

ESTTA Tracking number: **ESTTA391323**

Filing date: **02/02/2011**

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	Altegrity, Inc.
Granted to Date of previous extension	02/02/2011
Address	7799 Leesburg Pike Suite 1100 North Falls Church, VA 22043-2413 UNITED STATES
Attorney information	Anna W. Manville Arnold & Porter LLP 555 Twelfth Street N.W. Washington, DC 20004-1206 UNITED STATES trademarkdocketing@aporter.com,anna.manville@aporter.com Phone:202-942-5163

Applicant Information

Application No	85032407	Publication date	10/05/2010
Opposition Filing Date	02/02/2011	Opposition Period Ends	02/02/2011
Applicant	Aranetic LLC 1200 G Street NW Suite 800 Washington, DC 200056705 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 009. All goods and services in the class are opposed, namely: Computer programs for connecting remotely to computers or computer networks; Computer programs for searching remotely for content on computers and computer networks; Computer programs for managing documents, audio, video, email, text, graphics and facsimiles, collecting, storing, sharing, reviewing, searching, managing, categorizing and coding documents.; Computer search engine software; Computer software and hardware for use in searching, staging, indexing, reviewing, and exporting of documents.; Computer software for accessing information directories that may be downloaded from the global computer network; Computer software for controlling and managing access server applications; Computer software for creating searchable databases of information and data; Computer software for organizing and viewing digital images and photographs; Computer software for processing digital images; Computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computer software for litigation support and document management; namely, electronic transfer of data, files, documents, and evidence via the Internet, intranets, extranets, virtual private networks, or other public or private networks; Computer software for litigation support and document management; namely, electronic transfer of data, files, documents, and evidence that may be downloaded from a global computer network;</p>

Computer software platforms for litigation support and document management; namely, electronic transfer of data, files, documents, and evidence via the Internet, intranets, extranets, virtual private networks, or other public or private networks; Computer software that provides web-based access to applications and services through a web operating system or portal interface; Enterprise software in the nature of a database for non-transactional data and a search engine for database content; Network access server operating software; Software for processing images, graphics and text

Class 042.

All goods and services in the class are opposed, namely: Application service provider (ASP) featuring software for use in litigation support and document management; namely, electronic transfer of data, files, documents, and evidence via the Internet, intranets, extranets, virtual private networks, or other public or private networks; Application service provider (ASP), namely, hosting computer software applications of others; Application service provider, namely, providing, hosting, managing, developing, and maintaining applications, software, web sites, and databases in the fields of personal productivity, wireless communication, mobile information access, and remote data management for wireless delivery of content to handheld computers, laptops and mobile electronic devices; Computer service, namely, acting as an application service provider in the field of information management to host computer application software for the purpose of litigation support, document management, and document review; Computer service, namely, acting as an application service provider in the field of knowledge management to host computer application software for searching and retrieving information from databases and computer networks; Electronic legal discovery consulting services; Providing temporary use of a web-based software application for litigation support and document management; namely, managing documents, audio, video, email, text, graphics and facsimiles; and collecting, storing, sharing, reviewing, searching, managing, categorizing and coding documents; Software as a service (SAAS) services featuring software in the field of in litigation support and document management; namely, electronic transfer of data, files, documents, and evidence via the Internet, intranets, extranets, virtual private networks, or other public or private networks; Software as a service (SAAS) services, namely, hosting software for use by others for use in litigation support and document management; namely, electronic transfer of data, files, documents, and evidence via the Internet, intranets, extranets, virtual private networks, or other public or private networks

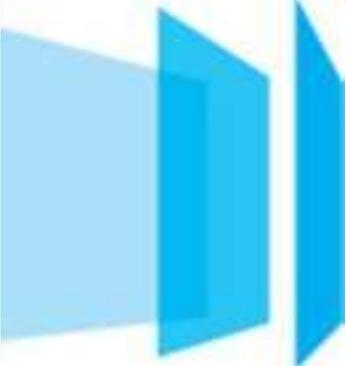
Class 045.

