

ESTTA Tracking number: **ESTTA320295**

Filing date: **12/04/2009**

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	eHarmony, Inc.
Granted to Date of previous extension	12/09/2009
Address	888 East Walnut St.2nd Floor Pasadena, CA 91101 UNITED STATES

Attorney information	Lisa Greenwald-Swire Fish & Richardson 500 Arguello St Redwood City, CA 94063 UNITED STATES lgs@fr.com, scs@fr.com, ama@fr.com, tmdoctc@fr.com, mvt@fr.com Phone:650-839-5070
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Applicant Information

Application No	77408673	Publication date	08/11/2009
Opposition Filing Date	12/04/2009	Opposition Period Ends	12/09/2009
Applicant	BrainHarmony, Inc 4000 Birch St Suite 201A Newport Beach, CA 92660 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 2007/05/07 First Use In Commerce: 2007/06/01 All goods and services in the class are opposed, namely: Training services in the field of Brain Fitness, Biofeedback, Neurofeedback, and Brain State Training
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3483503	Application Date	07/18/2007
Registration Date	08/12/2008	Foreign Priority Date	NONE
Word Mark	EHARMONY LABS		

Design Mark	EHARMONY LABS
Description of Mark	NONE
Goods/Services	Class 044. First use: First Use: 2007/02/28 First Use In Commerce: 2007/02/28 providing a website featuring information in the area of psychological research Class 045. First use: First Use: 2007/02/28 First Use In Commerce: 2007/02/28 providing a website featuring information in the area of personal relationship wellness; providing information in the field of personal relationship wellness; providing information in the field of social introduction

U.S. Application No.	77633598	Application Date	12/15/2008
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	EHARMONY
Design Mark	EHARMONY
Description of Mark	NONE
Goods/Services	Class 038. First use: Providing online chat rooms and electronic bulletin boards for registered users for transmission of messages covering general interest, classified, virtual community, social networking, photo sharing and transmission of photographic images; providing online bulletin boards for transmission of messages among users in the field of general interest; providing online discussion groups for transmission of messages among users in the field of general interest; providing online interactive bulletin boards for transmission of messages among computer users concerning information on a wide variety of topics of general interest to the public; providing on-line forums and discussion groups for transmission of message among computer users Class 042. First use: Computer services, namely, hosting online web facilities for organizing gatherings, and interactive discussions Class 044. First use:

	Providing a website featuring information in the area of psychological research Class 045. First use: Dating services, marriage counseling, counseling, namely, offering advice regarding personal relationships and personal well being via a global computer network; Internet based introduction and social networking services; providing a website featuring information in the area of personal relationship wellness; providing information in the field of personal relationship wellness; providing information in the field of social introduction
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U.S. Registration No.	2764705	Application Date	05/12/2000
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Registration Date	09/16/2003	Foreign Priority Date	NONE
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Word Mark	EHARMONY
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 009. First use: First Use: 2000/07/08 First Use In Commerce: 2000/08/22 [AUDIO TAPES AND VIDEO TAPES, NAMELY, PRE-RECORDED AUDIO TAPES AND PRE-RECORDED VIDEO TAPES FEATURING SELF-HELP, RELATIONSHIP COUNSELING AND ANGER MANAGEMENT] Class 042. First use: First Use: 1999/01/00 First Use In Commerce: 2000/08/22 DATING SERVICES, MARRIAGE COUNSELING, COUNSELING, NAMELY, OFFERING ADVICE REGARDING PERSONAL RELATIONSHIPS AND PERSONAL WELL BEING VIA A GLOBAL COMPUTER NETWORK
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Attachments	77233006#TMSN.jpeg (1 page)(bytes) 77633598#TMSN.jpeg (1 page)(bytes) 76047490#TMSN.gif (1 page)(bytes) eHarmony - Notice of Opposition v BrainHarmony.pdf (24 pages)(245878 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	/lgs/
Name	Lisa Greenwald-Swire
Date	12/04/2009

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

In the matter of Application Serial No. 77/408,673
Filed on February 28, 2008
For the mark **BRAINHARMONY**
Published in the *Official Gazette* on August 11, 2009

eHarmony, Inc.,

Opposer,

v.

