

ESTTA Tracking number: **ESTTA399182**

Filing date: **03/22/2011**

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	RamiroCanales
Granted to Date of previous extension	03/23/2011
Address	P.O. Box 49046 Austin, TX 78765 UNITED STATES

Correspondence information	RamiroCanales P.O. Box 49046 Austin, TX 78765 UNITED STATES rcanales@namelitigation.com Phone:(512) 659-3237
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Applicant Information

Application No	85069894	Publication date	11/23/2010
Opposition Filing Date	03/22/2011	Opposition Period Ends	03/23/2011
Applicant	Reynolds Poulson Consulting, LLC 4216 SW Findlay Street, Suite 7 Seattle, WA 98136 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. First Use: 2008/09/18 First Use In Commerce: 2008/09/18 All goods and services in the class are opposed, namely: Business management consulting
Class 041. First Use: 2008/09/18 First Use In Commerce: 2010/01/15 All goods and services in the class are opposed, namely: Education services, namely, providing live and on-line classes, seminars, workshops and coaching in the field of business marketing and sales, management, and leadership development

Grounds for Opposition

The mark is merely descriptive	Trademark Act section 2(e)(1)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)

Attachments	PoliticalIntelligenceOpposition.pdf (16 pages)(287797 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	/Ramiro Canales/
Name	Ramiro Canales
Date	03/22/2011

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

In the Matter of Application Serial No. 85-069,894
For the Mark POLITICAL INTELLIGENCE
Published in the *Trademark Official Gazette*
On November 23, 2010 at Page TM 335

RAMIRO CANALES,)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
REYNOLDS POULSON CONSULTING, LLC)	
)	
Applicant.)	
)	

NOTICE OF OPPOSITION

TO THE HONORABLE COMMISSIONER OF TRADEMARKS:

Ramiro Canales (hereinafter "Opposer"), an individual doing business under the assumed name Public Trends in Austin, Texas in the County of Travis, believes that he will be damaged by the registration of the above identified trademark application submitted by Reynolds Poulson Consulting, LLC (hereinafter "Applicant") and hereby opposes the same.

JURISDICTION

1. Applicant's mark was published for opposition on November 23, 2010 in the *Trademark Official Gazette* at TM 335. Opposer timely filed a Thirty Day Request for Extension of Time to Oppose on December 20, 2010 and it was granted until January 22, 2011. On January 15, 2011, Opposer timely filed a Sixty Day Request for Extension of Time to Oppose for Good Cause to investigate the claim, and it was granted until March 23, 2011.

Opposer timely files this Notice of Opposition, and the Trademark Trial and Appeal Board has jurisdiction pursuant to Trademark Rule 2.101.

PARTIES

2. Opposer is a licensed attorney and a former Assistant Attorney General for the State of Texas. He created the website MyCapitol.com in 2001 and is responsible for the development, management, and monetization of the website. He resides in Austin, Texas in the County of Travis and conducts business under the assumed name Public Trends.

3. Applicant is a limited liability company organized under the laws of the State of Washington. A certificate of formation was filed on June 15, 2009 with the secretary of state's office.

STANDING

4. Opposer is the owner of the registered service mark MyCapitol.com. (Exhibit A)

5. The mark was registered on the Principal Register on January 31, 2006 in Class 35 for the provision of "information and news clipping services via local or wide area computer networks, wireless communication networks, global computer information networks and other electronic networks in the fields of government affairs, local, state, national, and international politics, campaigns and elections, campaign contributions, lobbying, public policy, political strategy, legislative advocacy, public administration, business, political ethics, and contemporary political thought." The registration number is 3053781.

6. To promote the website and describe the services offered, Opposer uses the mark "Political Intelligence" on the homepage of MyCapitol.com. (Exhibit B)

7. Additionally, Opposer is also the owner of the domain names politicalintelligence.com and politicalintelligence.net. The domain names are rare, valuable Internet real estate. Both domain names currently redirect to the homepage of MyCapitol.com.

8. Due to Opposer's present and prospective use of the mark "Political Intelligence" on his website and in the domain names and the possibility that those rights may be precluded, impaired, or limited if Applicant acquires the exclusive right to use the mark "Political Intelligence," Opposer has a real, direct, and personal interest in the outcome of this proceeding.

BACKGROUND

9. In February 2001, Opposer launched MyCapitol.com, a website that provides political, legislative, and business information services.

10. On January 31, 2006, MyCapitol.com was registered as a servicemark on the Principal Register.

11. To attract visitors to the website and to market the services offered, Opposer uses the mark "Political Intelligence" on its homepage and in two domain names. The composite mark is descriptive and provides visitors with immediate knowledge of the features or characteristics of the services that are offered on the website.

12. A Google search of the keywords "political intelligence" generates 11.2 million results, which are indicative of the descriptive nature and common use of the words.

