sheets all in the field of computer technology in downloadable form or recorded on computer media

Applicant Information

Application No	85603331	Publication date	09/25/2012
Opposition Filing Date	01/23/2013	Opposition Period Ends	
Applicant	MIPS Technologies, Inc. 955 East Arques Avenue Sunnyvale, CA 940854521 UNITED STATES		

Goods/Services Affected by Opposition

Class 009.


All goods and services in the class are opposed, namely: Computer software used in, and for use in the design and development of, microprocessor cores and semiconductor intellectual property (SIP) cores; computer code products, namely, simulators for microprocessor cores and SIP cores; microprocessor cores and SIP cores; electronic publications in the nature of manuals, specifications, guides, and data sheets all in the field of computer technology in downloadable form or recorded on computer media


Grounds for Opposition

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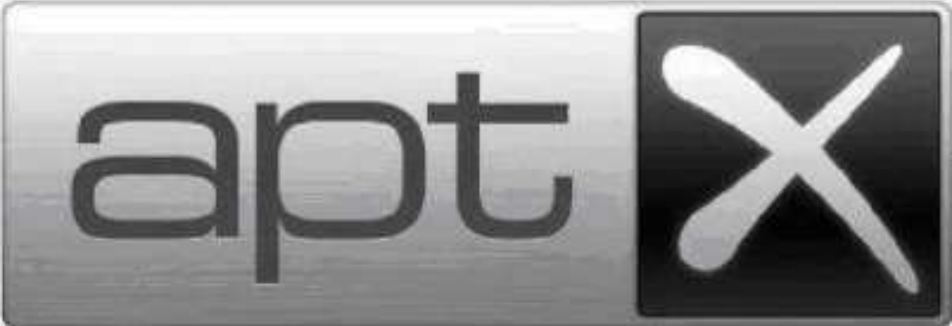
Marks Cited by Opposer as Basis for Opposition

U.S. Application	85285650	Application Date	04/04/2011
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No.			
Registration Date	NONE	Foreign Priority Date	12/09/2010
Word Mark	APTX		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use:</p> <p>Apparatus for recording, transmission or reproduction of sound and images; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus; semiconductor components, integrated circuits, semiconductor chips, semiconductor chip sets, circuit board assemblies, computer components, electronic components, control software, interface software, communications software, all the aforesaid goods being for use in connection with radio and/or wireless communication transmitters, receivers and synthesizers; semiconductor component layouts in electronic form for use in connection with the design and manufacturing of semiconductors; telecommunications apparatus, instruments, and equipment, namely, switching apparatus, base stations for cellular and fixed networking, change-over switches, computer hardware for telecommunications, electric capacitors, electric resistors, electrical transformers, fuses, indicator lights, microphones, pickups, cables, exchangers, switches, transmitters, and installations made therefrom; modems; telephones; telephone receivers and recorders; electronic navigation apparatus; vehicle location apparatus and instruments; electronic and computer apparatus and instruments for determining precise geographical locations of aircraft, marine vessels, land vehicles, human beings and animals; electronic and computer apparatus and instruments for surveying, mapping, tracking and navigation, namely, marine, aviation, land vehicle and human being and animal tracking and navigation; location sensors, software, receivers and transmitters for locating marine, aviation, and land vehicles, human beings, and animals; location systems software and hardware; data carriers pre-recorded with software for surveying, mapping, tracking and navigation, including marine, aviation, land vehicle and human being and animal tracking and navigation; computer hardware and software for use in global positioning and wireless navigation and satellite communications; computer software for improving voice signal quality and the intelligibility of speech content used in voice interface systems, command and control systems, radio intercom systems, microphone systems, wireless communications systems and telecommunications systems; microphone systems comprising a microphone unit and digital signal processors</p>		
U.S. Application No.	85364276	Application Date	07/06/2011
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	APTX LIVE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use:</p> <p>Apparatus for recording, transmission or reproduction of sound and images; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus; semiconductor components, integrated circuits, semiconductor chips, semiconductor chip sets, circuit board assemblies, computer components, electronic components, control software, interface software, communications software, all the aforesaid goods being for use in connection with radio and/or wireless communication transmitters, receivers and synthesizers; semiconductor component layouts in electronic form for use in connection with the design and manufacturing of semiconductors; telecommunications apparatus, instruments, and equipment, namely, switching apparatus, base stations for cellular and fixed networking, change-over switches, computer hardware for telecommunications, electric capacitors, electric resistors, electrical transformers, fuses, indicator lights, microphones, pickups, cables, exchangers, switches, transmitters, and installations made therefrom; modems; telephones; telephone receivers and recorders; electronic navigation apparatus; vehicle location apparatus and instruments; electronic and computer apparatus and instruments for determining precise geographical locations of aircraft, marine vessels, land vehicles, human beings and animals; electronic and computer apparatus and instruments for surveying, mapping, tracking and navigation, namely, marine, aviation, land vehicle and human being and animal tracking and navigation; location sensors, software, receivers and transmitters for locating marine, aviation, and land vehicles, human beings, and animals; location systems software and hardware; data carriers pre-recorded with software for surveying, mapping, tracking and navigation, including marine, aviation, land vehicle and human being and animal tracking and navigation; computer hardware and software for use in global positioning and wireless navigation and satellite communications; computer software for improving voice signal quality and the intelligibility of speech content used in voice interface systems, command and control systems, radio intercom systems, microphone systems, wireless communications systems and telecommunications systems; microphone systems comprising a microphone unit and digital signal processors</p>		

