

ESTTA Tracking number: **ESTTA231506**

Filing date: **08/19/2008**

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	Dating DNA, LLC		
Entity	Limited Liability Company	Citizenship	Delaware
Address	13804 Torrey Del Mar Dr San Diego, CA 92130 UNITED STATES		

Correspondence information	Chad Olson Dating DNA, LLC 13804 Torrey Del Mar Dr San Diego, CA 92130 UNITED STATES olsonchadh@gmail.com Phone:858 205 4092		
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Applicant Information

Application No	77258529	Publication date	08/05/2008
Opposition Filing Date	08/19/2008	Opposition Period Ends	09/04/2008
International Registration No.	NONE	International Registration Date	NONE
Applicant	Imagini Holdings Ltd Condor House, 10 St Paul's Churchyard c/o Heller Ehrman LLP London, EC4M 8AL UNITED KINGDOM		

Goods/Services Affected by Opposition

Class 045. All goods and services in the class are opposed, namely: Personal and social services rendered by others to meet the needs of individuals, namely, social networking services, social introduction and dating services; Internet based social networking services; visually profiling consumers for networking, social, and personal purposes; analyzing personality and personal profile information data for networking, social and personal purposes

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.	3245349	Application Date	06/09/2004
Registration Date	05/22/2007	Foreign Priority Date	NONE

Word Mark	DATING BY DNA
Design Mark	
Description of Mark	NONE
Goods/Services	Class 045. First use: First Use: 2006/09/26 First Use In Commerce: 2006/09/26 Dating and Matchmaking services

U.S. Application No.	77091424	Application Date	01/25/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	DATING DNA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 045. First use: First Use: 2007/01/15 First Use In Commerce: 2007/01/15 Computer dating services; Dating services; Internet based social networking, introduction, and dating services; Marriage partner introduction or dating services; On-line identity reliability investigation in the field of on-line dating and claims made about age, gender; Reminder services in the area of upcoming important dates and events; Video dating services; Web site services featuring on-line dating club		

Attachments	78432066#TMSN.jpeg (1 page)(bytes) 77091424#TMSN.jpeg (1 page)(bytes) ObjectionVisualDNA.pdf (1 page)(956851 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	/Chad Olson/
Name	Chad Olson
Date	08/19/2008

Likelihood of Confusion

The applicant's mark, when used on or in connection with the identified services, so resembles the mark in U.S. Registration No. 3245349 and Application No. 77091424 as to be likely to cause confusion, to cause mistake, or to deceive.

The marks themselves are similar in appearance, sound, connotation and commercial impression.

The marks of the parties are highly similar. The applicant has applied to register the mark ,ÄÜVISUALDNA.,ÄÜ The registered mark is ,ÄÜDATING BY DNA,ÄÜ and the other pending mark is "DATING DNA." The dominant portion of each mark is the term DNA which is identical in sound, appearance, and meaning. As a result, the marks are confusingly similar.

The services of the registered mark and pending mark are, respectively; 1) Dating and Matchmaking services and 2) Computer dating services; Dating services; Internet based social networking, introduction, and dating services; Marriage partner introduction or dating services; On-line identity reliability investigation in the field of on-line dating and claims made about age, gender; Reminder services in the area of upcoming important dates and events; Video dating services; Web site services featuring on-line dating club.

The services of the applicant are highly related to the services of the registrant so as to cause a likelihood of confusion. The applicant,Äôs services are Personal and social services rendered by others to meet the needs of individuals, namely, social networking services, social introduction and dating services; Internet based social networking services; visually profiling consumers for networking, social, and personal purposes; analyzing personality and personal profile information data for networking, social and personal purposes.

These marks are identical since both include dating and matchmaking/networking services. These types of services are likely to be marketed in the same channels and encountered by the same consumers.