

ESTTA Tracking number: **ESTTA614607**

Filing date: **07/09/2014**

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	Altera Corporation
Granted to Date of previous extension	07/09/2014
Address	101 Innovation Drive San Jose, CA 95134 UNITED STATES
Attorney information	Rochelle D. Alpert Morgan, Lewis & Bockius LLP One Market, Spear Street Tower San Francisco, CA 94105 UNITED STATES ralpert@morganlewis.com, shall@morganlewis.com, sfrade- marks@morganlewis.com Phone:415-442-1326

Applicant Information

Application No	79128914	Publication date	03/11/2014
Opposition Filing Date	07/09/2014	Opposition Period Ends	07/09/2014
International Registration No.	1157226	International Registration Date	11/27/2012
Applicant	Quortus Limited 3000 Cathedral Hill UNITED KINGDOM		

Goods/Services Affected by Opposition

<p>Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Computer software for use in the transmission of cellular network data and signals; cellular network software for use in the transmission of cellular network data and signals; telecommunications software for use in relation to cellular network infrastructure for local traffic switching, local voice and data offload, network-edge signaling and traffic processing</p>
<p>Class 038. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Telecommunications services, namely, provision of cellular telephone communication networks; cellular and fixed telephone services; cellular telecommunications network services, namely, wireless telephone services; providing a portal website for clients to access secure websites where they can manage their cellular networks; providing e-mail services; providing user access to the Internet; providing data network services, namely, transmission of voice, audio, visual images and data by data networks; providing telecommunications connections to the Internet, computer databases or other electronic networks; provision of private and secure real time electronic communication over a cellular network; computer aided transmission of messages,</p>

data and images; data interchange services; transfer of data by telecommunications; computer communication services; computer network services, namely, providing high speed access to area networks and a global computer and cellular information network; providing access time to computer databases, computer networks and cellular networks

Class 042. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Scientific and technological services, namely, research and design in the field of computer and cellular networks, cellular network data and signals, cellular network infrastructure, network-edge signaling and traffic processing; design and development of computer hardware and software; installation, maintenance and repair of computer software; computer consultancy services; advisory and consultancy services relating to computer and cellular network services

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.	2437396	Application Date	05/13/1998
Registration Date	03/20/2001	Foreign Priority Date	NONE
Word Mark	QUARTUS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1998/10/26 First Use In Commerce: 1999/03/31 Computer software and user manuals sold as a unit, for use in the design and operation of semiconductor devices and integrated circuits; and communications software for use on computer networks and a global computer network for use in accessing on-line databases used in the design and application of semiconductor devices and integrated circuits		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	QUARTUS		
Goods/Services	As specified in the attached Notice of Opposition.		

Attachments	Notice of Opposition (Exh A) -- Serial No. 79128914.pdf(469894 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	/RDA/
Name	Rochelle D. Alpert
Date	07/09/2014

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

In the matter of application Serial No. 79/128,914
Filed November 27, 2012
For the mark **QUORTUS**
Published in the OFFICIAL GAZETTE on March 11, 2014

ALTERA CORPORATION,

Opposer,

v.

QUORTUS LIMITED,

Applicant.

Opposition No.:

NOTICE OF OPPOSITION

Altera Corporation, a Delaware corporation, having its principal place of business at 101 Innovation Drive, San Jose, California 95134 (“Altera”), believes that it will be damaged by the registration of the designation applied for in Serial No. 79/128,914 filed by Quortus Limited, an England Private Limited Company, having its principle place of business at 3000 Cathedral Hill, Guildford, Surrey, GU2 7YB, United Kingdom (“Applicant”), and hereby opposes same.

As grounds for the opposition, Altera alleges as follows:

1. Altera promotes, offers and sells semiconductors, programmable logic devices, microprocessors and software used for a wide array of purposes, including but not limited to use in connection with wireless communications devices, computers, computer storage; computer network performance, medical devices, and automotive devices, and

promotes, offers and sells services related to its products including technical support services, d education and training services and consulting services.

2. For more than fifteen years Altera has owned and used, in interstate commerce, the mark QUARTUS® for “computer software and user manuals sold as a unit, for use in the design and operation of semiconductor devices and integrated circuits; and communications software for use on computer networks and a global computer network for use in accessing on-line databases used in the design and application of semiconductor devices and integrated circuits.” The registration for such goods and services is not limited to any industry or field. Altera’s QUARTUS® software in fact can be used in and for a wide array of purposes and industries.

3. Altera’s website, www.altera.com, Altera features the QUARTUS® mark and products and services offered and sold under the QUARTUS® mark, including training and consulting services related to its QUARTUS® software.