All goods and services in the class are opposed, namely: Licensing of computer software; Licensing of intellectual property; Litigation support services; Providing an on-line interactive database featuring legal information

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.	3902599	Application Date	07/02/2009
Registration Date	01/11/2011	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			

Description of Mark	The mark consists of three floating panels in different shades of blue.
Goods/Services	<p>Class 035. First use: First Use: 2009/07/00 First Use In Commerce: 2009/07/00 Business consultation services featuring management, organizational, and business improvement; temporary employment staffing services featuring security personnel; employment screening and personnel assessment services, namely, testing to determine employment skills; inventory management, namely, compiling inventories of items for businesses for insurance, marketing, and other business purposes; inventory control services; business consulting services, namely, assisting clients in the development of personnel and operating policies and practices; providing an interactive online database for use in filing and processing employment applications; business investigation and consultation in the field of retail store operations</p> <p>Class 036. First use: First Use: 2009/07/00 First Use In Commerce: 2009/07/00 Fire insurance consulting services, namely, determining the distance from a fire station to specific locations and fire station location services for insurance coverage analysis, and providing a database in connection therewith; insurance policy verification services, namely, determining insurance coverage status and scope; insurance services, namely, providing underwriting and financial risk of loss evaluation information to insurance companies; evaluation of credit data for others; providing an on-line computer database to evaluate driver insurance risk based on driver employment history and driving operating records</p> <p>Class 041. First use: First Use: 2009/07/00 First Use In Commerce: 2009/07/00 Training in the field of national security; providing training in the fields of protective services, security and risk assessment, and anti-terrorism</p> <p>Class 042. First use: First Use: 2009/07/00 First Use In Commerce: 2009/07/00 Computer consultation in the field of computer security and computer forensics</p> <p>Class 044. First use: First Use: 2009/07/00 First Use In Commerce: 2009/07/00 Drug and alcohol testing for substance abuse</p> <p>Class 045. First use: First Use: 2009/07/00 First Use In Commerce: 2009/07/00 Pre-employment background screening and investigation services; providing a database featuring pre-employment background screening information; consulting services in the field of national security; investigation services, namely, monitoring driving records for violations; security consultation and security assessments for businesses and government agencies, namely, the development of specialized security procedures, security risk mitigation procedures and crisis management and emergency communications planning; providing an on-line public record investigation in the field of motor vehicle driving records and pre-employment background screening information; planning and design of policies and procedures to protect the physical security of people, premises, assets and information; investigation services, namely, detective investigations, private investigations, and national security background investigations; providing an interactive online database for use in employee background checks and background investigations; administering polygraph tests for others, consultation in the field of corporate and business compliance, namely, reviewing standards and practices to ensure compliance with civil and criminal laws and regulations</p>

Attachments	77773477#TMSN.jpeg (1 page)(bytes) Notice of Opposition ARANETIC & Blue Design TTAB Filing Copy.pdf (12 pages)(134676 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	/Anna W. Manville/
Name	Anna W. Manville
Date	02/02/2011

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

In the matter of Application Serial No. 85/032407
Filed: May 6, 2010
Mark: ARANETIC & Blue Design
Published in the Official Gazette on October 5, 2010

Altegrity, Inc.)	
)	
Opposer,)	
)	Opposition No. _____
vs.)	
)	
Aranetic LLC)	
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

Opposer, Altegrity, Inc., a Delaware corporation, with its principal place of business at 7799 Leesburg Pike, Suite 1100 North, Falls Church, VA 22043-2413, (“Opposer”) believes that it will be damaged by registration of the mark ARANETIC & Blue Design in Application Serial No. 85/032407, and hereby timely opposes registration of the same in accordance with Trademark Act § 13, 15 U.S.C. § 1063 and Trademark Rule 2.101, 37 C.F.R. §2.101.

