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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	VeriSign, Inc.
Granted to Date of previous extension	03/29/2009
Address	487 E. Middlefield Road, M/S MV2-2-1 Mountain View, CA 90043 UNITED STATES

Attorney information	Brian J. Winterfeldt Steptoe & Johnson, LLP 1330 Connecticut Avenue, N.W. Washington, DC 20036 UNITED STATES bwinterfeldt@steptoe.com,gmcnutt@steptoe.com,khemmerdinger@steptoe.com ,ipdocketing@steptoe.com Phone:202.429.6260

Applicant Information

Application No	77463178	Publication date	09/30/2008
Opposition Filing Date	03/30/2009	Opposition Period Ends	03/29/2009
Applicant	Vericell LLC 11123 Waxbury Drive Charlotte, NC 28277 UNITED STATES		

Goods/Services Affected by Opposition

Class 045. All goods and services in the class are opposed, namely: Notification and prevention services with respect to identity theft, especially via the Internet, namely, monitoring of credit reports, the Internet, and public records to facilitate the detection and prevention of identity theft and fraud

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)

Marks Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		

Design Mark	VeriSign
Goods/Services	Internet and e-commerce authentication products and services, network security products and services, commercial information and directory services, domain name management and registration services, information management and related products and services, telecommunications products and services, business and financial management services, managed security products and services, and other trust-related products and services, including, but not limited to, computer hardware and mobile telephones; computer software in the field of cryptographic network security and data security functions; computer software for integration of information logic and data between computer networks; computer software for automating a process for authentication of identity using existing databases in connection with the issuance and management of digital certificates used for authentication or encryption of digital communications, or authentication of a digital signature in an electronic transaction or communication, over the Internet and other computer networks; computer software, namely encryption software to enable secure transmission of digital information, namely, confidential, financial and credit card information over the Internet as well as over other modes of communication between computing devices; computer software to integrate managed security services, namely public key infrastructure (PKI) services, digital certificate issuance, verification, and management, and enterprise software integration, with existing communications networks, software, and services, downloadable electronic publications in the nature of a newsletter in the field of information technology; domain name resolution software for resolving domain names; domain name conversion software for converting domain names between distinct domain name systems; providing commercial information and on-line directory information services for locating Internet and other computer network addresses and demographic information for entities, and providing a directory of organizations, individuals, addresses, and resources accessible

	through the use of the Internet and other computer networks; business management services, namely, providing outsource management services to others in the field of digital certificate authentication; business services in the nature of managed public key infrastructure services, namely, application and network infrastructure security services; business management, namely, digital certificate issuance services; providing a non-downloadable on-line newsletter in the field of information technology; providing authentication of identity; issuance and management of digital certificates for authentication or encryption of a digital communication, or authentication of a digital signature in an electronic transaction or communication, over the Internet and other computer network and providing technical and customer support in connection therewith; development, design, implementation, testing, analysis, and consulting services in the field of security, access, authorization, authentication encryption, and identification systems for computers, computer hardware and computer networks; development, integration and operation of computer systems to support issuance and management of digital certificates; creation and implementation of procedures and practices for issuance and management of digital certificates; computer related services, namely, managed computer network and Internet security services, namely, public key infrastructure (#PKI#) verification, authentication, distribution and management, digital certificate issuance, verification and management, and enterprise software integration; providing information in the field of services relating to the ownership rights of domain names; domain name management services, namely, Domain Name System (#DNS#) management and maintenance, domain name directory management and maintenance, Domain Name System (#DNS#) infrastructure services, domain name and Domain Name System (#DNS#) information propagation, and resolution of Domain Name System (#DNS#) requests; data conversion of computer programs data or information, namely, network, computer, database and directory services that convert an existing telephone number or assigned number sequence into an Internet Protocol (#IP#) address or uniform resource locator (#URL#) for the purpose of enabling access, selection and display of online content via a wireless network.

