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TTAB

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: November 1, 2005
Registration No. 2849274, 2849275
Cancellation No. 92045082
LSI Logic Corporation
v.
BindKey Technologies

RECEIVED
OIPE/IAP
DEC 15 2005

BindKey Technologies
3000 Scott Blvd Suite #107
Santa Clara, CA 95054

Peter P. Scott
LSI Logic Cororation
1621 Barber Lane MS D-106
Milpitas, CA 95035

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OIPE/IAP
DEC 15 2005

Pauline Stewart, Legal Assistant

A petition, a copy of which is attached, has been filed to cancel the above-identified registration.¹

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations. The parties are reminded of the recent amendments to the Trademark Rules that affect the rules of practice before the TTAB. See Rules of Practice for Trademark-Related Filings Under the Madrid Protocol Implementation Act, 68 Fed. R. 55,748 (September 26, 2003) (effective November 2, 2003); Reorganization of Correspondence and Other Provisions, 68 Fed. Reg. 48,286 (August 13, 2003) (effective September 12, 2003). Notices concerning the rules changes, as well as the *Trademark Trial and Appeal Board Manual of Procedure* (TBMP), are available at www.uspto.gov/web/offices/dcom/ttab/.

The parties are particularly referred to Trademark Rule 2.126 pertaining to the form of submissions. Paper submissions, including but not limited to exhibits and depositions, not filed in accordance with

¹ Correction to the institution order date October 26, 2005 omitted reg. No. 2,849,275 and trial dates remain as set.



Trademark Rule 2.126 may not be given consideration or entered into the case file.

A copy of every paper or communication filed by the registrant regarding this matter must be mailed to the person or persons named below.

ANSWER IS DUE FORTY DAYS after the mailing date hereof. (See Trademark Rule 2.196 for expiration date falling on Saturday, Sunday, or a holiday).

Discovery and testimony dates are set as indicated below. In each instance, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Discovery period to open:	November 15, 2005
Discovery period to close:	May 14, 2006
30-day testimony period for party in position of plaintiff to close:	August 12, 2006
30-day testimony period for party in position of defendant to close:	October 11, 2006
15-day rebuttal testimony period to close:	November 25, 2006

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

NOTE: This proceeding is subject to the pilot project on telephone disposition of interlocutory matters. See the Official Gazette notice titled "*Pilot Project on Telephone Disposition of Interlocutory Matters in Inter Partes Cases Before the Trademark Trial and Appeal Board*," 1213 TMOG 151 (August 18, 1998). The notice is available at <http://www.uspto.gov>. Any interlocutory matter proposed for discussion or resolution during a Board approved phone conference may be decided adversely to any party which fails to participate.

If the parties to this proceeding are also parties to other Board proceedings involving related marks or, during the pendency of this proceeding, they become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings.

New Developments at the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to oppose, notices of opposition, and inter partes filings are now available at <http://estta.uspto.gov>. Images of TTAB proceeding files can be viewed using TTABVue at <http://ttabvue.uspto.gov>.

ESTTA Tracking number: **ESTTA49916**

Filing date: **10/21/2005**

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.

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ORDER EXPIRED



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92045082
BINDKEY TECHNOLOGIES
3000 SCOTT BLVD SUITE #107
SANTA CLARA, CA 95054