

ESTTA Tracking number: **ESTTA202420**

Filing date: **04/02/2008**

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	Citrix Online LLC
Granted to Date of previous extension	04/02/2008
Address	5385 Hollister Avenue Santa Barbara, CA 93111 UNITED STATES

Attorney information	Elizabeth A. Walker Kirkpatrick & Lockhart Preston Gates Ellis LLP One Lincoln Street State Street Financial Center Boston, MA 02111 UNITED STATES tmboston@klgates.com, elizabeth.walker@klgates.com Phone:617-261-3100
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Applicant Information

Application No	77206700	Publication date	12/04/2007
Opposition Filing Date	04/02/2008	Opposition Period Ends	04/02/2008
Applicant	Adcuent, Inc. 16328 Mira Vista Ln Delray Beach, FL 33446 UNITED STATES		

Goods/Services Affected by Opposition

Class 042. First Use: 2007/04/15 First Use In Commerce: 2007/04/15 All goods and services in the class are opposed, namely: COMPUTER CONSULTATION AND INSTALLATION OF BUSINESS APPLICATION SOFTWARE
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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.	2772971	Application Date	02/28/2001
Registration Date	10/14/2003	Foreign Priority Date	NONE
Word Mark	GOTOMYPC		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 009. First use: First Use: 2001/02/01 First Use In Commerce: 2001/02/01 software for use on computers and devices for accessing, viewing, and controlling remote computers and devices

U.S. Registration No.	3172020	Application Date	09/18/2003
Registration Date	11/14/2006	Foreign Priority Date	NONE

Word Mark	GOTOMEETING
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Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 009. First use: First Use: 2004/04/19 First Use In Commerce: 2004/04/19 Computer software for transmitting data, graphics, audio and/or video over electronic communications networks; computer software for facilitating business transactions conducted via electronic communications networks; computer software for creating, offering, hosting, and delivering online conferences, meetings, demonstrations, tours, presentations, and discussions</p> <p>Class 038. First use: First Use: 2004/04/19 First Use In Commerce: 2004/04/19 telecommunication services, namely, broadcasting a wide variety of programs, meetings, events and real time information over global computer communications networks</p> <p>Class 042. First use: First Use: 2004/04/19 First Use In Commerce: 2004/04/19 Computer services, namely, hosting online web facilities for others for conducting online conferences, meetings, demonstrations, virtual tours, presentations and interactive discussions</p>
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U.S. Registration No.	3213853	Application Date	09/18/2003
Registration Date	02/27/2007	Foreign Priority Date	NONE

Word Mark	GOTOASSIST
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Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 009. First use: First Use: 2003/10/23 First Use In Commerce: 2003/10/23 computer software for transmitting data, graphics, audio and/or video over electronic communications networks; computer software for facilitating business transactions conducted via electronic communications networks; computer software for creating, offering, hosting, and delivering online conferences, meetings, demonstrations, tours, presentations, and discussions</p> <p>Class 042. First use: First Use: 2003/10/23 First Use In Commerce: 2003/10/23 application service provider featuring audio and video streaming software for transmitting data, graphics, audio, or video over electronic communications networks</p>
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U.S. Application No.	78795848	Application Date	01/20/2006
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	GOTOWEBINAR
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Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: Computer software for transmitting data, graphics, audio and/or video over electronic communications networks; computer software for facilitating business transactions conducted via electronic communications networks; computer software for creating, offering, hosting, and delivering online conferences, meetings, demonstrations, tours, presentations, and discussions</p> <p>Class 038. First use: Telecommunication services, namely, broadcasting a wide variety of programs, meetings, events and real time information over global computer communications networks</p> <p>Class 042. First use: Computer services, namely, hosting online web facilities for others for conducting online conferences, meetings, demonstrations, virtual tours, presentations and interactive discussions</p>

Attachments	76219511#TMSN.gif (1 page)(bytes) 78302384#TMSN.jpeg (1 page)(bytes) 78795848#TMSN.jpeg (1 page)(bytes) GOTOYOURSITE_Notice_of_Opposition.pdf (6 pages)(281435 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	/Elizabeth A. Walker/
Name	Elizabeth A. Walker
Date	04/02/2008

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

In the matter of Application:

Serial No.: 77/206,700

Filed: June 14, 2007

Applicant: Adcuent, Inc.

Mark: GOTOYOURSITE

Published in the Official Gazette of December 4, 2007.

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Citrix Online, LLC,)	
)	
Opposer,)	
)	
v.)	Opposition No.
)	
Adcuent, Inc.,)	
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

Citrix Online, LLC, a Delaware limited liability company, having a place of business at 5385 Hollister Avenue, Santa Barbara, California, 93111 (hereinafter "Opposer"), believes that it will be damaged by registration of the mark shown in Application Serial No. 77/206,700, filed June 14, 2007, in the United States Patent and Trademark Office by the above-referenced Applicant, and hereby opposes same under the provisions of Section 13 of the Trademark Act of 1946, 15 U.S.C. § 1063. Filing fees in the amount of \$300.00 have been paid electronically with the filing of this Notice of Opposition.

The grounds of opposition are as follows:

1. Opposer is a Delaware limited liability company with a place of business at 5385 Hollister Avenue, Santa Barbara, California, 93111.
2. Upon information and belief, Applicant is a Florida corporation with a place of business at 16328 Mira Vista Lane, Delray Beach, Florida, 33446.