4. Altera owns a valid, subsisting, uncancelled and unrevoked, incontestable federal trademark registration for the mark QUARTUS®, United States Registration No. 2,437,396, for “computer software and user manuals sold as a unit, for use in the design and operation of semiconductor devices and integrated circuits; and communications software for use on computer networks and a global computer network for use in accessing on-line databases used in the design and application of semiconductor devices and integrated circuits” in International Class 9. The QUARTUS® mark registered on March 20, 2001. A true and correct copy of Altera’s federal registration from the Trademark Office’s TSDR database, including the Assignment Status, for the QUARTUS® Mark is attached hereto as Exhibit A.

5. Through substantial investment of time and effort, Altera has built extensive good will and recognition for its QUARTUS[®] mark and the products and services offered in connection with the mark. As a result, the QUARTUS[®] mark has become associated substantially exclusively with Altera and its QUARTUS[®] software and related services in the relevant marketplaces.

6. By way of the opposed 66(A) application (App. Ser. No. 79/128,914) (“Application”), Applicant seeks to register the designation QUORTUS for the following goods and services:

Class 9: Computer software for use in the transmission of cellular network data and signals; cellular network software for use in the transmission of cellular network data and signals; telecommunications software for use in relation to cellular network infrastructure for local traffic switching, local voice and data offload, network-edge signaling and traffic processing;

Class 38: Telecommunications services, namely, provision of cellular telephone communication networks; cellular and fixed telephone services; cellular telecommunications network services, namely, wireless telephone services; providing a portal website for clients to access secure websites where they can manage their cellular networks; providing e-mail services; providing user access to the Internet; providing data network services, namely, transmission of voice, audio, visual images and data by data networks; providing telecommunications connections to the Internet, computer databases or other electronic networks; provision of private and secure real time electronic communication over a cellular network; computer aided transmission of messages, data and images; data interchange services; transfer of data by telecommunications; computer

communication services; computer network services, namely, providing high speed access to area networks and a global computer and cellular information network; providing access time to computer databases, computer networks and cellular networks
Class 42: Scientific and technological services, namely, research and design in the field of computer and cellular networks, cellular network data and signals, cellular network infrastructure, network-edge signaling and traffic processing; design and development of computer hardware and software; installation, maintenance and repair of computer software; computer consultancy services; advisory and consultancy services relating to computer and cellular network services

7. The opposed application was filed on November 27, 2012, more than a decade after Altera filed and obtained a United States trademark registration for its QUARTUS[®] mark, well after Altera first commenced use of its QUARTUS[®] mark, and well after the registrations for the QUARTUS[®] mark became incontestable.

**FIRST GROUND FOR OPPOSITION
(Likelihood of Confusion)**

8. Altera realleges the allegations contained in paragraphs 1 through 7 of this Notice of Opposition as if fully set out herein.

9. The designation for which Applicant seeks registration – QUORTUS – is nearly identical in sight, sound and/or commercial impression to the QUARTUS[®] mark owned and used by Altera for software and related services.

10. On information and belief, Altera alleges that the goods and services for which Applicant seeks to register the applied-for QUORTUS designation are overlapping with, related to and/or complementary to, Altera's products offered under its QUARTUS[®] mark.

11. On information and belief, Altera alleges that Applicant directs its goods and services under the applied-for QUORTUS designation to the same and/or overlapping consumers to whom Altera promotes and offers its product and services bearing its QUARTUS® mark. Further, on information and belief, Altera alleges that Applicant and Altera use or will use the same or overlapping channels of trade to target the same or overlapping prospective customers. The applied-for designation on its face is not limited to any particular channels of trade or prospective customers.

12. Under these circumstances, Applicant's applied for designation QUORTUS is likely to be confused with Altera's long-used QUARTUS® mark for software and related services. Based on Altera's prior rights in and substantially exclusive use of the QUARTUS® mark in relevant marketplace for the specified goods and services, Altera will be damaged if Applicant's QUORTUS designation proceeds to registration as set forth in the opposed Application .

13. Inasmuch as Altera's QUARTUS® mark is nearly identical in sight, sound and/or commercial impression to the applied-for designation and because the goods and services identified in the opposed application and the apparent channels of trade for those goods and services on their face overlap with and/or related to those Altera offers, Applicant's application for the QUORTUS designation is likely to cause confusion or to cause mistake, or to deceive or disparage by falsely suggesting a connection with Altera and its QUARTUS® products, when no such connection exists. As a result, Altera will be damaged by the registration of the designation sought to be protected in Applicant's application and requests that the opposed application be denied.

14. Altera believes it will be damaged by registration of the applied-for designation in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d). Unless Applicant's application is denied, Applicant will unjustifiably reap the benefits of the goodwill of Altera, and Altera will suffer irreparable damage and injury as a result of the confusion and mistake and false association that is likely to arise from the registration of the applied-for QUORTUS designation.

