

ESTTA Tracking number: **ESTTA1256543**

Filing date: **12/26/2022**

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 83707 UNITED STATES		

Correspondence information	MARGARET N. MCGANN ATTORNEY OF RECORD PARSONS BEHLE & LATIMER 800 WEST MAIN STREET, SUITE 1300 BOISE, ID 83702 UNITED STATES Primary email: trademarks@parsonsbehle.com 2085624900
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Applicant information

Application no.	97222188	Publication date	11/29/2022
Opposition filing date	12/26/2022	Opposition period ends	12/29/2022
Applicant	HSU, FUCHANG 1228 CORDELIA AVE SAN JOSE, CA 95129 UNITED STATES		

Goods/services affected by opposition

Class 009. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Semi-conductor memories
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Grounds for opposition

The mark is merely descriptive	Trademark Act Section 2(e)(1)
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Attachments	Notice of Opposition_X-DRAM.pdf(158166 bytes)
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Signature	/Margaret N. McGann/
Name	Margaret N. McGann
Date	12/26/2022

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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MICRON TECHNOLOGY, INC.,)	
)	
Opposer,)	Opposition No. _____
)	
v.)	Serial No. 97/222,188
)	Mark: X-DRAM
FU-CHANG HSU)	Published in the Official Gazette on
)	November 29, 2022
Applicant.)	
_____)	

NOTICE OF OPPOSITION

Opposer Micron Technology, Inc. (“Opposer”) believes that it will be damaged by registration of the mark X-DRAM shown in Application Serial No. 97/222,188 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 DRAM, 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 January 16, 2022, applicant, Fu-Chang Hsu AKA Andy Hsu, an individual with an address at 1228 Cordelia Ave, San Jose, California, 95129, (“Applicant”) filed Application Serial No. 97/222,188 (the “Application”) seeking to register the mark X-DRAM for “Semi-conductor memories” in International Class 9.

3. Upon information and belief, Applicant is the CEO of NEO Semiconductor.

4. The Application was published for opposition on November 29, 2022. Thus, Opposer’s Notice of Opposition is timely filed.

5. The term DRAM is a generic term commonly used within the semiconductor memory industry, and the electronics industry in general, with respect to semiconductor memory products.

6. “RAM” is broadly used and recognized as an acronym for “random-access memory,” a type of memory that operates as a computer system’s short-term memory. RAM stores information that a computer is using so that it can be accessed quickly. The generic designation “RAM” is not used only by Opposer, but also by the electronics industry in general to refer to computer memory products.

7. The letter “D” is often used in reference to RAM products. In this context, “D” is a commonly used and understood reference to “dynamic.” For example, relevant consumers understand DRAM to be a reference to “Dynamic Random-Access Memory.”

8. Manufacturers of DRAM, including Opposer, often use the term “xDRAM” in reference to DRAM products where “x” is a place holder for a specific model number or type of DRAM. See, e.g., <https://www.micron.com/-/media/client/global/documents/products/part-numbering-guide/nummcp.pdf>

(reproduced in part below).

Product Family

- 38L = NOR L-series + xNAND + xDRAM
- 38M = NOR M-series + xNAND + xDRAM
- 38W = NOR W-series + xNAND + xDRAM

	NOR	xNAND	xDRAM
0		N/A	
1	32Mb = 4MB		16Mb = 2MB
2	64Mb = 8MB		32Mb = 4MB
3	128Mb = 16MB		64Mb = 8MB
4	256Mb = 32MB		128Mb = 16MB
5	512Mb = 64MB		256Mb = 32MB
6	768Mb = 96MB		384Mb = 48MB
7	1Gb = 128MB		512Mb = 64MB
8	1.25Gb = 160MB		768Mb = 96MB
9	1.5Gb = 192MB		1Gb = 128MB
A	1.75Gb = 224MB		1.5Gb = 192MB
B	2Gb = 256MB		2Gb = 256MB
C	3Gb = 384MB		3Gb = 384MB
D	4Gb = 512MB		4Gb = 512MB

xDRAM Description

- 0 = N/A
- 1 = ASYNC PSRAM
- 2 = SYNC PSRAM No Mux
- 3 = SYNC PSRAM AD Mux
- 4 = SYNC PSRAM AAD Mux
- 5 = x16 DDR1 1KB Page
- 6 = x16 DDR1 2KB Page
- 7 = x16 DDR1 4KB Page
- 8 = x32 DDR1 4KB Page

9. Furthermore, manufacturers of semiconductor devices often use the letter “x” to designate high-performance devices. For instance, XDR DRAM has been used in the industry to refer to “extreme data rate” DRAM.

10. Furthermore, in previous application by Applicant, it has acknowledged that an “x” preceding semiconductor memory products is shorthand for “express.” See, e.g., April 4, 2020 Response to Office Action in U.S. Trademark Application No. 88/540,624 (“XNAND or X-NAND suggests ‘Express-NAND’”). Furthermore, in a

white paper on NEO Semiconductor’s website, it acknowledges that DRAM is an industry term that stands for “Dynamic Random-Access Memory” and that X-DRAM refers to “ultra high speed” DRAM. See https://neosemic.com/wp-content/uploads/2022/07/X-DRAM_Br.pdf. Thus, X-DRAM merely describes the products offered under the mark—namely, increased speed DRAM.

11. Upon information and belief, Applicant’s mark, X-DRAM, has not been used in U.S. commerce by Applicant and has not acquired secondary meaning.

12. Given the descriptive, general and common usage of the terms DRAM and xDRAM (where “x” is used as a place holder for a specific model of DRAM memory or as shorthand for extreme or express), 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 “X-DRAM” as a trademark in association with semiconductor memory products.

WHEREFORE, Opposer prays that this Opposition be sustained and that the registration of application Serial No. 97/222,188 be refused.

DATED this 26th day of December, 2022.

PARSONS BEHLE & LATIMER

/Jordan L. Stott /

Margaret N. McGann

Jonathan H. Love

Jordan L. Stott

201 South Main Street, Suite 1800

Salt Lake City, UT 84111

Phone: 801-532-1234

Fax: 801-536-6111

Attorneys for Applicant, Micron
Technology, Inc.