BrainHarmony, Inc.,

Applicant.

Opposition No.: _____

NOTICE OF OPPOSITION

Opposer eHarmony, Inc. (“Opposer” or “eHarmony”), a corporation organized and existing under the laws of the State of Delaware, believes that it will be damaged by registration of the mark shown at Application Serial No. 77/408,673 and hereby opposes this application, alleging as grounds for its opposition that:

1. Opposer has obtained the necessary extensions of time in which to oppose the challenged trademark following its publication on August 11, 2009 in the *Official Gazette*.

2. As is evidenced by the publication of the BRAINHARMONY mark in the August 11, 2009 *Official Gazette*, Applicant BrainHarmony, Inc. (“Applicant”) seeks to register the mark BRAINHARMONY (the “Proposed Mark”) as a trademark in International Class 41 for “Training services in the field of Brain Fitness, Biofeedback, Neurofeedback, and Brain State Training.” Applicant is, upon information and belief, a California corporation, having its principal place of business at 4000 Birch Street, Suite

201A, Newport Beach, CA 92660. Applicant filed the application for the Proposed Mark based on use in commerce, with a claimed first use in commerce date of June 1, 2007.

3. Since at least as early as August 2000, and continuously since then, the EHARMONY trademark and trade name has been used in interstate commerce in connection with a wide variety of goods and services, including dating services; marriage counseling; offering advice regarding personal relationships and personal well-being via a global computer network; providing a website featuring information in the area of psychological research; and providing information in the field of personal relationship wellness and social introduction. We refer to the foregoing goods and services as “the eHarmony Goods and Services.”

4. All of the eHarmony Goods and Services have been and are being extensively advertised, promoted, marketed, offered and rendered in connection with Opposer’s famous EHARMONY trademark and trade name. Opposer has spent considerable time, money, and effort promoting its EHARMONY mark and developing customer recognition and goodwill in the mark nationwide on the Internet, television, radio, in numerous industry and non-industry publications, and on Opposer’s website at *www.eHarmony.com*.

5. Opposer’s rights in the EHARMONY mark are further evidenced by its ownership of the following registrations and applications: United States Registration No. 2,764,705 for the word mark EHARMONY in Class 42, filed on May 12, 2000, and United States Registration No. 3,483,503 for the word mark EHARMONY LABS in Classes 44 and 45, filed on July 18, 2007. Opposer also owns Application Serial No. 77/633,598 for the EHARMONY word mark in Classes 38, 42, 44 and 45, filed on

December 15, 2008. True and correct copies of the certificates of registration for United States Registration Nos. 2,764,705 and 3,483,503 along with current TARR printouts for each registration are attached hereto as **Exhibits A and B**, respectively. As demonstrated by the TARR printouts, these registration are in full force and effect. A true and correct copy of a current TARR printout for Application Serial No. 77/633,598 is attached hereto as **Exhibit C**. (Collectively, all of the marks that are the subject of the foregoing registrations and application shall be referred to herein as the “eHarmony Marks.”)

6. Opposer’s United States Registration No. 2,764,705 serves as *conclusive* evidence of: (a) the validity of the registered EHARMONY mark; (b) Opposer’s ownership of the mark; and (c) Opposer’s exclusive right to use the mark in commerce under 15 U.S.C. § 1115(b). Additionally, Opposer’s United States Registration No. 3,483,503 serves as *prima facie* evidence of the same. Opposer also owns 24 other registrations for the mark EHARMONY worldwide.

7. The well-known use of the eHarmony Marks has been continuous and exclusive. The eHarmony Marks have been extensively advertised, promoted, marketed and offered in connection with the eHarmony Goods and Services since at least as early as 1999, and have been in continuous and uninterrupted commercial use ever since August 2000.