The ground for opposition is likelihood of confusion between Applicant’s ARANETIC & Blue Design Mark (“Applicant’s Mark”) and Opposer’s Blue Floating Pane Design mark (the “BFP Mark”) under Trademark Act § 2(d), 15 U.S.C. § 1052(d).

OPPOSER'S MARK

1. Opposer, Altegrity, Inc., is a global security solutions company that provides investigative services, training, contextualized data mining, and cutting-edge software solutions. Through its business units, Opposer provides a broad range of investigative, intelligence, financial, security, due diligence, litigation support, and computer and technology services to help clients reduce risks. Opposer is one of the largest commercial providers of employment background screening services and is one of the principal sources of data services to the insurance industry.

2. Opposer is the owner of U.S. Registration No. 3902599, registered on January 11, 2011 for the Blue Floating Pane Design mark for services in Classes 35, 36, 41, 42, 44, and 45. The services include computer consultation in the field of computer security and computer forensics, business consultation services, training in the fields of protective services, security and risk assessment, background screening and investigation services, security consultation and security assessments, consultation in the field of corporate and business compliance, among others.

Opposer's registration is valid, subsisting, and constitutes prima facie evidence of Opposer's exclusive right to use its BFP Mark in connection with the services specified in the registration. The TARR record for the registration is attached to this Notice as Exhibit A.

3. Opposer filed its Application Serial No. 77/773477 for the BFP Mark on July 2, 2009 which matured into U.S. Registration No. 3902599, and Opposer has used the BFP Mark in commerce since at least as early as July 2009.

4. Through Opposer's registration, use and promotion of the BFP Mark, the mark has become closely associated with Opposer, and Opposer possesses valuable common law rights in the BFP Mark.

5. Opposer has spent substantial amounts of money, time and effort in advertising and promoting its BFP Mark and in establishing and preserving the goodwill associated with the BFP Mark.

6. Opposer's BFP Mark is inherently distinctive and has become distinctive of and associated in the mind of the trade and purchasing public with Opposer as a well-known provider of its services.

APPLICANT'S MARK

7. On information and belief, Applicant, Aranetic LLC, is a Maryland Limited Liability Company with an address at 1200 G Street, N.W., Suite 800, Washington, D.C. 20005-6705 ("Applicant").

8. On May 6, 2010, Applicant filed an application for ARANETIC with a Blue Pane Design ("Applicant's Mark") in the U.S. Patent and Trademark Office for goods and services in Classes 9, 42, and 45. The goods and services include computer services, software as a service (SAAS) services in litigation support and document management, computer search engine software, computer software for creating searchable databases of information and data, computer software for litigation support and document management, computer software platforms for litigation support and document management, computer application software for searching and retrieving information from databases and computer networks, providing an on-line interactive database featuring legal information, among other goods and services.

The application was assigned Serial No. 85/032407 and was published in the Official Gazette on October 5, 2010. Opposer filed a request for extension of time to oppose until February 2, 2011, which was granted by the TTAB.

9. Applicant filed its application for Applicant's Mark based on an asserted bona fide intention to use the mark, pursuant to Section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b).

LIKELIHOOD OF CONFUSION

10. Applicant's Mark features a prominent blue pane design that is nearly identical to and is confusingly similar to Opposer's BFP Mark so as to be likely to create confusion, mistake or deception as to the source, sponsorship or affiliation of Applicant's goods and services, all to the damage of Opposer for the following reasons, among others:

11. Applicant's Mark is substantially similar in sight and commercial impression to Opposer's BFP Mark so as to cause a likelihood of confusion or deception among the relevant users and consuming public.

12. Applicant is not affiliated with Opposer, and Opposer has not authorized Applicant to use or register the Applicant's Mark.

13. Opposer's BFP Mark is a highly distinctive and therefore strong mark.

14. On information and belief, Applicant's Mark and the BFP Mark are used and/or intended to be used in connection with similar goods and services.

