

ESTTA Tracking number: **ESTTA56594**

Filing date: **12/07/2005**

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

|                        |  |
|------------------------|--|
| Proceeding             | 91167514   |
| Party                  | Plaintiff<br>Vantage Technologies Assessment, L.L.C.<br><br>Vantage Technologies Assessment, L.L.C.<br>100 Terry Drive<br>Newtown, PA 18940<br>UNITED STATES |
| Correspondence Address | John J. Simkanich<br>Paul & Paul<br>Two Thousand Market Street, Suite 2900<br>Philadelphia, PA 19103<br>UNITED STATES<br>jsimkanich@paulandpaul.com          |
| Submission             | Opposition/Response to Motion  |
| Filer's Name           | John J. Simkanich  |
| Filer's e-mail         | jsimkanich@paulandpaul.com   |
| Signature              | /john j. simkanich, regis. no. 26,036/   |
| Date                   | 12/07/2005   |
| Attachments            | 2900.TTAB.mot.suspen.reply.pdf ( 2 pages )   |

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

Vantage Technologies Assessment, LLC  
110 Terry Drive  
Newtown, PA 18940

Opposer

Opposition No. 91167514  
Application Ser. No. 78210639

v.

Intelius, Inc.  
500 108th Avenue, N.E., Suite 1660  
Bellevue, WA 98004

Applicant

OPPOSER'S REPLY TO APPLICANT'S MOTION TO SUSPEND

Applicant, Intelius, Inc. has moved the Board to suspend the present Opposition Proceeding, pending the resolution of Cancellation Proceeding 92042948, currently before the Board, and being between applicant and a third party, Vantage Technology Holdings, LLC.

In support of its motion to suspend, applicant has reasoned that: (1) the outcome of that Cancellation Proceeding will bear on this case; as (2) this Opposition Proceeding is based upon opposer's alleged rights as a licensee of the INTELLIFINDER trademark the subject mark of the Cancellation Proceeding.

The applicant has overlooked the factual averments of opposer's "opposition statement". Opposer has averred that it is both a licensee of the mark INTELLIFINDER, registration 1,908,265 [for goods in International Class 009], and of its goodwill, and that opposer has been offering goods and services under the mark INTELLIFINDER in commerce in the United States.

Opposer's own use in commerce of goods and services under the mark INTELLIFINDER inures to its own benefit in addition to the benefit of the third party licensor. Opposer's own use gives rise to opposer's common law trademark rights in the mark for both goods and services which rights will survive the Cancellation Proceeding, regardless of its outcome. Additionally,

opposer's identification of its goods and services is far broader than the identification of goods recited in registration 1,908,265.

Opposer's established common law trademark and common law service mark rights in the mark, INTELLIFINDER, will survive any outcome of the case cited by applicant, and therefore the "outcome" of the Cancellation Proceeding cited by the opposer will not bear on this case.

Applicant's motion to suspend must be denied.

Date: December 7, 2005

Respectfully submitted,

/john j. simkanich, regis. no. 26,036/

John J. Simkanich

Paul & Paul

Two Thousand Market Street, Suite 2900

Philadelphia, PA 19103

(215) 568-4900

(Fax) 215-567-5057

#### Certificate of Service

The undersigned attorney hereby certifies that a true copy of the forgoing reply was served upon the applicant, service being made on December 7, 2005 by postage prepaid, first class U.S. Mail, deposited with the United States Postal Service on said date and addressed to:

Steven B. Winters, Esq.  
Lane, Powell, Spears, Lubersky, L.L.P.  
1420 Fifth Avenue, Suite 4100  
Seattle, WA 98101-2338

Date: Dec. 7, 2005

by: /john j. simkanich, regis. no. 26,036/

John J. Simkanich

Paul & Paul

Two Thousand Market Street, Suite 2900

Philadelphia, PA 19103

(215) 568-4900

(Fax) 215-567-5057