

ESTTA Tracking number: **ESTTA931010**

Filing date: **10/25/2018**

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 parties oppose registration of the indicated application.

Opposers Information

Name	CGI GROUP INC.
Granted to Date of previous extension	10/28/2018
Address	1350 Rene-Levesque West Montreal, H3G 1T4 CANADA

Name	CGI Technologies and Solutions Inc.
Granted to Date of previous extension	10/28/2018
Address	11325 Random Hills Road Fairfax, VA 22030 UNITED STATES

Attorney information	Robert W. Zelnick MCDERMOTT WILL & EMERY LLP 500 NORTH CAPITOL STREET, NW WASHINGTON, DC 20001-1531 UNITED STATES rzelnick@mwe.com, ksandacz@mwe.com, kbukrinsky@mwe.com, dciplit@mwe.com 202.756.8000
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Applicant Information

Application No	87575112	Publication date	05/01/2018
Opposition Filing Date	10/25/2018	Opposition Period Ends	10/28/2018
Applicant	Keller Williams Realty, Inc. 1221 S. MoPac Expressway, Suite 400 Austin, TX 78746 UNITED STATES		

Goods/Services Affected by Opposition


Class 041. First Use: 2016/07/11 First Use In Commerce: 2016/07/11

All goods and services in the class are opposed, namely: Educational services, namely, conducting classes, seminars, conferences, and workshops in the field of real estate for real estate professionals and distribution of training materials in connection therewith

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)

Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	3539769	Application Date	02/20/2008
Registration Date	12/02/2008	Foreign Priority Date	NONE
Word Mark	CGI		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1998/10/15 First Use In Commerce: 1998/10/15 Computer software for use in customer relationship management; Computer programs for document management; Computer software to monitor and analyze customer information related to credit risk, account transactions, payment history, buying decisions, and customer behavior and characteristics, for use in the fields of financial services, telecommunications, government and healthcare; Computer software for calculating, auditing, and administering commissions based on sales volume and customer account data; Computer software for managing accounting and financial data, for managing data relating to funds, payments, costs and accounts receivable, and for preparing financial reports; Computer software for use primarily by government human service agencies to manage, gather and report data relating to field visits, to record and transmit digital images, signatures and geographic data, to obtain maps and driving directions and to track the locations of caseworkers; Downloadable electronic publications in the nature of computer software user manuals; Downloadable electronic publications in the nature of articles and reports for use in the fields of financial services, logistics, health care, manufacturing, energy, retailing, telecommunications and public utilities; Computer software for investment asset allocation and portfolio optimization; Computer software for use by members of the financial services industry to initiate, process and report financial transactions; Computer software for financial calculation; Computer software for use in the field of business and financial services, namely, software for preparing and evaluating credit and loan applications, for obtaining pertinent data relating to such credit and loan applications from a variety of sources, and for identifying categories of credit, loan or other financial services which may be suitable for the person or organization seeking the credit or loan; Computer software for investment portfolio management, and for data analysis and reporting, used in the field of financial services; Computer software for use by healthcare providers to manage patient records and to generate correspondence, invoices and reports; Computer software for use by human resource departments to manage employee records and to generate correspondence and reports; Computer gateway software for use in</p>		

the field of telecommunications; Computer software for processing billing and orders for goods and services; Computer software for use primarily by government human service agencies to manage, gather and report data relating to field visits, to record and transmit digital images, signatures and geographic data, to obtain maps and driving directions and to track the locations of caseworkers; Computer software for mobile workforce management, namely, software for communicating with field personnel, and for managing and reporting data on employee locations, schedules and tasks; Computer software for use by electric utilities to control power distribution and manage restoration of power after outages; Computer software for use in the oil and gas industry to capture and report field data


Class 035. First use: First Use: 1980/12/00 First Use In Commerce: 1980/12/00 Business administration and management; Business records management; Business risk management consultation; Human resources management; Business services, namely, analyzing procurement expenses and practices for governmental agencies; Procurement, namely, purchasing goods and services on behalf of others, namely, purchasing apparel, office equipment and supplies, paper, computer hardware and peripherals, computer software, furniture, [medical equipment and supplies,] vehicles, laboratory equipment and supplies, lighting fixtures and supplies, mail room equipment, materials used in construction [and road repairs, transportation services, lodging services,] mailing services, [preparing and serving foods,] printing, document storage, [health care,] information technology consulting, maintenance of computers and software, telecommunications and temporary employment