8. The level of fame and consumer recognition of the eHarmony Marks cannot be disputed. After continuous use for over a decade in connection with Opposer’s extremely successful business, the eHarmony Marks have come to be immediately identified as the source of the eHarmony Goods and Services. The eHarmony Marks and their associated goodwill are assets of immense value to Opposer.

9. The eHarmony Marks are famous and are recognized by virtually every consumer in the United States. eHarmony is widely recognized as America's #1 trusted relationship service, and was founded by one of the country's most well known relationship experts, best-selling author and clinical psychologist Dr. Neil Clark Warren. eHarmony has grown into one of the Internet's top providers of online dating and relationship services, and currently has over 20 million registered users from all 50 states and from more than 200 countries. Millions of people of all ages, ethnicities and religious backgrounds have used eHarmony's relationship service since the launch of the company in 1999. Indeed, according to a recent survey conducted by a leading national market research firm, an average of over 236 eHarmony singles marry every single day.

10. There is no issue as to priority. Opposer has used its eHarmony Marks in interstate commerce for over nine years, and on information and belief, Applicant has only been using the Proposed Mark since June 2007. Opposer's earliest filing date for the eHarmony Marks is May 2000, and the filing date for the Proposed Mark is February 2008. Accordingly, Opposer's first use in commerce date is approximately seven years prior to the first use in commerce date asserted by Applicant, and Opposer's filing date is approximately eight years prior to the filing date for the Proposed Mark.

11. The Proposed Mark is confusingly similar to Opposer's eHarmony Marks. The Proposed Mark is nearly identical to the eHarmony Marks in appearance, sound, and commercial impression when used in connection with Applicant's services, as identified in Serial No. 77/408,673. The dominant portions of the respective parties' marks are identical, as the Proposed Mark wholly and prominently incorporates the widely recognized and distinctive HARMONY element of the eHarmony Marks. The mere

addition of the descriptive term “brain” does little to add distinctive value to Applicant’s Proposed Mark, and because the term “brain” is descriptive, HARMONY is the dominant and only distinctive element of the Proposed Mark.

12. Applicant’s listed services in Serial No. 77/408,673 overlap with and/or are related to the eHarmony Goods and Services. Applicant’s business model of providing training services in the field of “brain fitness” is conceptually very similar to eHarmony’s business model of using science to assist individuals with their personal relationships. In fact, eHarmony has devoted an entire department, “eHarmony Labs,” to engage in psychological and neurological research pertaining to this subject. A recent representative study entitled “Sleep, Social Relationships and the Brain” explored how changes in sleep patterns can affect one’s brain as well as his or her current relationships. Accordingly, on information and belief, Applicant’s targeted consumer base significantly overlaps with Opposer’s targeted consumer base.

13. Applicant’s use of the Proposed Mark is likely to cause confusion, mistake or deception in the minds of prospective purchasers as to the origin, source, sponsorship or association of Applicant’s services, thereby causing loss, damage and injury to Opposer. The extent of potential confusion among consumers between Applicant’s Proposed Mark and the eHarmony Marks is substantial.

14. Consumers familiar with the eHarmony Marks are likely to mistakenly believe that Applicant’s services are sponsored, authorized, associated with or otherwise approved by Opposer because the Proposed Mark is nearly identical to Opposer’s eHarmony Marks. Inferior quality, deficiencies or other faults in Applicant’s services are likely to reflect negatively upon, tarnish, and seriously injure the reputation which

Opposer has established for the goods and services marketed under the eHarmony Marks. This is likely to result in loss of revenues to Opposer and damage to Opposer's reputation.

