

ESTTA Tracking number: **ESTTA192380**

Filing date: **02/13/2008**

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	Just Service, Inc.
Granted to Date of previous extension	02/13/2008
Address	2940 N. Clark Street Chicago, IL 60657 UNITED STATES
Attorney information	Paul G. Juettner Greer, Burns & Crain, Ltd. 300 South Wacker Drive, Suite 2500 Chicago, IL 60606 UNITED STATES docket@gbclaw.net, pjüttner@gbclaw.net, cmcgeehan@gbclaw.net Phone:3123600080

Applicant Information

Application No	77029943	Publication date	10/16/2007
Opposition Filing Date	02/13/2008	Opposition Period Ends	02/13/2008
Applicant	BountyJobs, Inc. Apt. 6M 210 East 22nd St. New York, NY 10010 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. All goods and services in the class are opposed, namely: Operating on-line marketplaces for sellers of goods and/or services; Operating on-line marketplaces for sellers of goods and/or services in the field of employee recruiting and placement services; Providing on-line marketplaces for sellers of goods and/or services; Providing on-line information in the field of employee recruiting and placement services

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Other	Applicant's services indefinite; Declaratory judgment of no likelihood of confusion; prior domain name rights

Mark Cited by Opposer as Basis for Opposition

U.S. Application	77111567	Application Date	02/20/2007
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No.			
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BOUNTY WORK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: Online auctions services in which jobs, projects, and tasks to be auctioned are posted and bidding is done via the Internet		

Attachments	77111567#TMSN.jpeg (1 page)(bytes) 79451_Notice_of_Opposition.pdf (11 pages)(424950 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Paul G. Juettner/
Name	Paul G. Juettner
Date	02/13/2008

1015.79451

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

IN THE MATTER OF TRADEMARK APPLICATION

Serial No. 77/029,943
Filed : October 26, 2006
By: BountyJob, Inc.
Published: October 16, 2007
For the trademark: BOUNTYJOBS

_____)
)
JUST SERVICE, INC.)

Opposer,)

v.)

BOUNTYJOB, INC.)

Applicant.)
)
_____)

Opposition No.

NOTICE OF OPPOSITION

Commissioner for Trademarks
BOX TTAB
P.O. Box 1451
Alexandria, Virginia 22313-1451

Dear Sir:

1. Opposer, Just Service, Inc. is an Illinois corporation having a place of business at 2940 N. Clark Street, Chicago, Illinois 60657.

2. On information and belief, Applicant, BountyJobs, Inc. is a Delaware corporation having a place of business at Apt. 6M, 210 East 22nd Street, New York, New York 10010.

3. On September 19, 2005 Opposer registered the domain name <bountywork.com>.

4. In or about September, 2005, Opposer launched a website entitled BOUNTY WORK at <bountywork.com>. A true and correct copy of the BOUNTY WORK website is attached hereto as Exhibit A.

5. The BOUNTY WORK website, Exhibit A, has appeared on the Internet substantially continuously from September, 2005 to November, 2007, save only for a brief period in December, 2006 when the website was temporarily down.

6. Opposer updated the content of its BOUNTY WORK website on or about November 14, 2007. A true copy thereof is attached hereto as Exhibit B. The updated BOUNTY WORK website has been on the Internet substantially continuously to the present.

7. Opposer's BOUNTY WORK website has functioned and continues to function to inform the public of Opposer's planned online auctions services in which jobs, projects, and tasks to be auctioned are posted and bidding is done via the Internet.

8. More specifically, Opposer's <bountywork.com> is an Internet website that is being constructed to allow individuals and businesses to post work tasks that need to be completed or outsourced. The posting person will sign up to

<bountywork.com>, following which a detailed description of the work needed along with a starting price will be posted. The posting person will submit the starting price money along with the task description to Opposer. Opposer will then post all the work tasks at <bountywork.com> organized in specific categories. Other individuals and businesses that are looking for work will also sign up with Opposer at <bountywork.com>. The workers will then bid in a reverse auction format to try to win the work task. After a set amount of days the reverse auction will end and the lowest bidder will win the work task. The worker will then complete the work task and submit the work to the posting person or send confirmation that the task has been completed. Once the posting person inspects and accepts the work the money will then be released by Opposer to the worker. All of the transactions will take place via Opposer's BOUNTY WORK website at its <bountywork.com> domain.

