

ZEGARELLI
TECHNOLOGY & ENTREPRENEURIAL
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We Represent the Interests of Our

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April 4, 2005

Commissioner for Trademarks
Trademark Trial & Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451, USA

TTAB

Re: Opposition of "Checkmark Network"

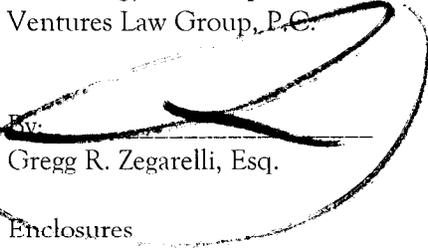
Dear Trademark Trial & Appeal Board:

Kindly find enclosed an original and two copies of the **Notice of Opposition** with regard to the above-referenced mark application. I have also enclosed the filing fee of Three Hundred Dollars (\$300.00).

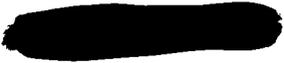
Thank you for your attention in this regard; please call me if you have any questions.

Very truly yours,

Z E G A R E L L I
Technology & Entrepreneurial
Ventures Law Group, P.C.

By: 
Gregg R. Zegarelli, Esq.

Enclosures


04-04-2005

U.S. Patent & TMO/TM Mail Rcpt Dt. #72

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CHICAGO * PITTSBURGH * WASHINGTON, D.C.

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

In re Application of : OPPOSITION NO: _____
Exipert, Inc. :
 :
 Serial No.: 78/321,694 :
 Mark: "CHECKMARK NETWORK" :
 : EXPRESS MAIL NO: ER 850221341 US
 Filed: October 31, 2003 :
 Published: February 1, 2005 : Date: April 4, 2005

"CHECKMARK NETWORK"

TEV Law Group, PC
 Opposer,
 v.
 Exipert, Inc.
 Applicant.

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Trademarks, Trademark Trial & Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451, USA by:

Gregg R. Zegarelli
 Counsel for Opposer

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NOTICE OF OPPOSITION

Opposer, TEV Law Group, PC ("**Opposer**"), is a Pennsylvania corporation having its principal place of business at 429 Forbes Avenue, 12th Floor, Pittsburgh, PA 15219-1616 USA.

Opposer believes that it will be damaged by the application of Exipert, Inc., ("**Exipert, Inc.**") to register "CHECKMARK NETWORK" (the "**Pending Mark**") because the Pending Mark is confusingly similar to "CheckMark" (the "**Senior Mark**"), as well as because the services and channels of commerce are the same or substantially similar.

1. Opposer is exclusive owner of the Senior Mark "**Check-Mark.**" Opposer is assignee and successor-in-interest to Zegarelli Associates, PC.

2. Opposer uses the Senior Mark for intellectual property related services with a date of first use in interstate commerce of January 1, 1995. Opposer's use of the Senior Mark with its services has occurred and is occurring throughout the United States and elsewhere. Opposer has established substantial goodwill in the Senior Mark and in connection with its services.

3. Applicant seeks to register "CHECKMARK NETWORK" for use in Class 35 for intellectual property related services.

4. "CHECKMARK NETWORK" for an intellectual property related service is confusingly similar to "CheckMark" and the word "checkmark" is the predominant feature of the Pending Mark. That is, the marks themselves are substantially similar and confusion is or will occur.

5. Opposer uses the Senior Mark in conjunction with intellectual property-related services. That is, the services themselves are substantially similar and confusion is or will occur.

6. Opposer uses the Senior Mark in a channel of commerce whereby the customers require intellectual property related services. That is, the channels of commerce are substantially similar and confusion is or will occur.

7. The Pending Mark, "CHECKMARK NETWORK", consists of, or comprises, a mark which so resembles the Senior Mark, "CheckMark", previously used throughout the United States by Opposer and not abandoned, as to be likely, when used on or in connection with the services identified in Applicant's application to cause confusion, or to cause mistake, or to deceive.

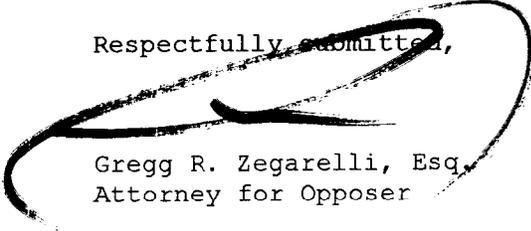
8. For the foregoing reasons, Opposer believes it will be damaged by the registration of Applicant's mark "CHECKMARK NETWORK".

9. Triplicate copies of this Notice of Opposition and the fee of \$300 are enclosed.

WHEREFORE, Opposer requests that Applicant's application, Serial No. 78/321,694, be refused registration; that no registration be issued to Applicant for the Pending Mark; and that this opposition be sustained in favor of Opposer.

Date: April 4, 2005

Respectfully submitted,



Gregg R. Zegarelli, Esq.
Attorney for Opposer

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