13. The composite mark "Political Intelligence" is not suggestive, fanciful, or arbitrary.

14. On June 23, 2010, Applicant filed a use-based trademark application (Section 1(a)) for the standard character mark "Political Intelligence" in International Class 35 for the provision of "business management consulting" services.

The first use date and the first use in commerce date are both September 18, 2008. Additionally, the mark was also filed in International Class 41 to provide “education services, namely, providing live and on-line classes, seminars, workshops and coaching in the field of business marketing and sales, management, and leadership development.” The first use date is September 18, 2008. The first use in commerce date is January 15, 2010. The application was signed by Stephanie Reynolds, Applicant’s chief executive officer and a founding member of the limited liability company, the day it was submitted to the U.S. Patent and Trademark Office.

15. On September 29, 2010, the trademark examiner sent Applicant an Office Action. Specifically, the examiner noted that “Applicant must disclaim the descriptive word ‘POLITICAL’ apart from the mark as shown because it merely describes a feature of the services.” The examiner further noted “Applicant’s specimen clearly shows that the services are provided in the field or relate to politics, namely, business politics. Therefore, ‘political’ in the mark merely describes a feature of the services and must be disclaimed.”

16. On September 30, 2010, Applicant’s counsel of record granted authorization to the trademark examiner to disclaim the descriptive word “POLITICAL.” No other changes were authorized to be made.

17. On October 1, 2010, an Examiner’s Amendment was made to the application adding the following disclaimer statement: “No claim is made to the exclusive right to use ‘POLITICAL’ apart from the mark as shown.”

18. No changes have been made to Applicant’s application since it was published for opposition on November 23, 2010.

GROUND FOR OPPOSITION

I.

Merely Descriptive

Section 2 (e) (1) of the Trademark Act

15 U.S.C. § 1052 (e) (1)

19. Opposer incorporates the allegations made in Paragraphs 1 -18 as if fully set forth herein.

20. Applicant has disclaimed the “Political” portion of the composite mark “Political Intelligence” because it is descriptive of the goods offered in International Classes 35 and 41. This was clearly noted by the trademark examiner in her Office Action based on the specimen submitted by Applicant and acknowledged by Applicant’s counsel in the Examiner’s Amendment.

21. The word “Intelligence” is a common dictionary term. It is descriptive of Applicant’s services. It is not suggestive, fanciful, or arbitrary.

22. Applicant’s composite mark “Political Intelligence” is a combination of descriptive terms and describes a quality, feature, or characteristic of its services, which relate to politics, namely business politics. No imagination, thought, or perception is required for a consumer to reach a conclusion on the nature of the services that are offered using the mark. The composite mark has not acquired secondary meaning.

II.

Fraud

23. Opposer incorporates the allegations made in Paragraphs 1 - 22 as if fully set forth herein.

24. The following allegations are made pursuant to Fed. R. Civ. P. 9(b). They are not made on information and belief.

25. Opposer's investigation reveals that Applicant did not exist as a legal entity prior to June 15, 2009, the day a certificate of formation was filed with the secretary of state's office in the State of Washington. (Exhibit C)

26. On June 23, 2010, Applicant's chief executive officer and a founding member of the limited liability company, submitted a trademark application for the mark "Political Intelligence" claiming a first use date and a first use date in commerce of September 18, 2008 for business management consulting services in International Class 35. Applicant did not exist in 2008 and its chief executive officer knew this on June 23, 2010. Applicant knowingly made a false, material representation with the intent to deceive the U.S. Patent and Trademark Office.

27. On June 23, 2010, Applicant's chief executive officer also falsely represented to the U.S. Patent and Trademark Office that the mark "Political Intelligence" was first used on September 18, 2008 for educational services in International Class 41. As noted earlier, Applicant did not exist as a legal entity in 2008 and its chief executive officer knew this fact when it submitted Applicant's trademark application. Applicant knowingly made a false, material representation with the intent to deceive the U.S. Patent and Trademark Office.

28. At no time prior to the commencement of this opposition did Applicant attempt to correct its false, material representations that were intended to deceive the U.S. Patent and Trademark Office into issuing a trademark registration for the mark "Political Intelligence."

PRAYER

WHEREFORE, PREMISES CONSIDERED, Opposer respectfully requests that said application be rejected, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

Dated: March 22, 2011

Respectfully submitted,


RAMIRO CANALES
Attorney at Law
NameLitigation.com
P.O Box 49046
Austin, Texas 78765
(512) 659-3237
email: rcanales@namelitigation.com

Opposer

CERTIFICATE OF SERVICE

Pursuant to Trademark Rules 2.101 and 2.119, I hereby certify that a true and complete copy of the foregoing Notice of Opposition has been served on Zachary Wright, Applicant's counsel of record, by mailing said copy on March 22, 2011, via Certified Mail, Return-Receipt Requested, to the following address:

Zachary Wright
Wright Law PLLC
800 Fifth Avenue
Suite 4000
Seattle, WA 98104-3180