9. Since the launch of its website, Opposer has received Internet traffic to its <bountywork.com> website, and has received inquires from the public concerning Opposer's planned BOUNTY WORK auction services.

10. Opposer has begun and continues to work on developing the systems needed to launch its reverse auction services under its BOUNTY WORK service mark, including software development and drafting profiles, forms, auction rules, instructions, business terms, task categories and other documentation for the site.

11. Opposer has, beginning with its website launch in September, 2005 developed valuable goodwill in its <bountywork.com> domain name.

12. Opposer has, beginning with its website launch in September, 2005, begun developing goodwill in its BOUNTY WORK service mark.

13. On February 20, 2007, Opposer filed a federal service mark application, Serial No. 77/111,567 to register BOUNTY WORK as service mark for online auctions services in which jobs, projects, and tasks to be auctioned are posted and bidding is done via the Internet based on intent to use, under Section 1(b) of the Trademark Act. Opposer's '567 application is currently pending, but suspended before the U.S. Patent and Trademark Office.

14. On October 26, 2006, Applicant filed a federal service mark application, on a Section 1(b) intent to use basis, to register BOUNTYJOBS for "Operating on-line marketplaces for sellers of goods and/or services; Operating on-line marketplaces for sellers and consumers of employee recruiting and placement services; Providing on-line marketplaces for sellers of goods and/or services; Providing on-line marketplaces for sellers and consumers of employee recruiting and placement services; Providing on-line information in the field of employee recruiting and placement services." Applicant's BOUNTYJOBS application was assigned Serial No. 77/029,943 and is the application at issue in this opposition proceeding.

15. On or about March 13, 2007, in Applicant's '943 application, the U.S. Patent and Trademark Office rejected the statement of services in part as indefinite. The Examining Attorney determined that the following services were indefinite: "operating on-line marketplaces for sellers of goods and/or services;"

and “providing on-line marketplaces for sellers of goods and/or services.” The Examining Attorney also cited a prior filed pending service mark application for BOUNTY JOB HUNTER for “online employment advertising services on a global computer network” as being a potentially conflicting mark under Section 2(d) of the Trademark Act.

16. On or about July, 2007, in Applicant’s ‘943 application, Applicant responded to the U.S. Patent and Trademark Office, arguing that its BOUNTYJOBS application did not conflict with the prior BOUNTY JOB HUNTER application, and amended its statement of services as follows:

“Operating on-line marketplaces for sellers of goods and/or services; Operating on-line marketplaces for sellers of goods and/or services in the field of employee recruiting and placement services; Providing on-line marketplaces for sellers of goods and/or services; Providing on-line information in the field of employee recruiting and placement services.” Applicant, however, failed to address the indefinite services rejection raised by the Examining Attorney in the March 13, 2007 Office Action.

17. Applicant’s BOUNTYJOBS services are limited to the field of employee recruiting and placement.

18. Subsequently, Applicant’s ‘943 application for BOUNTYJOBS was published.

Opposer Has Standing

19. Opposer's BOUNTY WORKS application has been suspended by the U.S. Patent and Trademark Office, pending disposition of Applicant's '943 application for BOUNTYJOBS.

20. In the event that Applicant's BOUNTYJOBS application registers, Opposer's BOUNTY WORK application is likely to be refused registration.

21. Refusal to register Opposer's BOUNTY WORK application will injure Opposer, its domain name rights in <bountywork.com>, and its developing BOUNTY WORK business.

22. Opposer has standing to oppose Applicant's BOUNTYJOBS application.

Count I – Rejection of Applicant's Indefinite Services

23. Paragraphs 1-22 of this Notice of Opposition are incorporated herein by reference.

24. The following services in Applicant's BOUNTYJOBS application are indefinite: "Operating on-line marketplaces for sellers of goods and/or services;" and "Providing on-line marketplaces for sellers of goods and/or services."

25. Wherefore Opposer prays that its opposition be sustained and registration be refused for the aforesaid indefinite services.

Count II – Declaratory Judgment of No Likelihood of Confusion

26. Paragraphs 1-25 of this Notice of Opposition are incorporated herein by reference.

27. The parties' respective marks are different.

28. The parties' respective services are different.

29. The parties' respective services are intended to be offered to different classes of consumers, which consumers are professional or otherwise knowledgeable.