15. On information and belief, Applicant's goods and services are likely to be offered to the same persons to whom Opposer offers its services.

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Serial No. 85/032407

16. On information and belief, the channels of trade for the Opposer's services and Applicant's goods and services are identical or overlapping.

17. There is no issue with respect to priority. Opposer's constructive priority use date and actual first use date for the BFP Mark predate Applicant's filing date and upon information and belief, predate any rights upon which the Applicant may rely.

18. Registration of Applicant's Mark would create statutory rights in favor of Applicant, and thereby restrict, interfere with, and damage Opposer in the unhampered conduct of its business and protection of its legitimate interests.

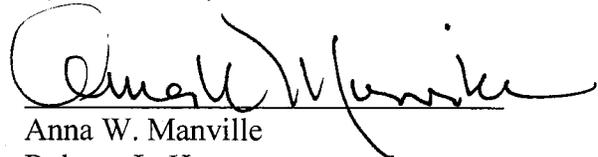
WHEREFORE, Opposer believes it will be damaged by registration of the Applicant's Mark and therefore requests that registration of Applicant's Mark be refused and that the instant Opposition be sustained.

This Notice of Opposition is submitted electronically and the undersigned has authorized the payment of all official filing fees or any other fees due from Deposit Account No. 50-2387.

Respectfully submitted,

ALTEGRITY, INC.

By its Attorneys



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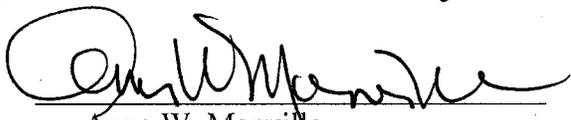
Date: 2/2/2011

Notice of Opposition
Serial No. 85/032407

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Notice of Opposition has been served on Aranetic LLC by mailing said copy on February 2, 2011, via First Class Mail, postage prepaid to the following:

Mark Noel
Aranetic LLC
1200 G Street, N.W. Suite 800
Washington, D.C. 20005-6705



Anna W. Manville

Notice of Opposition
Serial No. 85/032407

EXHIBIT A

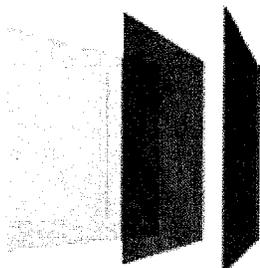
Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-02-01 22:44:12 ET

Serial Number: 77773477 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3902599

Mark



Standard Character claim: No

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2011-01-11

Filing Date: 2009-07-02

Transformed into a National Application: No

Registration Date: 2011-01-11

Register: Principal

Law Office Assigned: LAW OFFICE 109

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: 2011-01-11

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

1. ALTEGRITY, INC.

Address:

ALTEGRITY, INC.
7799 LEESBURG PIKE SUITE 1100 NORTH
FALLS CHURCH, VA 220432413

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 035

Class Status: Active

Business consultation services featuring management, organizational, and business improvement; temporary employment staffing services featuring security personnel; employment screening and personnel assessment services, namely, testing to determine employment skills; inventory management, namely, compiling inventories of items for businesses for insurance, marketing, and other business purposes; inventory control services; business consulting services, namely, assisting clients in the development of personnel and operating policies and practices; providing an interactive online database for use in filing and processing employment applications; business investigation and consultation in the field of retail store operations

Basis: 1(a)

First Use Date: 2009-07-00

First Use in Commerce Date: 2009-07-00

International Class: 036

Class Status: Active

Fire insurance consulting services, namely, determining the distance from a fire station to specific locations and fire station location services for insurance coverage analysis, and providing a database in connection therewith; insurance policy verification services, namely, determining insurance coverage status and scope; insurance services, namely, providing underwriting and financial risk of loss evaluation information to insurance companies; evaluation of credit data for others; providing an on-line computer database to evaluate driver insurance risk based on driver employment history and driving operating records