Class 041. First use: First Use: 1998/10/15 First Use In Commerce: 1998/10/15 Training services in the fields of computer software, information technology and business management

Class 042. First use: First Use: 1980/12/00 First Use In Commerce: 1980/12/00 Technical support services, namely, troubleshooting of computer hardware and software problems; Computer services, namely, hosting and maintaining a web site for others to exchange information about computer software use; Installation and maintenance of computer software; Updating of computer software for others; Computer project management services; Creating and maintaining web sites for others

U.S. Registration No.	4581046	Application Date	02/13/2013
Registration Date	08/05/2014	Foreign Priority Date	NONE
Word Mark	CGI ADVANTAGE360		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2013/06/04 First Use In Commerce: 2013/06/04 Business management and consultation in the field of government and educa-		

	<p>tion; business process outsourcing and data processing services in the field of government and education</p> <p>Class 042. First use: First Use: 2013/06/04 First Use In Commerce: 2013/06/04</p> <p>Software as a service (SaaS) featuring software for use in financial management, procurement, budgeting and budget control, grant management, data management, permit and license management, case management, investment management, collections and debt management, performance measurement, human resource management, materials management, tax management, business intelligence and reporting for use in the field of government and education; providing on-line non-downloadable software for use in financial management, procurement, budgeting and budget control, grant management, data management, permit and license management, case management, investment management, collections and debt management, performance measurement, human resource management, materials management, tax management, business intelligence and reporting for use in the field of government and education</p>
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U.S. Registration No.	3664147	Application Date	04/17/2007
Registration Date	08/04/2009	Foreign Priority Date	NONE
Word Mark	CGI ENTERPRISE GATEWAY		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2009/06/03 First Use In Commerce: 2009/06/03</p> <p>Computer software for use in the field of business and financial services, namely, software for requesting, retrieving and analyzing data from various data sources for use in credit and loan originations, collections, recovery and marketing</p>		

U.S. Registration No.	4782533	Application Date	09/06/2013
Registration Date	07/28/2015	Foreign Priority Date	NONE
Word Mark	CGI WEALTH360		

Design Mark	<h1 style="text-align: center;">CGI WEALTH360</h1>
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 2012/11/00 First Use In Commerce: 2012/11/00 (Based on Use in Commerce) Financial portfolio management software used in the financial services industry; financial portfolio accounting and management computer software programs; software for use by the financial services industry as an asset allocation and portfolio optimizer; investment fund record-keeping software for investment fund manufacturers of mutual funds, segregated funds and labor-sponsored funds; computer software for database management; computer software for use in the financial services industry featuring security software and computer network security for use in multi-currency computation, electronic funds transfer, currency exchange management, and generation of bilingual business and financial statements; computer software for the management of the legislative features associated with registered and non-registered plans, including multi-currency capability for the financial services industry; computer software for conducting inventory control management; computer software for conducting and analyzing risk management in the fields of institutional investment dealers</p> <p>Class 035. First use: First Use: 2012/11/00 First Use In Commerce: 2012/11/00 (Based on Use in Commerce) Investment fund record-keeping services, namely, maintaining and recording positions in stocks, bonds, funds and other securities, financial record-keeping for investment risk management, regulatory compliance purposes, and accounting purposes; providing of services to mutual and investment fund managers to assist in managing a portfolio accounting and management computer program, namely, providing bookkeeping and administrative accounting services for mutual and investment fund managers, office functions in the nature of maintaining records of ownership of stocks, shares and securities for mutual and investment fund managers</p> <p>Class 037. First use: First Use: 0 First Use In Commerce: 0 (Based on 44(e)) Providing of services to mutual and investment fund managers to assist in managing a portfolio accounting and management computer program, namely, installation, maintenance and repair of computer hardware used with an investment accounting and management program</p> <p>Class 041. First use: First Use: 2012/11/00 First Use In Commerce: 2012/11/00 (Based on Use in Commerce) Computer training, namely, training in the operation and use of investment portfolio management and investment fund shareholder record-keeping software for investment managers, administrators and advisors; training in relation to an investment fund record-keeping software for investment fund manufacturers of mutual funds, segregated funds and labor-sponsored funds, namely, providing training in the use and operation of investment fund record-keeping software</p> <p>Class 042. First use: First Use: 2012/11/00 First Use In Commerce: 2012/11/00 (Based on Use in Commerce) Computer consultation; providing of services to mutual and investment fund managers to assist in managing a portfolio accounting and management computer program, namely, design and development of</p>