15. Applicant's use of the Proposed Mark does or is likely to falsely suggest a relationship between Applicant's services and Opposer's services. Such use of the Proposed Mark is likely to cause confusion, mistake or deception with respect to the source or sponsorship of Applicant's services. Such use is thus likely to cause a significant increase in the level of Applicant's sales and/or Internet traffic due to consumers' mistaken belief that Opposer is the source or sponsor of Applicant's services. Applicant's use of the Proposed Mark is therefore likely to result in Applicant's trading off and benefiting from the goodwill associated with Opposer, resulting in ill-gotten gains by Applicant.

16. Registration of Applicant's Proposed Mark would be a further source of damage to Opposer because it would confer upon Applicant various statutory presumptions to which it is not entitled in view of Opposer's prior use of its famous and distinctive eHarmony Marks.

17. On information and belief, Applicant was aware of Opposer prior to its adoption of the Proposed Mark.

18. On information and belief, Applicant was aware of Opposer's eHarmony Marks prior to its adoption of the Proposed Mark.

19. Applicant also had constructive knowledge of the eHarmony Marks prior to its adoption of the Proposed Mark due to Opposer's federal registrations and applications for the eHarmony Marks with the U.S. Patent and Trademark Office.

20. Applicant applied for registration of the Proposed Mark without the consent or agreement of Opposer.

21. On information and belief, Applicant's selection and adoption of its Proposed Mark is part of a campaign to intentionally and willfully deceive the public and free ride on Opposer's valuable goodwill in the eHarmony Marks.

22. In the unlikely event that any consumers may not be confused into believing that Applicant's services originate from or are related to those of Opposer, Applicant's use of the Proposed Mark would diminish the distinctive quality of Opposer's famous eHarmony Marks, thereby causing dilution of Opposer's famous eHarmony Marks in violation of Lanham Act Section 43(c)(1), 15 U.S.C. § 1125(c)(1), and in violation of Opposer's rights under state dilution and unfair competition law. As a result, the ability of Opposer's eHarmony Marks to identify the eHarmony Goods and Services is weakened, thereby causing loss, damage and injury to Opposer.

23. For the foregoing reasons, the registration sought by Applicant is contrary to the provisions of Sections 2 and 43 of the Lanham Act, 15 U.S.C. §§ 1052 and 1125, and Opposer would be damaged thereby.

24. In order to protect the public against confusion and deceit, and to protect Opposer's famous eHarmony Marks from infringement, dilution and unfair competition, registration of Applicant's Proposed Mark should be refused under Sections 2(d), 43(c)(1) and 13 of the Lanham Act, 15 U.S.C. §§ 1052(d), 1125(c)(1), and 1063.

WHEREFORE, Opposer respectfully prays for the following:

- a. a finding that Opposer eHarmony has priority as to Applicant's application to register the BRAINHARMONY mark in connection with the services listed in Serial No. 77/408,673;
- b. a finding that Applicant's proposed BRAINHARMONY mark is likely to cause confusion with Opposer's eHarmony Marks;
- c. a finding that Applicant's proposed BRAINHARMONY mark dilutes Opposer's eHarmony Marks; and
- d. pursuant to Section 13 of the Lanham Act, 15 U.S.C. § 1063, that the opposition be sustained and Application Serial No. 77/408,673 and the mark therein sought, for the services identified therein, be denied and refused.

This Notice of Opposition is submitted electronically. Please apply the \$300 fee to Deposit Account No. 06-1050, making reference to 24237-0071PP1.

Respectfully Submitted,

Date 12/4/09



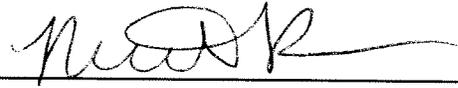
Lisa Greenwald-Swire
Andrew M. Abrams
FISH & RICHARDSON P.C.
Fish & Richardson P.C.
P.O. Box 1022
Minneapolis, MN 55440-1022
tmdocsd@fr.com

ATTORNEYS FOR
eHarmony, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Notice of Opposition has this 4th day of December, 2009, been mailed by prepaid first class mail to the below-identified correspondent of record at his/her place of business:

BRAINHARMONY, INC
4000 BIRCH ST STE 201A
NEWPORT BEACH, CA 92660-2259

A handwritten signature in black ink, appearing to read "Nicole Pino", written over a horizontal line.