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	VeriSign		
Goods/Services	Internet and e-commerce authentication products and services, network security products and services, commercial information and directory services, domain name management and registration services, information management and related products and services, telecommunications products and services, business and financial management services, managed security products and services, and other trust-related products and services, including, but not limited to, computer hardware and mobile telephones; computer software in the field of cryptographic network security and data security functions; computer software for integration of information logic and data between computer networks; computer software for automating a process for authentication of identity using existing databases in connection with the issuance and management of digital certificates used for authentication or encryption of digital communications, or authentication of a digital signature in an electronic transaction or communication, over the Internet and other computer networks;		

	computer software, namely encryption software to enable secure transmission of digital information, namely, confidential, financial and credit card information over the Internet as well as over other modes of communication between computing devices; computer software to integrate managed security services, namely public key infrastructure (PKI) services, digital certificate issuance, verification, and management, and enterprise software integration, with existing communications networks, software, and services, downloadable electronic publications in the nature of a newsletter in the field of information technology; domain name resolution software for resolving domain names; domain name conversion software for converting domain names between distinct domain name systems; providing commercial information and on-line directory information services for locating Internet and other computer network addresses and demographic information for entities, and providing a directory of organizations, individuals, addresses, and resources accessible through the use of the Internet and other computer networks; business management services, namely, providing outsource management services to others in the field of digital certificate authentication; business services in the nature of managed public key infrastructure services, namely, application and network infrastructure security services; business management, namely, digital certificate issuance services; providing a non-downloadable on-line newsletter in the field of information technology; providing authentication of identity; issuance and management of digital certificates for authentication or encryption of a digital communication, or authentication of a digital signature in an electronic transaction or communication, over the Internet and other computer network and providing technical and customer support in connection therewith; development, design, implementation, testing, analysis, and consulting services in the field of security, access, authorization, authentication encryption, and identification systems for computers, computer hardware and computer networks; development, integration and operation of computer systems to support issuance and management of digital certificates; creation and implementation of procedures and practices for issuance and management of digital certificates; computer related services, namely, managed computer network and Internet security services, namely, public key infrastructure (#PKI#) verification, authentication, distribution and management, digital certificate issuance, verification and management, and enterprise software integration; providing information in the field of services relating to the ownership rights of domain names; domain name management services, namely, Domain Name System (#DNS#) management and maintenance, domain name directory management and maintenance, Domain Name System (#DNS#) infrastructure services, domain name and Domain Name System (#DNS#) information propagation, and resolution of Domain Name System (#DNS#) requests; data conversion of computer programs data or information, namely, network, computer, database and directory services that convert an existing telephone number or assigned number sequence into an Internet Protocol (#IP#) address or uniform resource locator (#URL#) for the purpose of enabling access, selection and display of online content via a wireless network.

Attachments	VERICELL.pdf (6 pages)(36026 bytes) VERISIGN & DESIGN.jpg

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Facsimile or email (by agreement only) on this date.

Signature	/Geoffrey M. McNutt/
Name	Geoffrey M. McNutt
Date	03/30/2009

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

VERISIGN, INC.,	)	
Opposer,	)	
v.	)	Application Ser. No. 77/ 463,178 Mark: VERICELL
VERICELL LLC,	)	
Applicant.	)	

NOTICE OF OPPOSITION

VeriSign, Inc. ("VeriSign"), a Delaware corporation with offices at 487 Middlefield Road, M/S MV2-2-1, Mountain View, California 94043, believes that it will be damaged by registration of the mark VERICELL for all of the services listed in Application Serial No. 77/463,178, namely, "notification and prevention services with respect to identity theft, especially via the Internet, namely, monitoring of credit reports, the Internet, and public records to facilitate the detection and prevention of identity theft and fraud," and hereby opposes the same pursuant to 37 C.F.R. §§ 2.101 and 2.104. Allegations with respect to VeriSign are based on actual knowledge. All other allegations are based upon information and belief.

