

ESTTA Tracking number: **ESTTA49916**

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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	LSI Logic Corporation		
Entity	Corporation	Citizenship	Delaware
Address	1621 Barber Lane Milpitas, CA 95035 UNITED STATES		

Attorney information	Peter P. Scott LSI Logic Corporation Legal Department 1621 Barber Lane M/S D-106 Milpitas, CA 95035 UNITED STATES trademark@lsil.com Phone: 719-533-7969		
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Registrations Subject to Cancellation

Registration No	2849274	Registration date	06/01/2004
Registrant	BindKey Technologies 3000 Scott Blvd Suite #107 Santa Clara, CA 95054 UNITED STATES		
Goods/Services Subject to Cancellation	Class 009. First Use: 20010123, First Use In Commerce: 20010401 Goods/Services: ELECTRONIC DESIGN AUTOMATION SOFTWARE FOR USE IN DESIGNING INTEGRATED CIRCUITS, NAMELY FOR USE IN AUTOMATICALLY IDENTIFYING DESIGN RULE VIOLATIONS		

Registration No	2849275	Registration date	06/01/2004
Registrant	BindKey Technologies 3000 Scott Blvd Suite #107 Santa Clara, CA 95054 UNITED STATES		
Goods/Services Subject to Cancellation	Class 009. First Use: 20010409, First Use In Commerce: 20010630 Goods/Services: ELECTRONIC DESIGN AUTOMATION SOFTWARE FOR USE IN DESIGNING INTEGRATED CIRCUITS, NAMELY FOR USE IN AUTOMATICALLY ELIMINATING DESIGN RULE VIOLATIONS		

Attachments	05-2189_Attachment_To_Petition_for_Cancellation.pdf (2 pages)
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Signature	/pps/
Name	Peter P. Scott
Date	10/21/2005

In support of its Petition for Cancellation, Petitioner LSI Logic Corporation alleges as follows:

1. Petitioner LSI Logic Corporation is the owner of the RAPIDWORX and RAPIDCHIP trademarks.
2. Petitioner owns U.S Trademark Registration No. 2846595 for the mark RAPIDWORX in connection with “computer software for designing integrated circuits” in International Class 009.
3. Petitioner owns U.S Trademark Registration No. 2867821 by assignment from LSI Logic A.B., a Swedish corporation, for the mark RAPIDCHIP in connection with “semiconductor devices; integrated circuits and computer software for designing integrated circuits” in International Class 009.
4. Respondent BindKey Technologies is the owner of record for U.S. Trademark Registration Nos. 2849274 and 2849275 for the marks RAPIDESIGNCLEAN and RAPIDRCFIX, respectively. Registration No. 2849274 identifies the relevant goods as “Electronic design automation software for use in designing integrated circuits, namely for use in automatically identifying design rule violations” in International Class 009. Registration No. 2849275 identifies the relevant goods as “Electronic design automation software for use in designing integrated circuits, namely for use in automatically eliminating design rule violations” in International Class 009.
5. Respondent is also the owner of record for U.S. Trademark application Nos. 78128882, 78128897 and 78128908 for the marks RAPIDRET, RAPIDLVS and RAPIDSM, respectively.

6. Petitioner has been, and continues to be, damaged by Respondent's Registration Nos. 2849274 and 2849275 for the marks RAPIDESIGNCLEAN and RAPIDRCFIX.

The existence of Respondent's registrations for RAPIDESIGNCLEAN and RAPIDRCFIX potentially reduces the ability of Petitioner's RAPIDWORX and RAPIDCHIP marks to identify Petitioner as the source of Petitioner's goods.

7. Upon information and belief, Respondent's business was shut down on or about March 11, 2005 by Respondent's parent company, DuPont Photomasks, Inc.

8. The U.S. Patent and Trademark Office mailed Notices of Abandonment to Respondent in connection with application Nos. 78128882, 78128897 and 78128908 in October of 2005 as Respondent failed to file the required statements of use.

9. Respondent's Registration Nos. 2849274 and 2849275 for the marks RAPIDESIGNCLEAN and RAPIDRCFIX should be cancelled as the RAPIDESIGNCLEAN and RAPIDRCFIX marks have been abandoned.

10. WHEREFORE, Petitioner LSI Logic Corporation was, and continues to be, injured and damaged by Respondent's Registration Nos. 2849274 and 2849275 for the marks RAPIDESIGNCLEAN and RAPIDRCFIX, and requests the cancellation of Registration Nos. 2849274 and 2849275.