	<p>computer software for others, support in the nature of troubleshooting and diagnosing computer software problems for others, remote management of the information technology (IT) software systems of others; information, installation, maintenance and technical support services in relation to an investment fund record-keeping software for investment fund manufacturers of mutual funds, segregated funds and labor sponsored funds, namely, design and development of computer software for others, support in the nature of troubleshooting and diagnosing computer software problems for others, remote management of the information technology (IT) software systems of others; computer software project management services; customer service in the field of computer servicing, namely, troubleshooting of software and hardware problems and repair of software defects for others; software as a service (SAAS) services featuring software for business accounting, investment portfolio record keeping and financial record keeping; technical support services in the form of troubleshooting of computer software problems; computer network security services in the nature of user authentication, activity logging and disaster recovery services, namely, enforcing, restricting and controlling access privileges of users of computing resources for cloud, mobile or network resources based on assigned credentials, restricting access to and by computer networks to and of undesired web sites, media and individuals and facilities, computer disaster recovery planning, recovery of computer data and encrypted computer data services, namely, enforcing, restricting and controlling access privileges of users of computing resources for cloud, mobile or network resources based on assigned credentials, restricting access to and by computer networks to and of undesired web sites, media and individuals and facilities, computer disaster recovery planning, recovery of computer data and encrypted computer data</p>
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Attachments	<p>77401091#TMSN.png(bytes) 85848493#TMSN.png(bytes) 77158320#TMSN.png(bytes) 86057938#TMSN.png(bytes) oppos87575112.pdf(293505 bytes)</p>
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Signature	/Robert W. Zelnick/
Name	Robert W. Zelnick
Date	10/25/2018

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

CGI GROUP INC. and CGI TECHNOLOGIES
AND SOLUTIONS INC.

Opposers,

v.

KELLER WILLIAMS REALTY, INC.

Applicant.

Opposition No. _____

Serial No: 87/575112

Mark: CGI (word mark)

NOTICE OF OPPOSITION

CGI GROUP INC., a corporation organized and existing under the laws of Canada, and CGI TECHNOLOGIES AND SOLUTIONS INC., a Delaware corporation (collectively, “Opposers”), oppose registration of the mark CGI (Application No. 87/575112) filed by Keller Williams Realty, Inc., a Texas corporation (“Applicant”), and request that registration be denied.

1. CGI Group Inc. and CGI Technologies and Solutions Inc., are related parties within the meaning of Trademark Act § 5 and Trademark Act § 45. CGI Technologies and Solutions Inc. is a wholly-owned subsidiary of CGI Group Holdings USA Inc., which in turn is a wholly-owned subsidiary of CGI Group Inc. CGI Group Inc. asserts control over the activities of CGI Technologies and Solutions Inc., including the selection, adoption, and use of trademarks containing “CGI.”

2. Opposers are leading global providers in commerce of, *inter alia*, business consulting services, business process services, information technology (“IT”) services, computer

application services, computer infrastructure and systems integration services, and training services for business management. Opposers and their related companies comprise the fifth-largest independent IT and business process services company in the world and generate billions of dollars in annualized revenue in commerce.

3. Since long prior to Applicant’s filing of its application at issue, and prior to any use of the mark therein by Applicant, Opposers have used, advertised and promoted in commerce, and continue to use, advertise and promote in commerce, the trademarks “CGI” and other “CGI”-formative marks identified in paragraph 4 below (collectively, “Opposers’ CGI Marks”) in connection with Opposers’ broad range of products and services including, *inter alia*, training services for business management, computer training services in the financial services industry, procurement services for lodging on behalf of others, computer software for evaluating credit and loan applications, business consultancy services, business intelligence, computer software for administering commissions based on sales volumes, human resources management, business process outsourcing, as well as the additional goods and services identified in the registrations cited in Paragraph 4 below (collectively “Opposers’ Registered CGI Goods and Services”).

