

ESTTA Tracking number: **ESTTA714547**

Filing date: **12/14/2015**

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	Deutsche Telekom AG
Granted to Date of previous extension	12/13/2015
Address	Friedrich-Ebert-Allee 140 Bonn, 53113 GERMANY

Attorney information	Michael D. Adams Mayer Brown LLP 71 S. Wacker Dr. Chicago, IL 60606 UNITED STATES michaeladams@mayerbrown.com, gbarcelona@mayerbrown.com, syovits@mayerbrown.com, ipdocket@mayerbrown.com Phone:3127017423
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Applicant Information

Application No	86335223	Publication date	06/16/2015
Opposition Filing Date	12/14/2015	Opposition Period Ends	12/13/2015
Applicant	HappyDesk, Inc. Suite 600 Reno, NV 89501 UNITED STATES		

Goods/Services Affected by Opposition


<p>Class 009. First Use: 2014/05/10 First Use In Commerce: 2014/05/10 All goods and services in the class are opposed, namely: Computer software used by space providers for use in space management; computersoftware for use as enterprise softwarefor management of shared space; computer software for use in facilitating e-commerce; computer software for billing; computer software for creation and access to client portals; computer software forcreation and access to proposals; computer software for use as a help desk; computer software for use in managing mailings; computer software for Internet network controls; computer software for calendaring; computer software for use in managing virtual market places; computer software for remote access to buildings; computer software for analytics management of shared spaces; computer software for use in customer relationship management (CRM); computer software platforms used by space providers for use in space management; computer software platforms for use as enterprise software for management of shared space; computer software platforms for use in facilitating e-commerce; computer software platforms for billing; computer software platforms for creation and access to client portals; computer software platforms for creation and access to proposals; computer software platforms for use as a help desk; computer software platforms for use in managing mailings; computer software platforms for Internet network controls; computer software platforms for calendaring; computer software platforms for use in managing virtual market places; computer software platforms for remote ac-</p>
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cess to buildings; computer software platforms for analytics management of shared spaces; computer software platforms for use in customer relationship management (CRM); downloadable software used by space providers for use in space management; computer software for use as enterprise software for management of shared space; downloadable software for use in facilitating e-commerce; downloadable software for billing; downloadable software for creation and access to client portals; downloadable software for creation and access to proposals; downloadable software for use as a help desk; downloadable software for use in managing mailings; downloadable software for Internet network controls; downloadable software for calendaring; downloadable software for use in managing virtual market places; downloadable software for remote access to buildings; downloadable software for analytics management; downloadable software for use in customer relationship management (CRM)


Grounds for Opposition


Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	3263624	Application Date	01/24/2006
Registration Date	07/10/2007	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	The mark consists of the color magenta alone, which is the approximate equivalent of Pantone Matching System, RhodamineRed U, as applied to a portion of the packaging for the goods. The dotted outline is intended to show the position of the mark and is not part of the mark. The color magenta appears in a band across the top and bottom of the drawing and in a square at the left side of the drawing.		
Goods/Services	Class 009. First use: First Use: 2002/07/18 First Use In Commerce: 2002/07/18 Telecommunication equipment, namely, mobile telephones, wireless telephones and wireless telephony apparatus		

U.S. Registration No.	3263625	Application Date	01/24/2006
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Registration Date	07/10/2007	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	The mark consists of the color magenta alone, which is the approximate equivalent of Pantone Matching System, RhodamineRed U, used on the background of product displays and advertisements found in a store. The matter shown in dotted lines serves to show positioning of the mark and is not part of the mark.		
Goods/Services	Class 038. First use: First Use: 2002/07/18 First Use In Commerce: 2002/07/18 Telecommunication and information technology services, namely, wireless transmission of voice and data; providing multi-user access to a global communications network; two-way wireless transmission of electronic mail, text and images between mobile telecommunications terminals and computers; voice mail and messaging services; wireless broadcasting of textual content to mobile telecommunications terminals and computers; providing customized audio playback of musical, spoken word and other auditory content over a telecommunications network		
U.S. Registration No.	4287182	Application Date	03/14/2011
Registration Date	02/12/2013	Foreign Priority Date	09/14/2010
Word Mark	NONE		