U.S. Application No.	85285649	Application Date	04/04/2011
Registration Date	NONE	Foreign Priority Date	12/09/2010
Word Mark	APT X		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 009. First use:</p> <p>Apparatus for recording, transmission or reproduction of sound and images; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus; semiconductor components, integrated circuits, semiconductor chips, semiconductor chip sets, circuit board assemblies, computer components, electronic components, control software, interface software, communications software, all the aforesaid goods being for use in connection with radio and/or wireless communication transmitters, receivers and synthesizers; semiconductor component layouts in electronic form for use in connection with the design and manufacturing of semiconductors; telecommunications apparatus, instruments, and equipment, namely, switching apparatus, base stations for cellular and fixed networking, change-over switches, computer hardware for telecommunications, electric capacitors, electric resistors, electrical transformers, fuses, indicator lights, microphones, pickups, cables, exchangers, switches, transmitters, and installations made therefrom; modems; telephones; telephone receivers and recorders; electronic navigation apparatus; vehicle location apparatus and instruments; electronic and computer apparatus and instruments for determining precise geographical locations of aircraft, marine vessels, land vehicles, human beings and animals; electronic and computer apparatus and instruments for surveying, mapping, tracking and navigation, namely, marine, aviation, land vehicle and human being and animal tracking and navigation; location sensors, software, receivers and transmitters for locating marine, aviation, and land vehicles, human beings, and animals; location systems software and hardware; data carriers pre-recorded with software for surveying, mapping, tracking and navigation, including marine, aviation, land vehicle and human being and animal tracking and navigation; computer hardware and software for use in global positioning and wireless navigation and satellite communications. computer software for improving voice signal quality and the intelligibility of speech content used in voice interface systems, command and control systems, radio intercom systems, microphone systems, wireless communications systems and telecommunications systems; microphone systems comprising a microphone unit and digital signal processors</p>

Attachments	<p>85285650#TMSN.jpeg (1 page)(bytes) 85364276#TMSN.jpeg (1 page)(bytes) 85285649#TMSN.jpeg (1 page)(bytes) APTIV.pdf (6 pages)(60008 bytes)</p>
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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	/ChelseaaBush/
Name	Chelseaa Bush
Date	01/23/2013

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

In re Serial Nos.: 85/588111, 85/603332, 85/603328, 85/603331

Marks: APTIV, MICROAPTIV, PROAPTIV, INTERAPTIV

Published: September 25, 2012

CAMBRIDGE SILICON RADIO LIMITED,

Opposer,

v.

