

ESTTA Tracking number: **ESTTA799382**

Filing date: **02/03/2017**

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	Uber Technologies, Inc.
Granted to Date of previous extension	02/15/2017
Address	1455 Market Street, 4th Floor San Francisco, CA 94103 UNITED STATES
Attorney information	Sally M. Abel, Stephen Garcia Fenwick & West LLP 801 California Street Silicon Valley Center Mountain View, CA 94041 UNITED STATES trademarks@fenwick.com Phone:650-988-8500

**Applicant Information**

Application No	87022254	Publication date	10/18/2016
Opposition Filing Date	02/03/2017	Opposition Period Ends	02/15/2017
Applicant	TOTAL.CARE HOLDINGS, LLC 1706 South 500 West, Ste. 100 Bountiful, UT 84010 UNITED STATES		

**Goods/Services Affected by Opposition**

<p>Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Management of telephone call centers for others; Operation of telephone call centers for others; Outsourcing services in the nature of arranging service contracts for others in the field of home care and hospice</p>
<p>Class 044. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Consulting services in the field of medical care; Hospice services; Medical consultations; Medical and pharmaceutical consultation; Medical assistance; Medical assistance consultancy provided by doctors and other specialized medical personnel; Medical assistance services; Medical consultations; Medical house call services; Medical consultations provided via phone, online chat or videoconferencing; Nursing, medical; Providing medical information, consultancy and advisory services; Providing an internet web site for medical professionals and medical patients featuring information relating to sleep apnea and related diagnostic data input from remote locations via electronic patient monitoring devices that feed information to the web site for use by medical professionals for purposes of monitoring and diagnosing medical conditions; Providing an internet website for medical professionals and medical patients featuring medical information from remote locations via devices that feed information to the website that is processed, exchanged and accessed in real-time by users; Providing an internet website for medical professionals and medical patients featuring medical information from remote locations via electronic patient</p>

monitoring devices that feed information to the web site that can be accessed in real-time by medical professionals for purposes of monitoring and diagnosing medical conditions; Providing an internet-based database of patient medical information where patients can inquire about medical issues and procedures from other patients and can relay information about their medical experiences for support and community; Providing limited in-home personal medical services for individuals including checking vital signs, medication compliance and individual hygiene, checking medical equipment and supplies, and providing on-line information related to these personal medical services; Provision of medical services by health care professionals via the internet or telecommunication networks

Class 045. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Case management services, namely, coordination of legal, social and psychological services for elderly persons; Case management services, namely, the coordination of necessary medical services, vocational issues and educational services for persons injured at work; In-home support services to senior persons, namely, geriatric care management services in the nature of the coordination of necessary services and personal care for older individuals; Non-medical in-home personal care services for assisting with daily living activities of disabled persons and the elderly; Providing case management services, namely, coordinating legal, medical, physical, social, personal care and psychological services for disabled persons and the elderly; Providing non-medical assisted living services for personal purposes in the nature of scheduling appointments, answering the telephone, checking messages, mail sorting, mail handling, mail receiving and secretarial and clerical services; Providing non-medical in-home personal services for individuals including checking home condition, supplies and individual well-being, scheduling appointments, running errands, making safety checks, and providing on-line information related to these personal services; Providing non-medical personal assistant services for others in the nature of planning, organizing, coordinating, arranging and assisting individuals to perform daily tasks; Providing personal support services for caregivers, partners, wives and husbands of the chronically ill and/or disabled, namely, companionship and emotional support; Providing personal support services for families of patients with life threatening disorders, namely, companionship, help with medical forms, emotional counseling and emotional support; Providing personal support services for families of patients with life threatening disorders, namely, companionship, help with medical forms, emotional counseling and emotional support

## Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols, or brings them into contempt, or disrepute	Trademark Act Section 2(a)

## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3977893	Application Date	11/05/2010
Registration Date	06/14/2011	Foreign Priority Date	NONE
Word Mark	UBER		

Design Mark	<h1>UBER</h1>
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 2010/10/28 First Use In Commerce: 2010/10/28 Computer software for coordinating transportation services, namely, software for the automated scheduling and dispatch of motorized vehicles</p> <p>Class 038. First use: First Use: 2010/10/28 First Use In Commerce: 2010/10/28 Telecommunications services, namely, routing calls, SMS messages, and push-notifications to local third-party motorizedvehicle dispatchers in the vicinity of the caller using mobile phones</p> <p>Class 039. First use: First Use: 2010/10/28 First Use In Commerce: 2010/10/28 Providing a website featuring information regarding transportation services and-bookings for transportation services</p> <p>Class 042. First use: First Use: 2010/10/28 First Use In Commerce: 2010/10/28 Providing temporary use of online non-downloadable software for providing transportation services, bookings for transportation services and dispatching motorized vehicles to customers</p>