Nicole Pino

Exhibit A

Int. Cls.: 9 and 42

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, and 101

United States Patent and Trademark Office

Reg. No. 2,764,705

Registered Sep. 16, 2003

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

EHARMONY

EHARMONY.COM, INC. (CALIFORNIA CORPORATION)
300 NORTH LAKE AVENUE, SUITE 1111
PASADENA, CA 91101

FOR: AUDIO TAPES AND VIDEO TAPES, NAME-
LY, PRE-RECORDED AUDIO TAPES AND PRE-
RECORDED VIDEO TAPES FEATURING SELF-
HELP, RELATIONSHIP COUNSELING AND AN-
GER MANAGEMENT, IN CLASS 9 (U.S. CLS. 21, 23,
26, 36 AND 38).

FIRST USE 7-8-2000; IN COMMERCE 8-22-2000.

FOR: DATING SERVICES, MARRIAGE COUN-
SELING, COUNSELING, NAMELY, OFFERING AD-
VICE REGARDING PERSONAL RELATIONSHIPS
AND PERSONAL WELL BEING VIA A GLOBAL
COMPUTER NETWORK, IN CLASS 42 (U.S. CLS. 100
AND 101).

FIRST USE 1-0-1999; IN COMMERCE 8-22-2000.

SN 76-047,490, FILED 5-12-2000.

GINA FINK, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2009-11-18 18:57:34 ET

Serial Number: 76047490 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 2764705

Mark (words only): EHARMONY

Standard Character claim: No

Current Status: Partial Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2009-06-14

Filing Date: 2000-05-12

Transformed into a National Application: No

Registration Date: 2003-09-16

Register: Principal

Law Office Assigned: LAW OFFICE 103

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: (NOT AVAILABLE)

Date In Location: 2009-06-14

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. [EHARMONY, INC.](#)

Address:

[EHARMONY, INC.](#)
[888 EAST WALNUT STREET, 2ND FLOOR](#)
[PASADENA, CA 91101](#)
[United States](#)

Legal Entity Type: [Corporation](#)

State or Country of Incorporation: [Delaware](#)

GOODS AND/OR SERVICES

International Class: [009](#)

Class Status: [Section 8 - Cancelled](#)

Basis: 1(a)

First Use Date: 2000-07-08

First Use in Commerce Date: 2000-08-22

International Class: 042

Class Status: Active

DATING SERVICES, MARRIAGE COUNSELING, COUNSELING, NAMELY, OFFERING ADVICE REGARDING PERSONAL RELATIONSHIPS AND PERSONAL WELL BEING VIA A GLOBAL COMPUTER NETWORK

Basis: 1(a)

First Use Date: 1999-01-00

First Use in Commerce Date: 2000-08-22

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-06-14 - Partial Section 8 (6-year) accepted & Section 15 acknowledged

2009-05-22 - Section 8 (6-year) and Section 15 Filed

2009-05-29 - Assigned To Paralegal

2009-05-22 - TEAS Section 8 & 15 Received

2009-01-27 - Attorney Revoked And/Or Appointed

2009-01-27 - TEAS Revoke/Appoint Attorney Received

2008-09-24 - Automatic Update Of Assignment Of Ownership

2007-07-03 - Case File In TICRS

2006-05-23 - Applicant/Correspondence Changes (Non-Responsive) Entered

2006-05-23 - TEAS Change Of Owner Address Received

2003-09-16 - Registered - Principal Register

2003-07-24 - Allowed for Registration - Principal Register (SOU accepted)