RAMIRO CANALES
Attorney at Law

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 2011-03-21 09:56:03 ET

Serial Number: 78477469 Assignment Information Trademark Document Retrieval

Registration Number: 3053781

Mark

MyCapitol.com

(words only): MYCAPITOL.COM

Standard Character claim: Yes

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

Date of Status: 2006-01-31

Filing Date: 2004-09-01

Transformed into a National Application: No

Registration Date: 2006-01-31

Register: Principal

Law Office Assigned: LAW OFFICE 107

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: 2006-01-31

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

1. Canales, Ramiro

Address:

Canales, Ramiro
P.O. Box 49046
Austin, TX 78765
United States

Legal Entity Type: Individual

Country of Citizenship: United States

Phone Number: (512) 659-3237

GOODS AND/OR SERVICES

International Class: 035

Class Status: Active

Providing information and news clipping services via local or wide area computer networks, wireless communication networks, global computer information networks and other electronic networks in the fields of government affairs, local, state, national, and international politics, campaigns and elections, campaign contributions, lobbying, public policy, political strategy, legislative advocacy, public administration, business, political ethics, and contemporary political thought

Basis: 1(a)

First Use Date: 2001-02-19

First Use in Commerce Date: 2001-02-19

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.

2006-01-31 - Registered - Principal Register

2005-11-08 - Published for opposition

2005-10-19 - Notice of publication

2005-09-19 - Law Office Publication Review Completed

2005-09-16 - Assigned To LIE
2005-09-12 - Approved for Pub - Principal Register (Initial exam)
2005-09-12 - EXAMINERS AMENDMENT E-MAILED
2005-09-12 - Examiners Amendment -Written
2005-08-09 - Priority Action E-Mailed
2005-08-09 - Priority Action Written
2005-08-08 - Previous Allowance Count Withdrawn
2005-08-05 - Withdrawn Before Publication
2005-05-12 - Law Office Publication Review Completed
2005-05-06 - Assigned To LIE
2005-04-29 - Approved for Pub - Principal Register (Initial exam)
2005-04-22 - Teas/Email Correspondence Entered
2005-04-13 - Communication received from applicant
2005-04-13 - TEAS Response to Office Action Received
2005-04-04 - Non-final action e-mailed
2005-04-04 - Non-Final Action Written
2005-03-30 - Assigned To Examiner
2004-09-10 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

RAMIRO CANALES

PO BOX 49046

AUSTIN, TX 78765-9046

Phone Number: (512) 659-3237

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,053,781

Registered Jan. 31, 2006

**SERVICE MARK
PRINCIPAL REGISTER**

MyCapitol.com

CANALES, RAMIRO (UNITED STATES INDIVIDUAL)
P.O. BOX 49046
AUSTIN, TX 78765

FOR: PROVIDING INFORMATION AND NEWS CLIPPING SERVICES VIA LOCAL OR WIDE AREA COMPUTER NETWORKS, WIRELESS COMMUNICATION NETWORKS, GLOBAL COMPUTER INFORMATION NETWORKS AND OTHER ELECTRONIC NETWORKS IN THE FIELDS OF GOVERNMENT AFFAIRS, LOCAL, STATE, NATIONAL, AND INTERNATIONAL POLITICS, CAMPAIGNS AND ELECTIONS, CAMPAIGN CONTRIBUTIONS, LOBBYING, PUBLIC POLICY, POLITICAL STRATEGY, LEGISLATIVE ADVOCACY,

PUBLIC ADMINISTRATION, BUSINESS, POLITICAL ETHICS, AND CONTEMPORARY POLITICAL THOUGHT, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 2-19-2001; IN COMMERCE 2-19-2001.

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

SER. NO. 78-477,469, FILED 9-1-2004.

MICHELLE DUBOIS, EXAMINING ATTORNEY

**EXHIBIT
B**

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Inquiries: webmaster@mycapitol.com

EXHIBIT
C

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Corporations Division - Registration Data Search

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REYNOLDS POULSON CONSULTING, LLC

UBI Number	602932382
Category	LLC
Profit/Nonprofit	Profit
Active/Inactive	Active
State Of Incorporation	WA
WA Filing Date	06/15/2009
Expiration Date	06/30/2011
Inactive Date	
Registered Agent Information	
Agent Name	CORPORATION SERVICE COMPANY
Address	300 DESCHUTES WAY SW STE 304
City	TUMWATER
State	WA
ZIP	98501
Special Address Information	
Address	
City	
State	
Zip	

Governing Persons

Title	Name	Address
Manager	REYNOLDS , STEPHANIE	4411 SW OTHELLO ST SEATTLE , WA
Member	POULSON , BRIT	2545 NE 95TH ST SEATTLE , WA
Member	MOORHEAD , WES	24514 SE 42ND PL ISSAQUAH , WA
Member	DE LEMOS , LISMARY	712 E DENNY WAY APT 303 SEATTLE , WA