VeriSign and Its Famous VERISIGN Mark and Name

1. Opposer, VeriSign, Inc. is a corporation duly organized and existing under the laws of Delaware, having its principal place of business at 487 Middlefield Road, M/S MV2-2-1, Mountain View, California 94043.

2. VeriSign owns and uses names, marks, and a logo (shown below) consisting of or containing "VERISIGN," including VERISIGN, VERISIGN GRS, VERISIGN GLOBAL REGISTRY SERVICES, and VERISIGN SECURED (individually and collectively the "VERISIGN Mark"). The hallmarks of the logo version of VERISIGN are the separate

emphasis of the prefix "VERI" and the suffix "SIGN" through the distinctive black and red color combination and emphasis on the letters "V" and "S" through the distinctive "Checkmark V" and capitalization of the internal letter "S," as shown below.

3. VeriSign uses the VERISIGN Mark on or in connection with the marketing, offering, and sales of Internet and e-commerce authentication products and services, network security products and services, commercial information and directory services, domain name management and registration services, information management and related products and services, telecommunications products and services, business and financial management services, managed security products and services, and other trust-related products and services, including, but not limited to, the goods and services set forth in Exhibit A incorporated by reference (hereinafter "VeriSign's Products and Services").

4. VeriSign first used its VERISIGN Mark on or in connection with VeriSign's Products and Services at least as early as 1995, has continuously used the VERISIGN Mark in interstate commerce since 1995, and continues to use the VERISIGN Mark.

5. VeriSign is a NASDAQ-listed company (trading symbol "VRSN") that generates over a billion dollars in annual revenues. VeriSign's branded products and services are used by virtually all of the Fortune 500 companies with an Internet presence. Moreover, VeriSign and its VERISIGN Mark have been featured extensively in advertising and in the national press in the United States and abroad. Consequently, the general public recognizes the VERISIGN Mark and associates it with VeriSign's Products and Services.

6. Since its initial adoption and use of the VERISIGN Mark, VeriSign has made a substantial investment in advertising and marketing its products and services under the VERISIGN Mark. VeriSign has extensively used, advertised, promoted, and offered its products and services under the VERISIGN Mark through various channels of trade and commerce. As a result of VeriSign's extensive use and promotion of the VERISIGN Mark and the extensive sales of goods and services under the VERISIGN Mark, the VERISIGN Mark has long been famous.

Applicant's VERICELL Mark

7. Applicant, Vericell LLC is a North Carolina limited liability company with an address at 11123 Waxbury Drive, Charlotte, North Carolina 28277.

8. On May 1, 2008, Applicant filed an intent-to-use application to register the mark VERICELL for "notification and prevention services with respect to identity theft, especially via the Internet, namely, monitoring of credit reports, the Internet, and public records to facilitate the detection and prevention of identity theft and fraud," in International Class 45, which Application has been assigned Serial No. 77/203451 (hereinafter the "VERICELL Application").

Likelihood of Confusion, 15 U.S.C. § 1052(d)

9. VeriSign repeats and re-alleges each and every allegation set forth in paragraphs 1 through 8.

10. VeriSign's rights in its VERISIGN Mark predate the May 1, 2008 filing date of the VERICELL Application.

11. The VERISIGN Mark was famous before the May 1, 2008 filing date of the VERICELL Application.

12. The appearance, sound, and commercial impression of Applicant's VERICELL Mark is confusingly similar to Opposer's VERISIGN Mark.

13. The services identified in the VERICELL Application are identical and/or closely related to VeriSign's Products and Services.

14. Applicant's VERICELL mark for the services identified in the VERICELL Application so closely resembles VeriSign's prior VERISIGN Mark for VeriSign's Products and Services as to be likely, when used in connection with the services set forth in the VERICELL Application, to cause confusion, or to cause mistake, or to deceive, in violation of Section 2(d) of the Lanham Act, as amended 15 U.S.C. § 1052(d).

