

ESTTA Tracking number: **ESTTA410525**

Filing date: **05/23/2011**

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 | Google Inc. |
| Granted to Date of previous extension | 05/22/2011 |
| Address | 1600 Ampitheatre Parkway Mountain View, CA 94043 UNITED STATES |

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|----------------------|--|
| Attorney information | Janet L. Cullum Cooley LLP 777 6th Street NW, Suite 1100 Washington, DC 20001 UNITED STATES trademarks@cooley.com, jcullum@cooley.com, apeck@cooley.com, googletm@cooley.com Phone:(212) 479-6500 |
|----------------------|--|

Applicant Information

| | | | |
|------------------------|--|------------------------|------------|
| Application No | 85067977 | Publication date | 11/23/2010 |
| Opposition Filing Date | 05/23/2011 | Opposition Period Ends | 05/22/2011 |
| Applicant | ISYS Technologies, Inc. 299 South Main, Suite 1300 Salt Lake City, UT 84111 UNITED STATES | | |

Goods/Services Affected by Opposition


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| Class 009. All goods and services in the class are opposed, namely: computer carrying cases; computer chassis; computer expansion boards; computer hardware; computer interface boards; computer peripherals; computers |
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Grounds for Opposition

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|--------------------------------------|----------------------------|
| Priority and likelihood of confusion | Trademark Act section 2(d) |
|--------------------------------------|----------------------------|

Mark Cited by Opposer as Basis for Opposition

| | | | |
|----------------------|----------|-----------------------|------------|
| U.S. Application No. | 77980388 | Application Date | 09/02/2008 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | CHROMIUM | | |

| | |
|---------------------|---|
| Design Mark |  |
| Description of Mark | NONE |
| Goods/Services | Class 009. First use: First Use: 2008/12/00 First Use In Commerce: 2008/12/00 computer software for accessing, browsing, sharing, and communicating information over computer networks and secure private networks; computer software for use in connecting to and searching the contents of remote computers, computer networks, and secure private networks; computer software for assisting users in navigating through computer networks and secure private networks; computer software for running web applications Class 042. First use: First Use: 2008/12/00 First Use In Commerce: 2008/12/00 technical support services, namely, troubleshooting of computer software problems |

| | |
|-------------|---|
| Attachments | 77980388#TMSN.jpeg (1 page)(bytes) ChromiumNoticeofOpposition.pdf (6 pages)(15857 bytes) 4scexhibits.pdf (6 pages)(78592 bytes) |
|-------------|---|

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by USPS Express Mail Post Office to Addressee on this date.

| | |
|-----------|-----------------|
| Signature | /Sheri Corallo/ |
| Name | Sheri Corallo |
| Date | 05/23/2011 |

| | |
|--|--------|
| Certificate of Transmission | |
| I hereby certify that this correspondence is being electronically filed via ESTTA. | |
| /Sheri Corallo/ | (Name) |
| May 23, 2011 | |
| | (Date) |

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

In the matter of application Serial No. 85/067,977
For the Trademark CHROMIUMPC
Published in the Official Gazette
on November 23, 2010

| | | |
|-------------------------|---|----------------|
| GOOGLE, INC., |) | |
| |) | |
| Opposer, |) | |
| |) | |
| v. |) | Opposition No. |
| |) | |
| ISYS TECHNOLOGIES, Inc. |) | |
| |) | |
| Applicant. |) | |
| |) | |
| | | |

NOTICE OF OPPOSITION

Opposer Google Inc. (“Opposer”), a Delaware corporation having its principal place of business at 1600 Amphitheatre Parkway, Mountain View, California 94043, believes that it will be damaged by registration of the mark CHROMIUMPC (“Applicant’s Mark” or “CHROMIUMPC Mark”) in connection with the goods listed in Application Serial No.

85/067977 (the “Application”), filed by ISYS Technologies Inc. (“Applicant”), a Nevada corporation doing business at 299 South Main, Suite 1300 Salt Lake City, Utah 84111. Google hereby opposes the Application pursuant to Section 13 of the United States Trademark Act, as amended, 15 U.S.C. § 1063.

As grounds for its opposition, Opposer alleges as follows:

1. Founded in 1998 with the introduction of breakthrough technology to search and organize the vast quantities of information available on the internet, Opposer operates the world’s most popular search engine. Since its founding, Opposer has grown rapidly to become a leading technology company offering a wide variety of products and services.

2. Among Opposer’s offerings are goods and services provided under the mark CHROMIUM (“CHROMIUM Mark” or “Opposer’s Mark”). Opposer is the owner of U.S. trademark application No. 77/980,388 filed on September 2, 2008 for the CHROMIUM Mark covering the goods identified in attached Exhibit A (“Opposer’s Goods and Services”). Opposer has continuously used the CHROMIUM Mark in connection with Opposer’s Goods and Services since at least as early as December of 2008. A true and correct copy of Opposer’s Application is attached hereto as Exhibit A.

3. As a result of Opposer’s use of the mark in commerce, Opposer also has common law rights in the CHROMIUM Mark.

4. As a result of Opposer’s investment in, and use and promotion of, the CHROMIUM Mark, it embodies the substantial goodwill which Opposer has earned in the marketplace for its high quality products and services.