Design Mark	
Description of Mark	<p>The mark consists of the design of a white and grey shaded paper bag with a handle, The star design in the middle of the bag is in magenta color.</p>
Goods/Services	<p>Class 035. First use: First Use: 0 First Use In Commerce: 0 Advertising agencies, namely, promoting the goods and services of others; business management; business administration assistance; providing office functions</p> <p>Class 038. First use: First Use: 0 First Use In Commerce: 0 Telecommunications services, namely, digital network telecommunications services; telecommunications services, namely, wireless electronic transmission of voice signals, data facsimiles, images and information; telecommunications services, namely, transmission of voice, data, graphics, images audio and video by means of telecommunications networks, wireless communication networks, and the Internet; telecommunications services, namely, television transmission services; telecommunications services, namely, providing telecommunications connections to a global communications network; telecommunications services, namely, electronic voice messaging in the nature of the recording and subsequent transmission of voice messages by telephone; telecommunications services, namely, teleconferencing and video teleconferencing services; telecommunications services, namely, providing access to telecommunication networks featuring computer information; telecommunications services, namely, personal communications services; paging services; electronic mail services; satellite telecommunications services, namely, transmission of radio and television programmes by satellite; telecommunications services, namely, providing multiple-user access to a global communication network</p> <p>Class 041. First use: First Use: 0 First Use In Commerce: 0 Entertainment services, namely, non-downloadable ringtones, pre-recorded music and graphics presented to mobile communications devices via a global computer network and wireless networks; entertainment services, namely, providing on-line computer games; entertainment services, namely, television and radio programming; entertainment services, namely, ticket reservation and booking services for entertainment, sporting and cultural events; computer education training in the fields of (SAAS) platform as a service (PAAS), infrastructure as a service (IAAS), and software that enables users of computers, personal digital assistants, mobile phones, and other computing devices, to access and use software programming and development tools, software applications and software</p>

	<p>application development tools, computer networks, computer servers, computer and data storage, and other computer and computer network infrastructure, available from or provided by others, and that enables third parties to host and provide to others software as a service (SAAS) platform as a service (PAAS) infrastructure as a service (IAAS) software programming and development tools- software applications and software application development tools, computer networks, computer servers, computer and data storage, and other computer and computer network infrastructure; computer education training in the field of software that enables users to develop, provide and use online markets and electronic and online commerce applications</p> <p>Class 045. First use: First Use: 0 First Use In Commerce: 0</p> <p>Personal and social services rendered by others to meet the needs of individuals, namely, internet-based social introduction and social networking services; online social networking services for the purpose of facilitating social interaction among individuals and for finding persons with particular hobbies, interests and backgrounds; providing a social networking website for entertainment purposes; security services for the protection of property, namely, monitoring of computer systems for security purposes</p>
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U.S. Registration No.	3491692	Application Date	10/23/2007
Registration Date	08/26/2008	Foreign Priority Date	04/24/2007
Word Mark	T MOBILE		
Design Mark			
Description of Mark	The mark consists of a rectangular magenta box containing a white "T", the word "Mobile" in black, and laterally aligned, square-shaped white dots.		
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0</p> <p>Electric, electronic, optical, measuring, signaling, controlling and teaching apparatus and instruments, all for use with telecommunications, namely, apparatus for producing sound, images or data; blank magnetic and optical data carriers; data processors; computers, namely, microcomputers, minicomputers, [computer central processors, computer monitors, computer keyboards, computer terminals, computer memories, computer laser printers,] computer impact printers, [computer dot matrix printers, computers and instructional manuals sold as a unit; computer memory hardware;] computer interface apparatus, namely, [computer interface boards,] computer mouse and mouse pad, computer peripherals and parts thereof; computer software programs for use in operating telecommunications and business management systems and related instruction manuals sold as a unit; [computer software for financial accounting, for the provision of online information services in the field of news, sports, entertainment, culture, business and finance, weather and travel, network management, computer proxy, for controlling access and alarm monitoring of homes, apartments, buildings and other properties, billing analysis, network access control and for creating and maintaining firewalls;] computer software programs for accessing a global computer network and interactive computer communications networks; [optical fibers sold as a component of fiber optical cables; fiber optic cables; optical scanners; optical character readers; optical blank discs; optical glass for signal transmission; optic transmitters for radio, telephone; optic receivers for telephone, audio, video; optical signal processors; optic telecommunications switches; optical attenuators; optical amplifiers; optical character recognition apparatus, for use in the telecommunications field, and parts thereof; telephone</p>		

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