For the foregoing reasons, VeriSign will be damaged by registration of the VERICELL mark.

WHEREFORE, VeriSign respectfully requests that the Trademark Trial and Appeal Board sustain this opposition and refuse registration of U.S. Application Serial No. 77/463,178 for the VERICELL mark.

The $300.00 filing fee for this Opposition may be charged to Deposit Account No. 19-4293. Any additional fees in connection with this opposition may also be charged to this account and any overpayment may be credited to this account.

All correspondence should be addressed to Brian J. Winterfeldt, Esq., Steptoe & Johnson LLP, 1330 Connecticut Avenue, NW, Washington, DC 20036-1795.

Respectfully submitted,

Date: March 30, 2009

By:/Geoffrey M. McNutt/

Brian J. Winterfeldt
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Attorneys for VeriSign, Inc.

EXHIBIT A
VERISIGN'S PRODUCTS AND SERVICES

Computer hardware and mobile telephones; computer software in the field of cryptographic network security and data security functions; computer software for integration of information logic and data between computer networks; computer software for automating a process for authentication of identity using existing databases in connection with the issuance and management of digital certificates used for authentication or encryption of digital communications, or authentication of a digital signature in an electronic transaction or communication, over the Internet and other computer networks; computer software, namely encryption software to enable secure transmission of digital information, namely, confidential, financial and credit card information over the Internet as well as over other modes of communication between computing devices; computer software to integrate managed security services, namely public key infrastructure (PKI) services, digital certificate issuance, verification, and management, and enterprise software integration, with existing communications networks, software, and services, downloadable electronic publications in the nature of a newsletter in the field of information technology; domain name resolution software for resolving domain names; domain name conversion software for converting domain names between distinct domain name systems; providing commercial information and on-line directory information services for locating Internet and other computer network addresses and demographic information for entities, and providing a directory of organizations, individuals, addresses, and resources accessible through the use of the Internet and other computer networks; business management services, namely, providing outsource management services to others in the field of digital certificate authentication; business services in the nature of managed public key infrastructure services, namely, application and network infrastructure security services; business management, namely, digital certificate issuance services; providing a non-downloadable on-line newsletter in the field of information technology; providing authentication of identity; issuance and management of digital certificates for authentication or encryption of a digital communication, or authentication of a digital signature in an electronic transaction or communication, over the Internet and other computer network and providing technical and customer support in connection therewith; development, design, implementation, testing, analysis, and consulting services in the field of security, access, authorization, authentication encryption, and identification systems for computers, computer hardware and computer networks; development, integration and operation of computer systems to support issuance and management of digital certificates; creation and implementation of procedures and practices for issuance and management of digital certificates; computer related services, namely, managed computer network and Internet security services, namely, public key infrastructure ("PKI") verification, authentication, distribution and management, digital certificate issuance, verification and management, and enterprise software integration; providing information in the field of services relating to the ownership rights of domain names; domain name management services, namely, Domain Name System ("DNS") management and maintenance, domain name directory management and maintenance, Domain Name System ("DNS") infrastructure services, domain name and Domain Name System ("DNS") information propagation, and resolution of Domain Name System ("DNS") requests; data conversion of computer programs data or information, namely, network, computer, database and directory services that convert an existing telephone number or assigned number sequence into an Internet Protocol ("IP") address or uniform resource locator ("URL") for the purpose of enabling access, selection and display of online content via a wireless network.

CERTIFICATE OF SERVICE

I hereby certify that with the express, written consent of Applicant's attorney, a true and correct copy of the foregoing NOTICE OF OPPOSITION was served upon Applicant this 30th day of March, 2009, vie email to the address below.

Peter M. Eichler, Esq.
JENNINGS, STROUSS & SALMON, P.L.C.
PEichler@jsslaw.com

/Geoffrey M. McNutt/
By: Geoffrey M. McNutt