Applicant and Its Pending Application

5. The Application was filed on June 21, 2010 based on Applicant's alleged intent to use the CHROMIUMPC mark (the "CHROMIUMPC Mark") in commerce. Applicant's Mark was published in the Official Gazette on November 23, 2010. Opposer filed for and obtained the necessary extensions of time in which to oppose the Application following its publication.

6. The Application covers the goods identified in Exhibit B ("Applicant's Goods"). A true and correct copy of the Application is attached hereto as Exhibit B.

7. Applicant has represented that it or a related entity plans to offer Applicant's Goods, bearing the CHROMIUMPC Mark, bundled or otherwise simultaneously offered with Opposer's products, and, in its marketing and promotional activities, has specifically associated its products with Opposer and Opposer's products.

Ground for Opposition: Likelihood of Confusion

8. Applicant's CHROMIUMPC Mark is highly similar to, and incorporates, Opposer's CHROMIUM Mark in its entirety. Applicant's Mark and Opposer's Mark are therefore highly similar in sight, sound, and commercial impression.

9. There is no question of priority. Opposer's use of, and application for, its CHROMIUM Mark predates the filing of Application.

10. The high degree of similarity between Opposer's CHROMIUM Mark and Applicant's CHROMIUMPC Mark, and the use and planned use of the respective marks, is likely to cause confusion, mistake, or deception as to the source, origin, sponsorship or approval of Applicant's Goods, and is likely to suggest an affiliation, connection or association between Applicant and Opposer and their respective goods and services. Registration of Applicant's Mark will injure Opposer and the public.

11. Opposer is not connected with the goods or services neither provided by Applicant under the CHROMIUMPC Mark, nor has Opposer endorsed or sponsored Applicant or its Goods.

12. Registration of Applicant's Mark will damage Opposer because Applicant's Mark is likely, when used on or in connection with Applicant's Goods or Services, to cause confusion, or to cause mistake or to deceive. Thus, Applicant's Mark is unregistrable under 15 U.S.C. §§ 1052 and 1125.

WHEREFORE, Opposer requests that this Notice of Opposition be sustained and that the Application be denied registration.

Please recognize the following as attorneys for Google in this proceeding: Janet L. Cullum, Anne H. Peck, Jeffrey Norberg, and Peter J. Willsey (members of the Bar of the States of New York, California or Virginia), and the firm of Cooley LLP, 1114 Avenue of the Americas, New York, New York 10036-7798.

Please address all communications to Janet L. Cullum at the address below.

In accordance with 31 C.F.R. §§ 2.101 and 2.6(a)(17), the fee of \$300.00 for one International Class are submitted herewith.

Respectfully submitted,

COOLEY LLP

Janet L. Cullum

Date: May 23, 2011

By: /s/ Janet L. Cullum
Janet L. Cullum
Attorneys for Opposer
1114 Avenue of the Americas
New York, New York 10036-7798
(212) 479-6500

EXHIBIT A

**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Sat May 21 04:05:58 EDT 2011

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CHROMIUM

Word Mark CHROMIUM**Goods and Services** IC 009. US 021 023 026 036 038. G & S: computer software for accessing, browsing, sharing, and communicating information over computer networks and secure private networks; computer software for use in connecting to and searching the contents of remote computers, computer networks, and secure private networks; computer software for assisting users in navigating through computer networks and secure private networks; computer software for running web applications. FIRST USE: 20081200. FIRST USE IN COMMERCE: 20081200

IC 042. US 100 101. G & S: technical support services, namely, troubleshooting of computer software problems. FIRST USE: 20081200. FIRST USE IN COMMERCE: 20081200

Standard Characters Claimed**Mark Drawing Code** (4) STANDARD CHARACTER MARK**Serial Number** 77980388**Filing Date** September 2, 2008**Current Filing Basis** 1A;1B**Original Filing Basis** 1B**Published for Opposition** June 30, 2009**International Registration Number** 0995055**Owner** (APPLICANT) Google Inc. CORPORATION DELAWARE 1600 Ampitheatre Parkway Mountain View CALIFORNIA

94043

Attorney of Record

Terri Y Chen

Type of Mark

TRADEMARK. SERVICE MARK

Register

PRINCIPAL

Live/Dead Indicator

LIVE

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EXHIBIT B

**Trademarks > Trademark Electronic Search System (TESS)**

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CHROMIUMPC

| | |
|------------------------------------|--|
| Word Mark | CHROMIUMPC |
| Goods and Services | IC 009. US 021 023 026 036 038. G & S: computer carrying cases; computer chassis; computer expansion boards; computer hardware; computer interface boards; computer peripherals; computers |
| Standard Characters Claimed | |
| Mark Drawing Code | (4) STANDARD CHARACTER MARK |
| Serial Number | 85067977 |
| Filing Date | June 21, 2010 |
| Current Filing Basis | 1B |
| Original Filing Basis | 1B |
| Published for Opposition | November 23, 2010 |
| Owner | (APPLICANT) ISYS Technologies, Inc. CORPORATION NEVADA 299 South Main, Suite 1300 Salt Lake City UTAH 84111 |
| Attorney of Record | David B. Tingey |
| Type of Mark | TRADEMARK |
| Register | PRINCIPAL |
| Live/Dead Indicator | LIVE |

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