Basis: 1(a)

First Use Date: 2009-07-00

First Use in Commerce Date: 2009-07-00

International Class: 041

Class Status: Active

Training in the field of national security; providing training in the fields of protective services, security and risk assessment, and anti-terrorism

Basis: 1(a)

First Use Date: 2009-07-00

First Use in Commerce Date: 2009-07-00

International Class: 042

Class Status: Active

Computer consultation in the field of computer security and computer forensics

Basis: 1(a)

First Use Date: 2009-07-00

First Use in Commerce Date: 2009-07-00

International Class: 044

Class Status: Active

Drug and alcohol testing for substance abuse

Basis: 1(a)

First Use Date: 2009-07-00

First Use in Commerce Date: 2009-07-00

International Class: 045

Class Status: Active

Pre-employment background screening and investigation services; providing a database featuring pre-employment background screening information; consulting services in the field of national security; investigation services, namely, monitoring driving records for violations; security consultation and security assessments for businesses and government agencies, namely, the development of specialized security procedures, security risk mitigation procedures and crisis management and emergency communications planning; providing an on-line public record investigation in the field of motor vehicle driving records and pre-employment background screening information; planning and design of policies and procedures to protect the physical security of people, premises, assets and information; investigation services, namely, detective investigations, private investigations, and national security background investigations; providing an interactive online database for use in employee background checks and background investigations; administering polygraph tests for others, consultation in the field of corporate and business compliance, namely, reviewing standards and practices to ensure compliance with civil and criminal laws and regulations

Basis: 1(a)

First Use Date: 2009-07-00

First Use in Commerce Date: 2009-07-00

ADDITIONAL INFORMATION

Color(s) Claimed: The color(s) blue is/are claimed as a feature of the mark.

Description of Mark: The mark consists of three floating panels in different shades of blue.

Design Search Code(s):

26.13.14 - Quadrilateral (three or more quadrilaterals); Three or more quadrilaterals

26.13.16 - Quadrilaterals touching or intersecting

26.13.21 - Quadrilaterals that are completely or partially shaded

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.

2011-01-11 - Registered - Principal Register

2010-10-26 - Notice Of Publication E-Mailed

2010-10-26 - Published for opposition

2010-09-17 - Law Office Publication Review Completed
2010-09-15 - Notice Of Acceptance Of Amendment To Allege Use E-Mailed
2010-09-14 - Approved for Pub - Principal Register (Initial exam)
2010-09-14 - Amendment to Use approved
2010-09-11 - Amendment To Use Processing Complete
2010-09-11 - Use Amendment Filed
2010-09-09 - TEAS Amendment of Use Received
2010-09-08 - Previous Allowance Count Withdrawn
2010-09-08 - Withdrawn From Pub - Managing Attorney Request
2010-09-04 - Law Office Publication Review Completed
2010-09-04 - Assigned To LIE
2010-08-24 - Approved For Pub - Principal Register
2010-08-18 - Teas/Email Correspondence Entered
2010-08-18 - Communication received from applicant
2010-08-18 - TEAS Response to Office Action Received
2010-05-06 - Automatic Update Of Assignment Of Ownership
2010-03-24 - Notification Of Non-Final Action E-Mailed
2010-03-24 - NON-FINAL ACTION E-MAILED
2010-03-24 - Non-Final Action Written
2010-03-24 - Assigned To Examiner
2010-03-09 - Teas/Email Correspondence Entered
2010-03-09 - Communication received from applicant
2010-03-09 - TEAS Response to Office Action Received
2009-09-10 - Notification Of Non-Final Action E-Mailed
2009-09-10 - Non-final action e-mailed

2009-09-10 - Non-Final Action Written

2009-09-09 - Assigned To Examiner

2009-07-08 - Notice Of Design Search Code Mailed

2009-07-07 - New Application Office Supplied Data Entered In Tram

2009-07-06 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Anna W. Manville

Correspondent

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