

ESTTA Tracking number: **ESTTA299982**

Filing date: **08/10/2009**

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	IBOPE INSTITUTO BRASILEIRO DE OPINIO PBLICA E ESTATSTICA LTDA.
Granted to Date of previous extension	08/22/2009
Address	Alameda Santos, 2101 T1-7-8-A-P-11 andar Cerqueira Cesar SÃ£o Paulo/SP, 01419-002 BRAZIL
Party who filed Extension of time to oppose	IBOPE INSTITUTO BRASILEIRO DE OPINIÃ#O PÃ#BLICA E ESTATÃ#STICA LTDA.
Relationship to party who filed Extension of time to oppose	Opposer's name has not changed. An error message was generated stating that only ASC II characters can be entered when Opposer attempted to enter its correct name.

Attorney information	Michael F Sarney Katten Muchin Rosenman, LLP 575 Madison Avenue New York, NY 10022-2585 UNITED STATES michael.sarney@kattenlaw.com Phone:(212) 940-8698
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Applicant Information

Application No	77624865	Publication date	06/23/2009
Opposition Filing Date	08/10/2009	Opposition Period Ends	08/22/2009
Applicant	Hypotenuse, Inc. 15 Bloomfield Avenue Verona, NJ 07044 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 035. First Use: 2008/05/01 First Use In Commerce: 2008/09/15 All goods and services in the class are opposed, namely: Conducting online, interactive public opinion polls where users can rate and rank their reactions to breaking news, current events, consumer goods and services, local communities, municipalities, counties, government agencies, politics, politicians, celebrities and other public figures, and compare their reactions with other users; providing consumer information, namely, rankings and ratings relating to consumer goods and services, conducting interactive public opinion voting surveys on a wide variety of subjects via a global computer network</p>

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2093379	Application Date	07/13/1994
Registration Date	09/02/1997	Foreign Priority Date	NONE
Word Mark	IBOPE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1942/00/00 First Use In Commerce: 1991/00/00 media, market and public and private opinion research and survey services; business management consultation services		

Attachments	IBOQX Notice of Opp.pdf (4 pages)(98976 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	/michael sarney/
Name	Michael F Sarney
Date	08/10/2009

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

Applicant : Hypotenuse, Inc.)
Mark : IBOQX)
Serial No. : 77/624,865)
Filed : December 2, 2008)
Published : June 23, 2009)

IBOPE INSTITUTO BRASILEIRO)
DE OPINIAO PUBLICA)
E ESTATISTICA LTDA.,)
v.)
HYPOTENUSE, INC.)

Opposition No. _____

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

NOTICE OF OPPOSITION

IBOPE INSTITUTO BRASILEIRO DE OPINIAO PUBLICA E ESTATISTICA LTDA. (“Opposer”), a corporation of Brazil, having a place of business at Alameda Santos, 2101 T1-7-8-A-P-11 andar, Cerqueira Cesar, Sap Paulo/SP, Brazil, believes that it will be damaged by registration of the mark shown in application Serial No. 77/624,865, filed December 2, 2008, and hereby opposes the same.

As grounds for the opposition, it is alleged that:

1. On or about December 2, 2008, Applicant, Hypotenuse, Inc., filed an application in the United States Patent & Trademark Office, Serial No. 77/624,865, seeking registration on the Principal Register of the mark IBOQX, in International Class 35, for conducting online, interactive public opinion polls where users can rate and rank their reactions to breaking news, current events, consumer goods and services, local

communities, municipalities, countries, government agencies, politics, politicians, celebrities and other public figures, and compare their reactions with other users; providing consumer information, namely, rankings and ratings relating to consumer goods and services, conducting interactive public opinion voting surveys on a wide variety of subjects via a global computer network. The basis for the application is Section 1(a) of the Trademark Act.

2. Opposer is the owner of Registration No. 2,093,379, issued September 2, 1997, for the mark IBOPE, for media, market and public and private opinion research and survey services; business management consultation services, in International Class 35. Said registered mark of Opposer is valid and subsisting and is conclusive evidence of Opposer's right to use said mark in commerce on the services specified in said registration. Opposer's rights are prior to Applicant's filing date.

3. The services identified in the subject application are the same as and/or are closely related to the services offered by Opposer and identified in Opposer's registration.

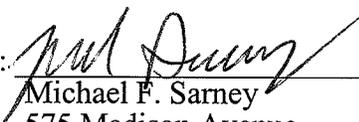
4. Accordingly, registration of the subject mark by Applicant should be denied pursuant to Section 2(d) of the Trademark Act, on the grounds that Applicant's mark so resembles Opposer's registered mark as to be likely to cause confusion or mistake, and Opposer is therefore likely to suffer damage and/or injury to its reputation and goodwill as a result thereof.

WHEREFORE, Opposer prays that Application Serial No. 77/624,865 be rejected, and that registration of the mark therein sought for the services therein specified be denied and refused.

Dated: August 10, 2009

Respectfully submitted:

KATTEN MUCHIN ROSENMAN LLP
Attorneys for Opposer

By: 
Michael F. Sarney
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New York, N.Y. 10022
(212) 940-8698

Attorney Docket No. 331114-00006

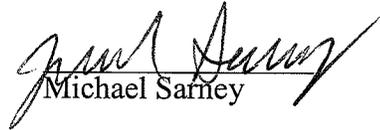
CERTIFICATE OF SERVICE

I, the undersigned, Michael Sarney, hereby certify that, on the 10th day of August, 2009, I caused to be served a true and correct copy of

NOTICE OF OPPOSITION

by U.S. Mail, first class, by depositing the same in a depository of the United States Postal Service, on the attorney of record for the Applicant, as follows:

Vanessa A. Ignacio, Esq.
LOWENSTEIN SANDLER PC
65 Livingston Avenue
Roseland, NJ 07068-1791


Michael Sarney