3. Opposer is the owner of U.S. Registration No. 2,772,971 for the trademark GOTOMYPC for and in connection with “software for use on computers and devices for accessing, viewing, and controlling remote computers and devices,” in International Class 9, issued on October 14, 2003. Said registration was based on an application filed in the U.S. Patent and Trademark Office on February 28, 2001, and is valid, subsisting and enforceable. Accordingly, Opposer’s registration is prima facie evidence of its exclusive right to use the GOTOMYPC mark in commerce.

4. Opposer’s GOTOMYPC mark is currently used in connection with all of the goods identified in the above-identified registration, and has been used in connection with such goods since at least as early as February 1, 2001.

5. Opposer is also the owner of the following registrations:

Registration No. 3,172,020 for the trademark GOTOMEETING for and in connection with “computer software for transmitting data, graphics, audio and/or video over electronic communications networks; computer software for facilitating business transactions conducted via electronic communications networks; computer software for creating, offering, hosting, and delivering online conferences, meetings, demonstrations, tours, presentations and discussions” in International Class 9, “telecommunication services, namely, broadcasting a wide variety of programs, meetings, events and real time information over global computer communications networks” in International Class 38; “computer services, namely, hosting online web facilities for others for conducting online conferences, meetings, demonstrations, virtual tours, presentations and interactive discussions” in International Class 42.

Registration No. 3,213,853 for the trademark GOTOASSIST for and in connection with “computer software for transmitting data, graphics, audio and/or video over electronic

communications networks; computer software for facilitating business transactions conducted via electronic communications networks; computer software for creating, offering, hosting, and delivering online conferences, meetings, demonstrations, tours, presentations and discussions” in International Class 9, and “application service provider featuring audio and video streaming software for transmitting data, graphics, audio, or video over electronic communications networks” in International Class 42.

6. Opposer’s GOTOMEETING mark was registered on November 14, 2006 and Opposer’s GOTOASSIST mark was registered on February 27, 2007. Moreover, Opposer’s GOTOMEETING and GOTOASSIST marks are currently used in connection with all of the goods and services identified in the above-identified registrations, and have been used in connection with such goods and services since at least as early as April 19, 2004 and October 23, 2003, respectively.

7. Opposer also has a pending application for the trademark GOTOWEBINAR, Serial No. 78/795,848, for and in connection with “computer software for transmitting data, graphics, audio and/or video over electronic communications networks; computer software for facilitating business transactions conducted via electronic communications networks; computer software for creating, offering, hosting, and delivering online conferences, meetings, demonstrations, tours, presentations and discussions” in International Class 9, “telecommunication services, namely, broadcasting a wide variety of programs, meetings, events and real time information over global computer communications networks” in International Class 38, and “application service provider featuring audio and video streaming software for transmitting data, graphics, audio, or video over electronic communications networks” in

International Class 42. Applicant currently is using and has used its GOTOWEBINAR mark in connection with such goods and services since at least as early as June 15, 2006.

8. By virtue of, among other things, Opposer's marketing and sales efforts and the high quality of Opposer's products and services, Opposer has gained a valuable reputation in the marks GOTOMYPC, GOTOMEETING, GOTOASSIST, and GOTOWEBINAR. Opposer believes that this family of trademarks, comprised in part of the wording "GOTO," serve and are recognized as a source indicator of Opposer's products.

9. In its application Serial No. 77/206,700, Applicant seeks registration of the trademark GOTOYOURSITE for and in connection with "computer consultation and installation of business application software" in International Class 42. Such application was filed on June 14, 2007. Applicant claims first use of the mark in commerce on April 15, 2007.

10. Opposer's actual and constructive dates of first use for the marks GOTOMYPC, GOTOMEETING, and GOTOASSIST, and Opposer's constructive date of first use for the mark GOTOWEBINAR precede Applicant's filing date, actual use date, and any date on which Applicant can rely.

11. The GOTOYOURSITE trademark in application Serial No. 77/206,700 is confusingly similar to Opposer's trademark GOTOMYPC, as well as the other marks in Opposer's family: GOTOMEETING, GOTOASSIST, and GOTOWEBINAR.

12. The services identified in application Serial No. 77/206,700 are confusingly similar to the goods and services described in Opposer's Registration No. 2,772,971, Registration No. 3,172,020, Registration No. 3,212,853, and Serial No. 78/795,848, and those goods offered by Opposer in connection with its family of "GOTO__" trademarks. Such goods and services are likely to be offered to and/or purchased by the same or overlapping classes of

customers, and through the same or overlapping channels of trade, so that prospective purchasers and others are likely to be confused as to whether the services sold under the GOTOYOURSITE trademark emanate from or are in some way affiliated with, sponsored, or approved by Opposer, or are otherwise related to Opposer or Opposer's goods and services, thereby damaging Opposer.

13. Applicant is not entitled to the registration which it seeks for the reason, among others, that the trademark GOTOYOURSITE, for use on or in connection with the services identified in Serial No. 77/206,700, so resembles Opposer's previously used and registered family of "GOTO__" trademarks as applied to Opposer's goods and services so as to be likely to cause confusion, to cause mistake or to deceive within the meaning of § 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), thereby damaging Opposer.

WHEREFORE, Opposer requests that the present opposition be sustained and the registration of GOTOYOURSITE sought by Applicant be refused.

Date: April 2, 2008

Respectfully submitted,

Citrix Online, LLC

By its attorneys,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this Notice of Opposition has been served upon Applicant, by First Class Mail postage prepaid, on April 2, 2008, at:

Alex del Real
Adcuent, Inc.
16328 Mira Vista Lane
Delray Beach, FL 33446-9538



Elizabeth A. Walker