

TTAB

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.

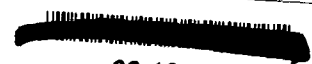
Opposition No.: _____

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.

09/27/2002 TSMITH 00000137 76374996

01 55-377

300.00 00

**DOCKET
ALARM**

Find authenticated court documents without watermarks at docketalarm.com.


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

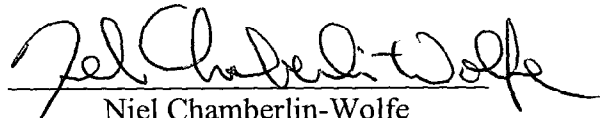
**CERTIFICATE OF EXPRESS MAIL
UNDER 37 C.F.R. 1.10**

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 19th day of September, 2002.



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

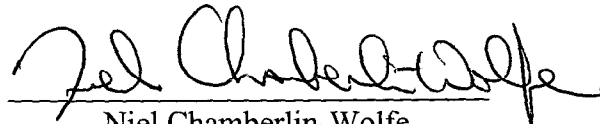
**CERTIFICATE OF MAILING
UNDER 37 C.F.R. 1.8**

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 19th day of September, 2002.



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

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.