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

TRADEMARK TRIAL AND  
APPEAL BOARD  
02 OCT -3 PM 12:52

CLASSMATES ONLINE, INC., D/B/A  
CLASSMATES.COM,

Opposer,

v.

CLAS INFORMATION SERVICES,

Applicant.

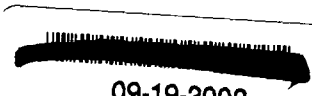
Opposition No.: \_\_\_\_\_

In re Application Serial No. 76/374,996

Filed: February 26, 2002

Mark: CLASMATE

Published: September 17, 2002



09-19-2002

U.S. Patent & TMO/TM Mail Rpt. Dt. #40

**NOTICE OF OPPOSITION**

Classmates Online, Inc., d/b/a Classmates.com, a Washington Corporation with a principal place of business at 1100 Oakesdale Avenue S.W., Renton, WA 98055, U.S.A.

("Opposer"), believes that it will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer is the applicant/owner of the service marks "CLASSMATES.COM" and "CLASSMATES," which have been filed and/or registered with the United States Patent and Trademark Office (Reg. No. 2,584,325, and Serial Nos. 75/872759 and 76/258,328 for classes 35, 38, 41 and 42), for on-line and database-related services, including the following: providing an on-line computer database in the field of telephone, address and electronic mail contact directory information via a global computer information network; providing an on-line computer database featuring data and images via a global computer information network; and providing an on-line computer database in the field of school, college, military, family, colleagues, social interest groups and friend reunions, via a global computer information network.

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2. Opposer has been engaged in interstate commerce in the business of providing various services for locating and reuniting people primarily through Opposer's website under its marks "CLASSMATES.COM" and "CLASSMATES" since 1995. Opposer's use has been valid and continuous since the date of first use, and it has not been abandoned. Opposer's marks are symbolic of extensive goodwill and consumer recognition built up by Opposer through substantial amounts of time and effort in advertising and promotion. Opposer's marks are well-known by consumers throughout the United States, and have become famous marks.

3. The mark proposed for registration by Applicant, "CLASMATE," is confusingly similar to Opposer's marks "CLASSMATES.COM" and "CLASSMATES" as it is a misspelled version of "CLASSMATES" and it is to be used for goods related to Opposer's services: "computer software for accessing and downloading information contained in public records databases." Applicant's use of the mark it has proposed for registration would therefore be taken by the public as an endorsement by Opposer of Applicant's goods or services. Further, any problem encountered with Applicant's goods or services would necessarily reflect upon and seriously injure the business and personal reputation of Opposer, and the use and registration of "CLASMATE" would dilute Opposer's marks.

4. If Applicant is granted the registration herein opposed, it would thereby obtain at least *prima facie* exclusive right to the use of its mark, and such registration would damage Opposer.

WHEREFORE, Opposer prays that the application Serial No. 76/374,996 be rejected, and that the mark therein sought for the stated goods and services be denied and refused.

A duplicate copy of this Notice of Opposition and the fee required by § 2.6(a)(17) are enclosed herewith. A copy of this Notice of Opposition is being served upon the Applicant simultaneously herewith.

By:  Date: 9-19-02

Karen Wetherell Davis  
John D. Ostrander  
Elliott, Ostrander & Preston, P.C.  
707 East Harrison Street  
Seattle, WA 98102 USA  
(206) 325-1244  
Karen@eoplaw.com

Attorneys for Opposer

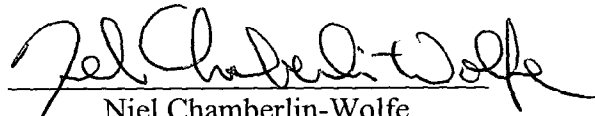
**CERTIFICATE OF EXPRESS MAIL  
UNDER 37 C.F.R. 1.10**

**TO THE COMMISSIONER FOR TRADEMARKS**

**Express Mail Label No. EV 076297615 US  
Date of Deposit: September 19, 2002**

I hereby certify that a true and correct copy of the NOTICE OF OPPOSITION of Classmates Online, Inc. is being deposited with the United States Postal Service, postage pre-paid, in duplicate (original plus one copy) as Express Mail, mailing label no. EV 076297615 US, in an envelope addressed to Commissioner for Trademarks, Box TTAB – Fee, 2900 Crystal Drive, Arlington, VA 22202.

DATED this 19<sup>th</sup> day of September, 2002.



Niel Chamberlin-Wolfe  
Paralegal  
Elliott, Ostrander & Preston, P.C.

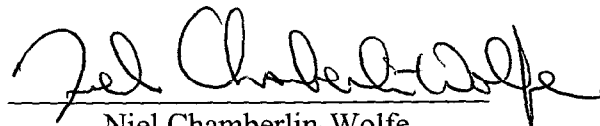
**CERTIFICATE OF MAILING  
UNDER 37 C.F.R. 1.8**

**TO THE COMMISSIONER FOR TRADEMARKS**

**Date of Deposit: September 19, 2002**

I hereby certify that a true and correct copy of the NOTICE OF OPPOSITION of Classmates Online, Inc. is being deposited with the United States Postal Service with sufficient postage as first class mail on the date indicated above, in an envelope addressed to John E. Russell, Allmark Trademark Service, 5327 Romford Drive #A, San Jose, California 95124.

DATED this 19<sup>th</sup> day of September, 2002.



Niel Chamberlin-Wolfe  
Paralegal  
Elliott, Ostrander & Preston, P.C.

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