

ESTTA Tracking number: **ESTTA313146**

Filing date: **10/23/2009**

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 parties oppose registration of the indicated application.

**Opposers Information**

Name	SSH, LLC
Granted to Date of previous extension	10/25/2009
Address	426 W. Lancaster Avenue, Suite 200 Devon, PA 19333 UNITED STATES

Name	Michael M. Green
Granted to Date of previous extension	10/25/2009
Address	426 W. Lancaster Avenue, Suite 200 Devon, PA 19333 UNITED STATES

Attorney information	Michael J. Leonard Pepper Hamilton LLP Eighteenth & Arch Streets, 3000 Two Logan Square Philadelphia, PA 19103-2799 UNITED STATES carissimiv@pepperlaw.com,leonardm@pepperlaw.com,olszykc@pepperlaw.com,wrightp@pepperlaw.com Phone:215.981.4547
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**Applicant Information**

Application No	77495969	Publication date	04/28/2009
Opposition Filing Date	10/23/2009	Opposition Period Ends	10/25/2009
Applicant	Tenex Partners LLC Suite 100 2018 156th Avenue NE Bellevue, WA 98007 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 036. All goods and services in the class are opposed, namely: Hedge fund investment services; mutual fund investment services; private equity investment services; investment advisory services; investment of funds for others
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**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. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	TENEX		
Goods/Services	financial services		

Attachments	TENEX_NOP.pdf ( 5 pages )(94074 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 USPS Express Mail Post Office to Addressee on this date.

Signature	/michael leonard/
Name	Michael J. Leonard
Date	10/23/2009



1. Upon information and belief, Applicant is a limited liability corporation. On June 11, 2008, Applicant filed Application Serial No. 77/495,969 for the mark TENEX for Applicant's Services based on Applicant's intent to use the mark in commerce.

2. Commencing prior to Applicant's filing date and any alleged date of first use that can be claimed by Applicant, the mark TENEX, and variants, including but not limited to TENX, TENEX CAPITAL PARTNERS and TENX CAPITAL PARTNERS (the "TENEX Marks"), were used by Opposers (hereinafter collectively referred to as "Opposer") in connection with various financial services, including but not limited to private equity investment and financial investment services.

3. Since its initial use of the TENEX Marks, Opposers have conducted substantial business, rendering services in United States interstate commerce under the TENEX Mark. Opposer's customers and the public in general have come to know and recognize Opposer's Mark and associate the Mark with Opposer and/or Opposer's Services.

4. Applicant's filing of Application Serial No. 77/495,969 for TENEX is without license, authorization or permission from Opposer.

**GROUND FOR OPPOSITION  
LIKELIHOOD OF CONFUSION - COMMON LAW**

5. Opposer re-alleges the allegations contained in Paragraphs 1 through 4 of this Notice of Opposition.

6. Opposer uses the TENEX Marks to identify various financial services, including but not limited to private equity investment and financial investment services, which are rendered by Opposer.

7. Applicant's TENEX mark is identical to Opposer's previously used TENEX Mark and is used in association with substantially similar, and in some cases identical, services to those offered and rendered by Opposer and is likely, when used in connection with Applicant's Services, to cause confusion or mistake or to deceive purchasers resulting in damage to Opposer and its reputation.

8. Applicant's June 11, 2008 filing date of Application Serial No. 77/495,969 is subsequent to Opposer's date of first use of its TENEX Marks.

9. Opposer's Services and Applicant's Services are substantially similar, and in some cases identical, and are likely to be offered and rendered through the same channels of trade and purchased by the same class of purchasers.

10. Opposer's customers, and the public in general, are likely to be confused, mistaken or deceived as to the origin, affiliation, endorsement or sponsorship of Applicant's Services sold and marketed under Applicant's TENEX mark and misled into believing that such services are offered by, rendered by, emanate from or are in some way associated with Opposer, to the damage and detriment of Opposer and its reputation.

11. Opposer will be damaged by the registration of the TENEX mark as set forth in Application Serial No. 77/495,969, in that the mark is confusingly similar in appearance, sound and commercial impression to Opposer's TENEX Marks, thereby violating Opposer's common law rights to its Marks.

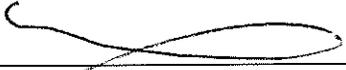
12. Registration of Applicant's TENEX mark should not be granted, as it is contrary to 15 U.S.C. § 1052(d) and would violate and diminish the prior and superior rights of Opposer to its TENEX Marks.

WHEREFORE, Opposer prays that its Opposition be sustained, that Application Serial No. 77/495,969 be refused and that the registration of TENEX as a trademark to Applicant be refused, and for such other relief as may be deemed just and proper.

Respectfully submitted,

Date: 23 Oct. 2009

By:



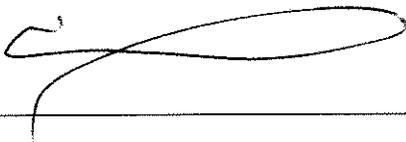
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Attorneys for Opposers

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Notice of Opposition was served on Applicant this 23rd day of October 2009 by sending same via First Class Mail, postage prepaid, to:

David O. Johanson  
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One Federal Street  
Boston, MA 02110-1726



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