4. Opposers own extensive common law rights in and to Opposers’ CGI Marks, based on Opposers’ use in commerce of Opposers’ CGI Marks in connection with Opposers’ Registered CGI Goods and Services. In addition, Opposers own many U.S. registrations and active pending U.S. applications for Opposers’ CGI Marks in connection with a wide variety of products and services. Among the federal registrations owned by Opposers are the following, which are currently registered on the Principal Register and have not been cancelled:

Mark	Registration No.	Full Goods/Services
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Mark	Registration No.	Full Goods/Services
CGI	3539769	<p>(Int'l Class: 09)</p> <p>computer software for use in customer relationship management; computer programs for document management; computer software to monitor and analyze customer information related to credit risk, account transactions, payment history, buying decisions, and customer behavior and characteristics, for use in the fields of financial services, telecommunications, government and healthcare; computer software for calculating, auditing, and administering commissions based on sales volume and customer account data; computer software for managing accounting and financial data, for managing data relating to funds, payments, costs and accounts receivable, and for preparing financial reports; computer software for use primarily by government human service agencies to manage, gather and report data relating to field visits, to record and transmit digital images, signatures and geographic data, to obtain maps and driving directions and to track the locations of caseworkers; downloadable electronic publications in the nature of computer software user manuals; downloadable electronic publications in the nature of articles and reports for use in the fields of financial services, logistics, health care, manufacturing, energy, retailing, telecommunications and public utilities; computer software for investment asset allocation and portfolio optimization; computer software for use by members of the financial services industry to initiate, process and report financial transactions; computer software for financial calculation; computer software for use in the field of business and financial services, namely, software for preparing and evaluating credit and loan applications, for obtaining pertinent data relating to such credit and loan applications from a variety of sources, and for identifying categories of credit, loan or other financial services which may be suitable for the person or organization seeking the credit or loan; computer software for investment portfolio management, and for data analysis and reporting, used in the field of financial services; computer software for use by healthcare providers to manage patient records and to</p>

Mark	Registration No.	Full Goods/Services
		<p>generate correspondence, invoices and reports; computer software for use by human resource departments to manage employee records and to generate correspondence and reports; computer gateway software for use in the field of telecommunications; computer software for processing billing and orders for goods and services; computer software for use primarily by government human service agencies to manage, gather and report data relating to field visits, to record and transmit digital images, signatures and geographic data, to obtain maps and driving directions and to track the locations of caseworkers; computer software for mobile workforce management, namely, software for communicating with field personnel, and for managing and reporting data on employee locations, schedules and tasks; computer software for use by electric utilities to control power distribution and manage restoration of power after outages; computer software for use in the oil and gas industry to capture and report field data (Int'l Class: 35)</p> <p>business administration and management; business records management; business risk management consultation; human resources management; business services, namely, analyzing procurement expenses and practices for governmental agencies; procurement, namely, purchasing goods and services on behalf of others, namely, purchasing apparel, office equipment and supplies, paper, computer hardware and peripherals, computer software, furniture, vehicles, laboratory equipment and supplies, lighting fixtures and supplies, mail room equipment, materials used in construction, mailing services, printing, document storage, information technology consulting, maintenance of computers and software, telecommunications and temporary employment (Int'l Class: 41)</p> <p>training services in the fields of computer software, information technology and business management (Int'l Class: 42)</p> <p>technical support services, namely, troubleshooting of computer hardware and software problems; computer services, namely, hosting and maintaining a web site</p>

Mark	Registration No.	Full Goods/Services
		for others to exchange information about computer software use; installation and maintenance of computer software; updating of computer software for others; computer project management services; creating and maintaining web sites for others
CGI ADVANTAGE360	4581046	(Int'l Class: 35) business management and consultation in the field of government and education; business process outsourcing and data processing services in the field of government and education (Int'l Class: 42) software as a service (saas) featuring software for use in financial management, procurement, budgeting and budget control, grant management, data management, permit and license management, case management, investment management, collections and debt management, performance measurement, human resource management, materials management, tax management, business intelligence and reporting for use in the field of government and education; providing on-line non-downloadable software for use in financial management, procurement, budgeting and budget control, grant management, data management, permit and license management, case management, investment management, collections and debt management, performance measurement, human resource management, materials management, tax management, business intelligence and reporting for use in the field of government and education
CGI ENTERPRISE GATEWAY	3664147	(Int'l Class: 09) computer software for use in the field of business and financial services, namely, software for requesting, retrieving and analyzing data from various data sources for use in credit and loan originations, collections, recovery and marketing
CGI WEALTH360	4782533	(Int'l Class: 41) computer training, namely, training in the operation and use of investment portfolio management and investment fund shareholder record-keeping software for investment managers, administrators and advisors;