WHEREFORE, Altera requests that application Serial No. 79/128,914 be rejected, that no registration be issued thereon to Applicant, that this opposition be sustained in favor of Altera, and that such other appropriate and proper relief be entered.

Dated: July 9, 2014

Respectfully submitted,

By: /s/ RDA
Rochelle D. Alpert
Attorney for Opposer Altera Corporation

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EXHIBIT A

to Notice of Opposition (Serial No. 79/128,914)

Altera Corporation v. Quortus Limited

Submitted by: **Altera Corporation (Opposer)**

Serial No.: **79/128,914**

STATUS

DOCUMENTS

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Mark: QUARTUS

No Image exists
for this case.

US Serial Number: 75484359

Application Filing Date: May 13, 1999

US Registration Number: 2437396

Registration Date: Mar. 20, 2010

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Apr. 08, 2010

Publication Date: Dec. 07, 1999

Notice of Allowance Date: Feb. 29, 2000

Mark Information

Mark Literal Elements: QUARTUS

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

International Registration [1132200](#)
Number:

International Application [A0031136/1132200](#)
(s) /Registration(s) Based
on this Property:

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Computer software and user manuals sold as a unit, for use in the design and operation of semiconductor devices and integrated circuits; and communications software for use on computer networks and a global computer network databases used in the design and application of semiconductor devices and integrated circuits

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023,

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 26, 1998

Use in Commerce: Mar. 31, 1

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes
Filed ITU: Yes	Currently ITU: No
Filed 44D: No	Currently 44D: No
Filed 44E: No	Currently 44E: No
Filed 66A: No	Currently 66A: No
Filed No Basis: No	Currently No Basis: No

Current Owner(s) Information

Owner Name: Altera Corporation

Owner Address: 101 Innovation Drive
San Jose, CALIFORNIA 95134
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: ROCHELLE D. ALPERT

Attorney Primary Email: ralpert@morganlewis.com

Address:

Docket Number: 058116.23

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: ROCHELLE D. ALPERT
MORGAN, LEWIS & BOCKIUS LLP
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UNITED STATES

Phone: 415-442-1326

Fax: 415-442-1

Correspondent e-mail: ralpert@morganlewis.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 08, 2010	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	75461
Apr. 08, 2010	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Apr. 08, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	75461
Mar. 30, 2010	TEAS SECTION 8 & 9 RECEIVED	
Nov. 28, 2006	CASE FILE IN TICRS	
Jun. 22, 2006	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67826
Apr. 11, 2006	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Apr. 11, 2006	TEAS SECTION 8 & 15 RECEIVED	
May 06, 2003	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 20, 2001	REGISTERED-PRINCIPAL REGISTER	
Jan. 21, 2001	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 21, 2001	ASSIGNED TO EXAMINER	75568
Dec. 04, 2000	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jun. 14, 2000	NON-FINAL ACTION MAILED	
Jun. 05, 2000	STATEMENT OF USE PROCESSING COMPLETE	
Apr. 03, 2000	USE AMENDMENT FILED	
Feb. 29, 2000	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Dec. 07, 1999	PUBLISHED FOR OPPOSITION	
Nov. 05, 1999	NOTICE OF PUBLICATION	
Aug. 11, 1999	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 28, 1999	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jan. 04, 1999	NON-FINAL ACTION MAILED	
Dec. 14, 1998	ASSIGNED TO EXAMINER	76155

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Mar. 20, 2011

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Apr. 08, 2011

Assignment Abstract Of Title Information - Click to Load

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No assignment has been recorded at the USPTO

For Serial Number: 75484359

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.4
Web interface last modified: Mar 15, 2014 v.2.4

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CERTIFICATE OF SERVICE

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is One Market, Spear Street Tower, **San Francisco, CA 94105**.

On **July 9, 2014**, I served the within documents:

NOTICE OF OPPOSITION and Exhibit A (Application Serial No. 79/128,914)

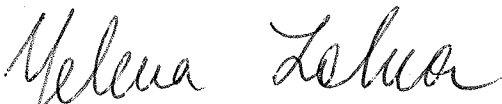
(BY MAIL) by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at **San Francisco, California** addressed as set forth below. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

(BY FEDERAL EXPRESS) I placed the sealed envelope(s) or package(s) designated by the express service carrier for collection and delivery to the party/ies listed below:

Kyle M. Globerman
Brient Globerman, LLC
1175 Grimes Bridge Road, Suite 100
Roswell, GEORGIA 30075
UNITED STATES

Attorney for Applicant, Quortus Limited

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct, and that this declaration was executed on **July 9, 2014**, at **San Francisco, California**.



Yelena Lolua