2003-07-24 - EXAMINERS AMENDMENT E-MAILED
2003-03-25 - NON-FINAL ACTION E-MAILED
2003-03-25 - Assigned To Examiner
2003-03-24 - Statement of use processing complete
2003-01-23 - Amendment to Use filed
2003-01-23 - TEAS Statement of Use Received
2002-08-14 - TEAS Change Of Correspondence Received
2002-07-23 - Noa Mailed - SOU Required From Applicant
2002-04-30 - Published for opposition
2002-04-10 - Notice of publication
2001-10-24 - Approved for Pub - Principal Register (Initial exam)
2001-10-19 - Examiner's amendment mailed
2001-06-25 - Communication received from applicant
2001-01-04 - Non-final action mailed
2000-12-26 - Assigned To Examiner
2000-10-20 - Communication received from applicant

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Lisa Greenwald-Swire

Correspondent

Lisa Greenwald-Swire

Fish & Richardson P.C.

P.O. Box 1022

Minneapolis MN 55440-1022

Phone Number: 650-839-5070

Fax Number: 877-769-7945

Exhibit B

Int. Cls.: 44 and 45

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 3,483,503

Registered Aug. 12, 2008

**SERVICE MARK
PRINCIPAL REGISTER**

EHARMONY LABS

EHARMONY.COM (CALIFORNIA CORPORATION)
2ND FLOOR
888 EAST WALNUT STREET
PASADENA, CA 91101

FOR: PROVIDING A WEBSITE FEATURING INFORMATION IN THE AREA OF PSYCHOLOGICAL RESEARCH, IN CLASS 44 (U.S. CLS. 100 AND 101).

FIRST USE 2-28-2007; IN COMMERCE 2-28-2007.

FOR: PROVIDING A WEBSITE FEATURING INFORMATION IN THE AREA OF PERSONAL RELATIONSHIP WELLNESS; PROVIDING INFORMATION IN THE FIELD OF PERSONAL

RELATIONSHIP WELLNESS; PROVIDING INFORMATION IN THE FIELD OF SOCIAL INTRODUCTION, IN CLASS 45 (U.S. CLS. 100 AND 101).

FIRST USE 2-28-2007; IN COMMERCE 2-28-2007.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,764,705.

SER. NO. 77-233,006, FILED 7-18-2007.

HOWARD SMIGA, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2009-11-18 18:59:13 ET

Serial Number: 77233006 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3483503

Mark

EHARMONY LABS

(words only): [EHARMONY LABS](#)

Standard Character claim: [Yes](#)

Current Status: [Registered](#).

Date of Status: [2008-08-12](#)

Filing Date: [2007-07-18](#)

Transformed into a National Application: [No](#)

Registration Date: [2008-08-12](#)

Register: [Principal](#)

Law Office Assigned: [LAW OFFICE 102](#)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: [650 -Publication And Issue Section](#)

Date In Location: [2008-08-12](#)

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. [EHARMONY, INC.](#)

Address:

[EHARMONY, INC.](#)
[888 EAST WALNUT STREET, 2ND FLOOR](#)

PASADENA, CA 91101

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 044

Class Status: Active

providing a website featuring information in the area of psychological research

Basis: 1(a)

First Use Date: 2007-02-28

First Use in Commerce Date: 2007-02-28

International Class: 045

Class Status: Active

providing a website featuring information in the area of personal relationship wellness; providing information in the field of personal relationship wellness; providing information in the field of social introduction

Basis: 1(a)

First Use Date: 2007-02-28

First Use in Commerce Date: 2007-02-28

ADDITIONAL INFORMATION

Prior Registration Number(s):

2764705

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-09-24 - Automatic Update Of Assignment Of Ownership