MIPS TECHNOLOGIES, INC.,

Applicant.

Opposition No. _____

CONSOLIDATED NOTICE OF OPPOSITION

Opposer, Cambridge Silicon Radio Limited ("Opposer"), a corporation organized and existing under the laws of the United Kingdom, having a place of business at Churchill House, Cambridge Business Park, Cowley Road, Cambridge, United Kingdom CB40WZ, believes it will be damaged by registration of the marks APTIV, MICROAPTIV, PROAPTIV, and INTERAPTIV shown in Application Serial Nos. 85/588111, 85/603332, 85/603328, and 85/603331, respectively, all for goods in International Class 9, filed by Applicant, MIPS Technologies, Inc. ("Applicant"), a corporation believed to be organized and existing under the laws of Delaware, having an address at 955 East Arques Avenue, Sunnyvale, California 94085, and hereby files this Consolidated Notice of Opposition in order to oppose the same.

As grounds for opposition, Opposer alleges that:

1. Opposer has obtained the necessary extensions of time in which to oppose the challenged trademarks following their publication on September 25, 2012 in the *Official Gazette*.

2. Opposer is a leading developer and designer of silicon and software products for the consumer electronics market. Opposer is the owner of the following trademark applications with the United States Patent and Trademark Office: Application Serial No. 85/285650 for APTX, filed April 4, 2011, with a priority date of December 9, 2010 based on its foreign application for the mark pursuant to Section 44(d) of the Trademark Act; Application Serial No. 85/364276 for APTX LIVE, filed July 6, 2011, with a priority date of May 17, 2011 based on its foreign application for the mark pursuant to Section 44(d) of the Trademark Act; and Application Serial No. 85/285649 for APT X & Design, filed April 4, 2011, with a priority date of December 9, 2010 based on its foreign application for the mark pursuant to Section 44(d) of the Trademark Act (collectively, the "APTX Marks").

3. On May 25, 2012, Opposer submitted a copy of the foreign registration for the APTX mark at Serial No. 85/285650 and for the APT X & Design mark at Serial No. 85/285649.

4. On November 5, 2012, Opposer submitted a copy of the foreign registration for the APTX LIVE mark at Serial No. 85/364276. Opposer further requested that the mark register based on Section 44(e) of the Trademark Act and that the Section 1(b) basis for registration be deleted.

5. On January 22, 2013, Opposer requested a post-publication/post-notice of allowance amendment of the goods for the APTX mark at Serial No. 85/285650 and for the APTX LIVE mark at Serial No. 85/364276, limiting the goods to "apparatus for recording, transmission or reproduction of sound; semiconductor components, integrated circuits, semiconductor chips, semiconductor chip sets, circuit board assemblies, computer components,

electronic components, control software, interface software, communications software, all the aforesaid goods being for use in connection with radio and/or wireless communication transmitters, receivers and synthesizers; semiconductor component layouts in electronic form for use in connection with the design and manufacturing of semiconductors; computer hardware for telecommunications and microphones; computer software for improving voice signal quality and the intelligibility of speech content used in voice interface systems, command and control systems, radio intercom systems, microphone systems, wireless communications systems and telecommunications systems; microphone systems comprising a microphone unit and digital signal process” in International Class 9, and requested that the Section 1(b) basis for registration be deleted. On January 23, 2013, Opposer filed a post-notice of allowance amendment for the APT X & Design mark at Serial No. 85/285649 requesting the same amendment of the goods in the application and the deletion of the 1(b) basis for registration.

