

ESTTA Tracking number: **ESTTA344770**

Filing date: **04/29/2010**

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	Care.com, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	1400 Main Street Waltham, MA 02451 UNITED STATES		

Attorney information	Michael J. Bevilacqua, Esq. Wilmer Cutler Pickering Hale and Dorr LLP 60 State Street Boston, MA 02109 UNITED STATES michael.bevilacqua@wilmerhale.com Phone:(617) 526 6000		
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### Applicant Information

Application No	77868046	Publication date	03/30/2010
Opposition Filing Date	04/29/2010	Opposition Period Ends	04/29/2010
Applicant	Blendinger, Doris E 166-41 Powells Cove Blvd Whitestone, NY 11357 UNITED STATES		

### Goods/Services Affected by Opposition

Class 035. All goods and services in the class are opposed, namely: Providing an on-line computer web site that provides a searchable database of home health care professionals
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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. Registration No.	3745521	Application Date	04/26/2007
Registration Date	02/02/2010	Foreign Priority Date	NONE
Word Mark	CARE.COM		

Design Mark	<b>CARE.COM</b>
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2007/04/20 First Use In Commerce: 2007/04/20 business services, namely, matching consumers with personal care providers; providing consumer information in the field of personal care providers

Attachments	77166009#TMSN.jpeg ( 1 page )( bytes ) IHOME-CARE.COM nop.PDF ( 4 pages )(191442 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	/barbara a. barakat/
Name	Barbara A. Barakat, Esq.
Date	04/29/2010

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

In the matter of Application Serial No. 77/868046

Published in the Official Gazette at TM 891 on March 30, 2010

Care.com, Inc.,	)	
	)	
Opposer	)	
	)	
v.	)	Opposition No.
	)	
Doris E. Blendinger,	)	
	)	
Applicant	)	
	)	

BOX TTAB/FEE  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

NOTICE OF OPPOSITION

Care.com, Inc., a corporation organized and existing under the laws of Delaware, located and doing business at 1400 Main Street, Waltham, Massachusetts 02451 (hereinafter "Opposer"), believes that it will be damaged by the registration of the trademark "IHome-Care.com" as shown in Application Serial No. 77/868046, filed November 9, 2009, by Doris E. Blendinger (hereinafter "Applicant"), and hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Applicant seeks registration on the Principal Register of the trademark "IHome-Care.com" for use in connection with providing an on-line computer web site that provides a

searchable database of home health care professionals, as evidenced by the publication of said trademark in the March 30, 2010 issue of the Official Gazette.

2. Opposer is now, and has been for some time, engaged in services related to home health care professionals and personal care providers, namely, matching consumers with personal care providers and providing consumer information in the field of personal care providers.

3 Opposer adopted the mark "CARE.COM" in connection with the informational and business services set forth in paragraph 2 at least as early as April 20, 2007, and has been using the mark in connection with those services ever since. Such use has been valid and continuous since the date of first use and has not been abandoned.

4. Opposer is the owner of the United States Registration No. 3,745,521 for the mark CARE.COM in connection with those services.

5. Opposer's mark "CARE.COM" is symbolic of the extensive goodwill and recognition built up by Opposer through continuous use of said mark over a long period of time.

6. Opposer has expended considerable effort and expense in promoting its mark "CARE.COM" and the services provided under such mark, with the result that the purchasing public has come to know, rely upon, and recognize the services of Opposer by such mark. Opposer has exceedingly valuable goodwill established in its mark.

7. Application Serial No. 77/868046 for registration of the mark "IHome-Care.com" was filed on November 9, 2009, based upon Applicant's bona fide intent to use said mark. Thus, Opposer actually began using its CARE.COM mark, and filed for registration of that mark, more than 3 years prior to the filing date of Applicant's application.

8. Opposer's mark "CARE.COM" and Applicant's mark "IHome-Care.com" are very similar, given that the Applicant's mark includes the entirety of the Opposer's mark and the remainder of Applicant's mark is descriptive of its services, with "I" standing for "internet" and "home" descriptive of the subject of the information provided by applicant, that is, home health care professionals.

9. The services which are identified in Opposer's registration for the mark "CARE.COM" are closely related or identical to the services identified in the Applicant's application to register "IHome-Care.com," and on information and belief, will be marketed through the same or similar channels of trade and to the same or similar class of consumers.

10. By reason of Opposer's extensive use of the "CARE.COM" mark, the public will believe that the Applicant's use of its mark "IHome-Care.com" is sponsored or approved by Opposer and that the quality of the services bearing the Applicant's mark has been approved and/or maintained by Opposer.

11. In view of these similarities, Applicant's use of the mark "IHome-Care.com" is likely to cause confusion, mistake, or deception with respect to Opposer's mark "CARE.COM" and to damage the goodwill represented and symbolized by the mark.

12. Based on the foregoing, Applicant's registration of the mark "IHome-Care.com" on the Principal Register of the United States Patent and Trademark Office would clearly cause injury and damage to the Opposer.

WHEREFORE, Opposer prays that this opposition be sustained and that registration of Applicant's mark "IHome-Care.com" as shown in Application Serial No. 77/868046 be refused.

Respectfully submitted,

CARE.COM, INC.



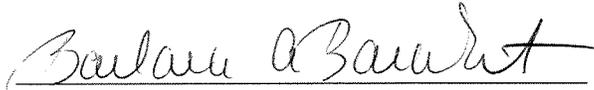
Michael J. Bevilacqua  
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Attorneys for Opposer

Wilmer Cutler Pickering Hale and Dorr LLP  
60 State Street  
Boston, Massachusetts 02109  
(617) 526-6154  
April 29, 2010

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Notice of Opposition was served by first-class mail, postage-prepaid, this 29<sup>th</sup> day of April, 2010, upon:

Doris E. Blendinger  
16641 Powells Cove Blvd  
Whitestone NEW YORK 11357



Barbara A. Barakat