U.S. Registration No.	4794482	Application Date	01/06/2015
Registration Date	08/18/2015	Foreign Priority Date	NONE
Word Mark	UBERHEALTH		
Design Mark	<h1>UberHealth</h1>		
Description of Mark	NONE		
Goods/Services	Class 044. First use: First Use: 2013/10/01 First Use In Commerce: 2013/10/01 Healthcare		

U.S. Registration No.	4837495	Application Date	02/20/2014
Registration Date	10/20/2015	Foreign Priority Date	NONE

Word Mark	UBERX
Design Mark	<h1>UBERX</h1>
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 2012/07/04 First Use In Commerce: 2012/07/04 Computer software for coordinating transportation services, namely, software for the automated scheduling and dispatch of motorized vehicles</p> <p>Class 038. First use: First Use: 2012/07/04 First Use In Commerce: 2012/07/04 Telecommunications services, namely, routing calls, SMS messages, and push-notifications to local third-party motorizedvehicle operators in the vicinity of the caller using mobile phones</p> <p>Class 039. First use: First Use: 2012/07/04 First Use In Commerce: 2012/07/04 Providing a website featuring information regarding transportation services and-bookings for transportation services; transport by motorized vehicles; travel arrangement, namely, arranging vehicle transportation</p> <p>Class 042. First use: First Use: 2012/07/04 First Use In Commerce: 2012/07/04 Providing temporary use of online non-downloadable software for providing transportation services, bookings for transportation services and for dispatching motorized vehicles to customers; design anddevelopment of computer software</p>

U.S. Registration No.	4856316	Application Date	04/11/2014
Registration Date	11/17/2015	Foreign Priority Date	NONE
Word Mark	UBERRUSH		
Design Mark	<h1>UBERRUSH</h1>		
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2014/04/07 First Use In Commerce: 2014/04/07 Computer software for coordinating transportation and delivery services; computer software for providing information ontransportation and delivery services; computer software for the scheduling and dispatch of motorized vehicles, couriers, and messengers; computer software for planning, scheduling, controlling,</p>		

	<p>monitoring, and providing information on transportation of assets and goods; computersoftware for providing information concerning pick-up and delivery of assets and goods in transit; computer software that enables customers to communicate withmotorized vehicle operators, couriers, and messengers; computer software that enables customers to manage and track pickup and delivery of assets and goods</p> <p>Class 038. First use: First Use: 2014/04/07 First Use In Commerce: 2014/04/07 Telecommunications services, namely, routing calls, text messages, and push-notifications to local third-party motorized vehicle operators, couriers, and messengers in the vicinity of the caller using mobile phones; telecommunications services, namely, routing calls, text messages, and push-notifications to customers</p> <p>Class 039. First use: First Use: 2014/04/07 First Use In Commerce: 2014/04/07 Providing a website featuring information regarding transportation and deliveryservices and bookings for transportation and delivery services; transport by motorized vehicles; pick-up, transportation, delivery, and storage of goods, packages, parcels, and messages; travel arrangement, namely, arranging vehicle transportation; courier services; messenger services; document delivery; express delivery of goods, packages, and messages by motorized vehicles; providing information concerning pick-up and delivery of assets and goods in transit; transportationreservation services; transportation consulting services; transportation of assets and goods</p> <p>Class 042. First use: First Use: 2014/04/07 First Use In Commerce: 2014/04/07 Providing temporary use of online non-downloadable software for providing transportation and delivery services, bookings for transportation and delivery services and for dispatching motorized vehicles, couriers, and messengers to customers; providing temporary use of online non-downloadable software for planning, scheduling, controlling, monitoring, and providing information on transportation of assets and goods; providing temporary use of online non-downloadable software for providing information concerning pick-up and delivery of assets and goods in transit; providing a web site featuring non-downloadable software that enables customers to communicate with motorized vehicle operators, couriers, and messengers; providing a web site featuring non-downloadable software that enables customers to manage and track pickup and delivery of assets and goods; design and development of computer software</p>
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U.S. Registration No.	5042023	Application Date	02/20/2015
Registration Date	09/13/2016	Foreign Priority Date	NONE
Word Mark	UBEREATS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2015/12/09 First Use In Commerce: 2015/12/09		

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