2008-08-12 - Registered - Principal Register

2008-05-28 - Attorney Revoked And/Or Appointed

2008-05-28 - TEAS Revoke/Appoint Attorney Received

2008-05-28 - TEAS Change Of Correspondence Received

2008-05-27 - Published for opposition

2008-05-07 - Notice of publication
2008-04-23 - Law Office Publication Review Completed
2008-04-23 - Assigned To LIE
2008-04-23 - Approved for Pub - Principal Register (Initial exam)
2008-04-22 - Teas/Email Correspondence Entered
2008-04-21 - Communication received from applicant
2008-04-21 - TEAS Response to Office Action Received
2007-10-23 - Notification Of Non-Final Action E-Mailed
2007-10-23 - Non-final action e-mailed
2007-10-23 - Non-Final Action Written
2007-10-22 - Assigned To Examiner
2007-07-25 - Notice Of Pseudo Mark Mailed
2007-07-24 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Lisa Greenwald-Swire

Correspondent

Lisa Greenwald-Swire

Fish & Richardson P.C.

P.O. Box 1022

Minneapolis MN 55440-1022

Phone Number: (650) 839-5070

Fax Number: (877) 769-7945

Exhibit C

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2009-11-18 19:00:41 ET

Serial Number: 77633598 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark

EHARMONY

(words only): [EHARMONY](#)

Standard Character claim: [Yes](#)

Current Status: [Opposition period completed, a Notice of Allowance has been issued.](#)

Date of Status: [2009-11-17](#)

Filing Date: [2008-12-15](#)

The Notice of Allowance Date is: [2009-11-17](#)

Transformed into a National Application: [No](#)

Registration Date: (DATE NOT AVAILABLE)

Register: [Principal](#)

Law Office Assigned: [LAW OFFICE 103](#)

Attorney Assigned:
[KLINE MATTHEW C](#)

Current Location: [700 -Intent To Use Section](#)

Date In Location: [2009-11-17](#)

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. [eHarmony, Inc.](#)

Address:

eHarmony, Inc.
888 East Walnut Street, 2nd Floor
Pasadena, CA 91101
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 038

Class Status: Active

Providing online chat rooms and electronic bulletin boards for registered users for transmission of messages covering general interest, classified, virtual community, social networking, photo sharing and transmission of photographic images; providing online bulletin boards for transmission of messages among users in the field of general interest; providing online discussion groups for transmission of messages among users in the field of general interest; providing online interactive bulletin boards for transmission of messages among computer users concerning information on a wide variety of topics of general interest to the public; providing on-line forums and discussion groups for transmission of message among computer users

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 042

Class Status: Active

Computer services, namely, hosting online web facilities for organizing gatherings, and interactive discussions

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 044

Class Status: Active

Providing a website featuring information in the area of psychological research

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 045

Class Status: Active

Dating services, marriage counseling, counseling, namely, offering advice regarding personal relationships and personal well being via a global computer network; Internet based introduction and social networking services; providing a website featuring information in the area of personal relationship wellness; providing information in the field of personal relationship wellness; providing information in the field of social introduction

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Prior Registration Number(s):[2764705](#)[3422967](#)[3483503](#)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

[2009-11-17 - Noa Mailed - SOU Required From Applicant](#)[2009-08-25 - Published for opposition](#)[2009-08-05 - Notice of publication](#)[2009-07-21 - Law Office Publication Review Completed](#)[2009-07-21 - Assigned To LIE](#)[2009-07-13 - Approved for Pub - Principal Register \(Initial exam\)](#)[2009-07-11 - Teas/Email Correspondence Entered](#)[2009-07-10 - Communication received from applicant](#)[2009-07-10 - TEAS Response to Office Action Received](#)[2009-03-11 - Notification Of Non-Final Action E-Mailed](#)[2009-03-11 - Non-final action e-mailed](#)[2009-03-11 - Non-Final Action Written](#)[2009-03-11 - Non-Final Action Written](#)[2009-03-11 - Non-Final Action Written](#)[2009-03-11 - Non-Final Action Written](#)[2009-03-11 - Assigned To Examiner](#)[2008-12-20 - Notice Of Pseudo Mark Mailed](#)

2008-12-19 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

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Correspondent

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