6. On April 3, 2012, Applicant filed an intent-to-use application at Serial No. 85/588111 to register the mark APTIV, and on April 20, 2012, Applicant filed intent-to-use applications at Serial Nos. 85/603332, 85/603328, and 85/603331 to register the marks MICROAPTIV, PROAPTIV, and INTERAPTIV, respectively, all in connection with:

“Computer software used in, and for use in the design and development of, microprocessor cores and semiconductor intellectual property (SIP) cores; computer code products, namely, simulators for microprocessor cores and SIP cores; microprocessor cores and SIP cores; electronic publications in the nature of manuals, specifications, guides, and data sheets all in the field of computer technology in downloadable form or recorded on computer media” in Class 9.

7. Applicant’s application Serial Nos. 85/588111, 85/603332, 85/603328, and 85/603331 for APTIV, MICROAPTIV, PROAPTIV, and INTERAPTIV (collectively, the

“APTIV Marks”) were published for opposition on September 25, 2012. Opposer subsequently filed a 60-day extension of time to oppose the APTIV Marks on October 24, 2012.

8. Opposer’s APTX Marks have priority over Applicant’s APTIV Marks. Upon information and belief, Applicant has not used the APTIV mark on its goods prior to April 2, 2012, as evidenced by Applicant’s filing of its application on an intent-to-use basis on that date, and has not used the MICROAPTIV, PROAPTIV, and INTERAPTIV marks on its goods prior to April 20, 2012, as evidenced by Applicant’s filing of its applications for the marks on an intent-to-use basis on that date. The dates of priority of Opposer’s APTX Marks are thus well before the first use, if any, or filing of, Applicant’s APTIV Marks, and Opposer’s APTX Marks therefore have priority over Applicant’s applications for the APTIV Marks.

9. Opposer’s APTX Marks are inherently distinctive and strong marks, serving to distinguish the source of Opposer's goods.

10. Applicant's proposed APTIV Marks are highly similar in appearance and commercial impression to Opposer’s APTX Marks.


11. Applicant seeks to register the APTIV Marks in connection with goods that are related to the goods of Opposer offered under its APTX Marks. Applicant's registration and use of the APTIV Marks in connection with the goods set forth in Application Serials Nos. 85/588111, 85/603332, 85/603328, and 85/603331 are likely to cause confusion, to cause mistake, and to deceive customers, potential customers, and others as to the source of its goods. Such confusion will cause harm to Opposer and the consuming public. Person’s familiar with Opposer’s APTX Marks would be likely to buy Applicant’s goods offered under the APTIV Marks as goods offered by Opposer. Furthermore, any defect, objection or fault found with

Applicant's goods marketed under the APTIV Marks would be likely to reflect upon and injure Opposer and the reputation of the quality of goods offered under the APTX Marks.

12. Accordingly, for each and every reason stated above, Opposer believes that it will be damaged by the registration of Applicant's APTIV Marks and hereby opposes Application Serial Nos. 85/588111, 85/603332, 85/603328, and 85/603331.

13. Opposer believes it appropriate to oppose Application Serial Nos. 85/588111, 85/603332, 85/603328, and 85/603331 in a single "consolidated" notice of opposition because all of the applications are owned by the same applicant and Opposer's claims against each of the Applicant's subject applications involve common questions of law or fact.

WHEREFORE, Opposer prays that this consolidated opposition of the four subject applications be sustained and that the registration of Applicant's marks in Application Serial Nos. 85/588111, 85/603332, 85/603328, and 85/603331 be refused.

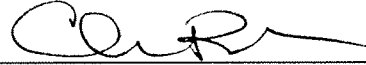
January 22 ²³ , 2013	
	Respectfully submitted, SHEPPARD, MULLIN, RICHTER & HAMPTON LLP By:  Harold J. Milstein Chelseaa Bush Attorneys for Opposer Cambridge Silicon Radio Limited

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Palo Alto, CA 94301
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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing CONSOLIDATED NOTICE OF OPPOSITION was served by first class mail, postage prepaid, on January 23, 2013 upon counsel for Applicant at the following address:

Mary L. Shapiro
Law Offices of Mary Shapiro
244 California Street, Suite 507
San Francisco, CA 94111



Chelseaa Bush