

ESTTA Tracking number: **ESTTA1126702**

Filing date: **04/13/2021**

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	Micron Technology, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	8000 SOUTH FEDERAL WAY BOISE, ID 83706 UNITED STATES		

Attorney information	MARGARET NIVER MCGANN PARSONS BEHLE & LATIMER 201 SOUTH MAIN STREET, SUITE 1800 SALT LAKE CITY, UT 84111 UNITED STATES Primary Email: trademarks@parsonsbehle.com 8015321234		
Docket Number	05847.219US8		

Applicant Information

Application No.	88892299	Publication date	03/16/2021
Opposition Filing Date	04/13/2021	Opposition Period Ends	04/15/2021
Applicant	SunRise Memory Corporation 46831 LAKEVIEW BLVD. FREMONT, CA 94538 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Semiconductors, namely, semiconductor memory and storage chips; Electronic display interfaces for computers, mobile devices, servers, and telecommunications networks and equipment
Class 045. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Licensing of technology and intellectual property associated with the design and manufacturing of memory chips, semiconductors and storage chips

Grounds for Opposition

The mark is merely descriptive	Trademark Act Section 2(e)(1)
The mark is generic	Trademark Act Sections 1, 2 and 45

Attachments	05847_219us80_Notice of Opposition_3D QVM.pdf(93057 bytes)
Signature	/Jonathan H. Love/
Name	Jonathan H. Love
Date	04/13/2021

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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MICRON TECHNOLOGY, INC.,)	
)	
Opposer,)	Opposition No. _____
)	
v.)	Serial No. 88/892,299
)	Mark: 3D QVM
SUNRISE MEMORY)	Published in the Official Gazette on
CORPORATION,)	March 16, 2021
)	
Applicant.)	

NOTICE OF OPPOSITION

Opposer Micron Technology, Inc. (“Opposer”) believes that it will be damaged by registration of the mark 3D QVM shown in Application Serial No. 88/892,299 because the mark is a generic or merely descriptive term for the goods identified in the application. Opposer hereby opposes same pursuant to Section 13(a) of the Lanham Trademark Act of 1946 (“Lanham Act”), 15 U.S.C. § 1063(a).

As grounds for opposition, Opposer alleges as follows:

1. Founded in 1978, Opposer, a Delaware corporation with a principal place of business at 8000 South Federal Way, Boise, Idaho 83706, is a global leader in the semiconductor industry, manufacturing innovative memory and storage solutions that have transformed how the world uses information. Through its worldwide operations, Opposer manufactures and markets random access memory, solid-state memory drives, flash memory, and other semiconductor memory components, modules, and applications for use in leading-edge computing, consumer,

networking, and mobile products. Detailed information on Opposer and its products and services may be found at its corporate website at www.micron.com.

2. Upon information and belief, on April 29, 2020, applicant, SunRise Memory Corporation, a Delaware corporation with an address at 46831 Lakeview Blvd., Fremont, California 94538, (“Applicant”) filed Application Serial No. 88/892,299 (the “Application”) seeking to register the mark 3D QVM for the following goods and services in International Classes 9 and 45:

Class 9: Semiconductors, namely, semiconductor memory and storage chips; Electronic display interfaces for computers, mobile devices, servers, and telecommunications networks and equipment

Class 45: Licensing of technology and intellectual property associated with the design and manufacturing of memory chips, semiconductors and storage chips

3. The Application published for opposition on March 16, 2021. Thus, Opposer’s Notice of Opposition is timely filed.

4. The term “3D” is used and recognized by the relevant consumers as a generic abbreviation for “three-dimensional.” The term “3D” is widely used within the semiconductor memory industry, and the electronics industry in general, with respect to semiconductor memory products. When used in reference to memory products, “3D” indicates that the memory chips are stacked vertically in multiple layers.

5. The term “QVM” is used and recognized by the relevant consumers as an initialism for “quasi-volatile memory.” Volatile memory is computer memory that only maintains its data while the device is powered. Non-volatile memory, on the

other hand, does not lose data when power is lost. Upon information and belief, Applicant has described quasi-volatile memory as memory having “transistors that have a conventional non-volatile memory transistor structure but short retention times” and described a quasi-volatile memory circuit as a “dynamic memory requiring refresh.” Compared to typical dynamic random-access memory, quasi-volatile memory circuits require less frequent refresh rates and operate with lower power requirements.

6. Like other memory circuits, a QVM circuits can be stacked in a three-dimensional array to form a memory string with more efficient computing power.

7. Accordingly, when the terms “3D” and “QVM” are combined, such as in Applicant’s 3D QVM mark, they retain their descriptive meaning describing a specific type of semiconductor memory product, namely three-dimensional quasi-volatile memory.

8. Given the common use of the terms 3D (as a reference to three dimensional) and QVM (as initialism for “quasi-volatile memory”) the relevant consumers of semiconductor memory products recognize 3D QVM to be synonymous with “three dimensional quasi-volatile memory,” which is merely generic, or at least descriptive, of a type or class of semiconductor memory products.

9. Upon information and belief, Applicant’s mark has not acquired secondary meaning.

10. Given the descriptive, general, and common usage of the terms 3D QVM that exists throughout the semiconductor memory industry, and the electronics industry in general, and in order to ensure that these recognized terms remain available for general use in the semiconductor industry and electronics industry in association with the relevant class of semiconductor products, it would be unfair and out of keeping with current usage realities to permit any party to obtain exclusive rights in such descriptors by allowing such party to register the term 3D QVM as a trademark in association with semiconductor memory products and related services.

WHEREFORE, Opposer prays that this Opposition be sustained and that the registration of application Serial No. 88/892,299 be refused.

DATED this 13th day of April, 2021.

PARSONS BEHLE & LATIMER

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