Mark	Registration No.	Full Goods/Services
		training in relation to an investment fund record-keeping software for investment fund manufacturers of mutual funds, segregated funds and labor sponsored funds, namely, providing training in the use and operation of investment fund record-keeping software

5. The registrations set forth in Paragraph 4 are valid and subsisting and in full force and effect. In addition, U.S. Registration Nos. 3539769 and 3664147 have achieved incontestable status under 15 U.S.C. §§ 1065 and 1115(b).

6. Opposers have invested substantial resources to advertise and promote Opposers' Registered CGI Goods and Services in commerce under Opposers' CGI Marks. Opposers have been recognized in a variety of magazines, journals, newspapers and other media. Opposers' advertising and promotional efforts combined with Opposers' commercial success have led to significant unsolicited media attention in relation to Opposers' CGI Marks in the United States and in global media outlets. Opposers have won dozens of awards in connection with Opposers' CGI Marks. Opposers' CGI Marks are widely recognized by the general consuming public.

7. By reason of Opposers' extensive investment of time, money and effort, including substantial sales, advertising and promotional activities, Opposers' CGI Marks have come to be recognized as exclusively signifying Opposers and Opposers' Registered CGI Goods and Services. Opposers have built up extensive goodwill in Opposers' CGI Marks.

8. Opposers' CGI Marks are famous, and have been famous prior to Applicant's filing of its application opposed herein, and prior to any use of the applied-for mark by Applicant. The Trademark Trial and Appeal Board of the U.S. Patent and Trademark Office has

previously found Opposers' "CGI GROUP" service mark to be "famous." See U.S. Trademark Opposition No. 91183284, *CGI Group Inc. v. Cardinal Consulting, Inc.*, 42 TTABVUE at pp. 17, 23 (TTAB 2010).

9. Notwithstanding Opposers' rights in and to Opposers' CGI Marks, on August 18, 2017, Applicant filed an application for the mark CGI, Serial No. 87/575112 ("Applicant's Mark") for "[e]ducational services, namely, conducting classes, seminars, conferences, and workshops in the field of real estate for real estate professionals and distribution of training materials in connection therewith."

10. Opposers sought an extension of time to oppose Applicant's Mark, and thereafter timely opposed the mark.

11. Applicant's Mark is identical in sight, sound, and commercial impression to Opposers' mark CGI, and substantially similar to each of Opposers' other CGI Marks.

12. Applicant's application and proposed use of Applicant's Mark is without Opposers' consent or permission.

13. Applicant applied to register Applicant's Mark long after Opposers' CGI Marks became famous.

14. Applicant's applied-for-services directly overlap with, and are similar and related to, Opposers' Registered CGI Goods and Services. In addition to Opposers' Registered CGI Goods and Services, Opposers offer a variety of goods and services specifically related to housing and real estate under Opposers' CGI Marks, including but not limited to the following: facility optimization and sustainability services in relation to real estate; affordable housing management and consulting; managed IT services for housing platforms; and technology and evaluation services related to Real Estate Assessment Center inspections.

15. Applicant's use and registration of Applicant's Mark with the applied-for services is likely to cause confusion, deception, and/or mistake among the relevant public.

16. Applicant's use and registration of Applicant's Mark is likely to dilute the distinctiveness of Opposers' CGI Marks, which are famous.

17. Applicant's use and registration of Applicant's Mark is likely to falsely suggest a connection with Opposers and Opposers' CGI Marks.

18. Applicant's use and registration of Applicant's Mark interferes with Opposers' CGI Marks and will damage Opposers, their businesses and their goodwill.

19. WHEREFORE, Opposers believe that they would be damaged by registration of Applicant's Mark, and request that the registration of Applicant's Mark be denied.

Respectfully submitted,

CGI GROUP INC. and CGI TECHNOLOGIES AND SOLUTIONS INC.

Dated: October 25, 2018

By: /Robert W. Zelnick/

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Attorneys for Opposers