

ESTTA Tracking number: **ESTTA113625**

Filing date: **12/07/2006**

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	eBay Inc.		
Entity	Corporation	Citizenship	Delaware
Address	2145 Hamilton Avenue San Jose, CA 95125 UNITED STATES		

Attorney information	Frank B. Goldberg Cooley Godward Kronish LLP 101 California Street, 5th Floor San Francisco, CA 94111-5800 UNITED STATES trademarks@cooley.com, youngml@cooley.com, fgoldberg@cooley.com Phone:(415) 693-2000
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### Applicant Information

Application No	78536113	Publication date	11/07/2006
Opposition Filing Date	12/07/2006	Opposition Period Ends	12/07/2006
Applicant	KANATARA, LLC PO Box 11 Prairie View, KS 67664 UNITED STATES		

### Goods/Services Affected by Opposition

Class 035. First Use: 2004/09/10 First Use In Commerce: 2004/09/24  
All goods and services in the class are opposed, namely: Providing an Internet web site at which users can give away free items they no longer need or request free items needed

Attachments	FREE-BAY.pdf ( 166 pages )(4239385 bytes )
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Signature	/Frank B. Goldberg/
Name	Frank B. Goldberg
Date	12/07/2006

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

In the matter of application Serial No. 78/536,113  
For the Trademark FREE-BAY  
Published in the Official Gazette  
on November 7, 2006

EBAY INC.,	)	
	)	
Opposer,	)	
	)	Opposition No.
v.	)	
	)	
KANATARA, LLC	)	
	)	
Applicant.	)	
_____		

**NOTICE OF OPPOSITION**

Opposer eBay Inc. (“eBay”), a Delaware corporation having its principal place of business at 2145 Hamilton Avenue, San Jose, California 95125, believes that it will be damaged by the issuance of a registration for the mark FREE-BAY, in Application Serial No. 78/536,113, filed December 21, 2004 by Applicant Kanatara, LLC (“Applicant”). eBay hereby opposes Applicant’s application, pursuant to Section 13 of the United States Trademark Act, as amended, 15 U.S.C. §1063.

As grounds for opposition, eBay alleges that:

**EBAY’S BUSINESS**

1. eBay is the world’s leading on-line marketplace. eBay currently has over 210 million registered users and hosts an on-line service featuring over 105 million items offered for

sale or bid on its Web site at [www.ebay.com](http://www.ebay.com) at any given time. Each day, approximately 6 million new items are listed for sale in over 50,000 different categories of goods and services, ranging from telecommunications equipment to computers to collectibles to cars to jewelry.

2. eBay makes available a variety of free products through listings on its Web site. For example, the eBay site has listings for free coins, free cosmetic bags, free clothing and accessories, free music, coupons for free consumer products, free cellular-phone accessories, and numerous other free products. Copies of printouts from eBay's Web site showing use of its mark in association with such free products, as they appeared as of November 30, 2006, are attached hereto as Exhibit A.

#### EBAY'S MARKS

3. Since its on-line marketplace was launched in September 1995, eBay has continuously used the mark EBAY in interstate commerce in the United States in connection with its goods and services.

4. eBay is the owner of numerous U.S. registrations for the mark EBAY on the Principal Register (in word form and in design form), the earliest of which was issued on January 19, 1999, and which has obtained incontestable status under 15 U.S.C. § 1065. These registrations cover various goods and services. Each of these registrations is valid and subsisting. These registrations include the following (copies of the eBay registrations cited herein are attached hereto as Exhibit B):

- EBAY word mark (Registration No. 2,218,732) registered January 19, 1999 in International Class 35.
- EBAY word mark (Registration No. 2,367,932) registered July 18, 2000 in International Class 28.
- EBAY and Design (Registration No. 2,367,895) registered July 18, 2000 in International Class 28.

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- EBAY and Design (claiming color) (Registration No. 2,410,023) registered December 5, 2000 in International Class 35.
- EBAY and Design (Registration No. 2,420,512) registered January 16, 2001 in International Class 35.
- EBAY and Design (Registration No. 2,468,781) registered July 17, 2001 in International Class 9.
- EBAY word mark (Registration No. 2,501,043) registered October 23, 2001 in International Class 14.
- EBAY word mark (Registration No. 2,518,652) registered December 11, 2001 in International Class 25.
- EBAY word mark (Registration No. 2,522,630) registered December 25, 2001 in International Class 20.
- EBAY and Design (Registration No. 2,522,632) registered December 25, 2001 in International Class 20.
- EBAY and Design (claiming color) (Registration No. 2,526,027) registered January 1, 2002 in International Class 25.
- EBAY and Design (Registration No. 2,553,773) registered March 26, 2002 in International Class 14.
- EBAY word mark (Registration No. 2,578,260) registered June 11, 2002 in International Class 18.
- EBAY and Design (Registration No. 2,578,259) registered June 11, 2002 in International Class 18.
- EBAY and Design (Registration No. 2,583,312) registered June 18, 2002 in International Class 28.
- EBAY word mark (Registration No. 2,592,515) registered July 9, 2002 in International Class 38.
- EBAY and Design (Registration No. 2,592,514) registered July 9, 2002 in International Class 38.
- EBAY word mark (Registration No. 2,604,374) registered August 6, 2002 in International Class 21.
- EBAY and Design (Registration No. 2,604,375) registered August 6, 2002 in International Class 21.
- EBAY and Design (Registration No. 2,662,118) registered December 17, 2002 in International Class 28.

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- EBAY word mark (Registration No. 2,662,130) registered December 17, 2002 in International Class 28.
- EBAY word mark (Registration No. 2,666,767) registered December 24, 2002 in International Class 25.
- EBAY and Design (Registration No. 2,672,470) registered January 7, 2003 in International Class 25.
- EBAY word mark (Registration No. 2,700,675) registered March 25, 2003 in International Class 9.
- EBAY word mark (Registration No. 2,700,836) registered, March 25, 2003 in International Class 16.
- EBAY and Design (Registration No. 2,729,649) registered June 24, 2003 in International Class 16.
- EBAY and Design (Registration No. 2,735,542) registered July 8, 2003 in International Class 38.
- EBAY word mark (Registration No. 2,737,342) registered July 15, 2003 in International Class 28.
- EBAY word mark (Registration No. 2,744,717) registered July 29, 2003 in International Class 38.
- EBAY and Design (Registration No. 2,759,145) registered September 2, 2003 in International Class 14 (jewelry).
- EBAY and Design (Registration No. 2,759,146) registered September 2, 2003 in International Class 9.
- EBAY word mark (Registration No. 2,759,150) registered September 2, 2003 in International Class 9.
- EBAY word mark (Registration No. 2,791,591) registered December 9, 2003 in International Class 14.
- EBAY word mark (Registration No. 2,810,863) registered February 3, 2004 in International Class 16.
- EBAY and Design (Registration No. 2,840,471) registered May 11, 2004 in International Class 16.
- EBAY and Design (Registration No. 2,840,569) registered May 11, 2004 in International Class 41.
- EBAY and Design (Registration No. 2,840,738) registered May 11, 2004 in International Class 30.

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