30. The concurrent use and registration of Applicant's BOUNTYJOBS mark and Opposer's BOUNTY WORK mark for their respective services would not lead to a conflict because there is no likelihood of confusion.

31. Wherefore, Opposer prays for declaratory judgment that public confusion is unlikely between Applicant's BOUNTYJOBS mark and Opposer's BOUNTY WORK mark as intended to be used for their respective services.

Count III – Injury to Domain Name Rights

32. Paragraphs 1-31 of this Notice of Opposition are incorporated herein by reference.

33. Opposer has developed domain name rights in and to the domain name <bountywork.com>.

34. Opposer developed its domain name rights prior to Applicant's October 26, 2006 filing date, and prior to Applicant's acquisition of any rights in and to BOUNTYJOBS.

35. The suspension of Opposer's application to register BOUNTY WORK as a service mark over Applicant's BOUNTYJOBS application and the potential for a refusal to register the same is likely to injure Opposer's domain name rights in <bountywork.com>.

36. Opposer prays that BOUNTYJOBS be refused registration.

Count IV – Alternative Claim Under Section 2(d) of the Trademark Act

37. Paragraphs 1-36 of this Notice of Opposition are incorporated herein by reference.

38. Opposer has and/or is in the process of establishing services mark rights in and to BOUNTY WORK, which rights are effective from a date prior to Applicant's October 26, 2006 filing date and prior to Applicant's acquisition of any rights in and to BOUNTYJOBS.

39. In the event that the Trademark Trial and Appeal Board holds that there is a likelihood of confusion between Applicant's BOUNTYJOBS mark and Opposer's BOUNTY WORK mark for their respective services, then in that event, Opposer prays that Applicant's BOUNTYJOBS application be refused registration under Section 2(d) of the Trademark Act.

WHEREFORE, Opposer, Just Service, Inc. prays that its opposition be sustained and that it be granted the relief as set forth above.

Just Service, Inc.

/Paul G. Juettner/
Paul G. Juettner
Attorney for Opposer

Greer, Burns & Crain, Ltd.
300 South Wacker Drive
Suite 2500
Chicago, Illinois 60606
Telephone: (312) 360-0080
Facsimile: (312) 360-9315

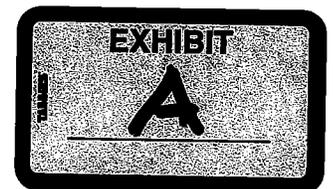
**WANTED
Bounty Work**

Bountywork.com is a unique new way for companies, employee's consultants and workers to network together in an incentive work environment. Companies' posts work tasks needed. Workers select work tasks. When tasks are completed, the reward bounty money is then collected. Just like in the olden days, when a bounty hunter brought in the bad guy, the bounty hunter collected the reward money. This system is still used today even by our own government. This unique bounty work network lets workers make as much money as they want while helping companies with an overload or backlog of work.

Need a job? Need work? No need for interviews. You can choose from many categories or work tasks needed from the database. This is going to revolutionize the work place. Sign up now and start making money.

CLAIM YOUR BOUNTY MONEY!

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About Us

Search

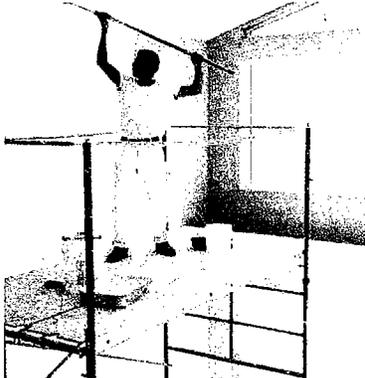
Bounty Work

Contact Us

Sign Up

Need a job? Need work? No need for interviews. Sign up today and start working tomorrow. You can choose from the many categories in our database. As a member worker you can browse the many work assignments needed for completion. As a member company you can browse the many listed workers for assignments. This network system is going to revolutionize the way people and companies work together. Sign up now and start making money.

Bountywork.com is a unique new way for companies, employees, consultants and workers to network together in an incentive work environment. Companies post hundreds of work related assignments needed for completion. Workers then select and reverse bid from the hundreds of work assignments posted by companies. When the assignment tasks are completed, the reward bounty money is then collected. Just like in the olden days, when a bounty hunter brought in the bad guy, the bounty hunter then collected the reward money. This system is still used today even by our own government. This unique bounty work network lets workers make as much money as they want while helping companies with a backlog of work related assignments.



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