

ESTTA Tracking number: **ESTTA421876**

Filing date: **07/26/2011**

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	Repify, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	P.O. Box 230603 Montgomery, AL 36123 UNITED STATES		

Attorney information	B. Anna McCoy Alleman Hall McCoy Russell & Tuttle LLP 806 SW Broadway, Suite 600 Portland, OR 97205 UNITED STATES harnett@ahmrt.com, mccoym@ahmrt.com, gladwin@ahmrt.com Phone:503-459-4141
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Applicant Information

Application No	77895974	Publication date	07/19/2011
Opposition Filing Date	07/26/2011	Opposition Period Ends	08/18/2011
Applicant	REPPIFY LLC 220 MONTGOMERY STREET SUITE 344 SAN FRANCISCO, CA 94104 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. All goods and services in the class are opposed, namely: Market research and market intelligence services; Business consultation and market research services in the nature of a website that rates the social and business reputation of individuals by assigning a numeric score, and that provides businesses with data about individuals' online social and business reputations in order to facilitate safe online commercial transactions and targeted marketing

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3937819	Application Date	07/29/2010
Registration Date	03/29/2011	Foreign Priority Date	NONE
Word Mark	REPIFY		

Design Mark	REPIFY
Description of Mark	NONE
Goods/Services	Class 045. First use: First Use: 2009/10/09 First Use In Commerce: 2009/10/31 providing an interactive web site that facilitates the verification of a person's background credentials to verify the trustworthiness of individuals across a wide range of subject areas; providing an interactive web site that facilitates the verification of a person's background credentials to verify an individual's trustworthiness, reliability, dependability and integrity across online and wireless environments

U.S. Registration No.	3937828	Application Date	07/29/2010
Registration Date	03/29/2011	Foreign Priority Date	NONE

Word Mark	REPISCORE
Design Mark	REPISCORE
Description of Mark	NONE
Goods/Services	Class 045. First use: First Use: 2009/10/09 First Use In Commerce: 2009/10/31 providing an interactive web site that facilitates the verification of a person's background credentials to verify the trustworthiness of individuals across a wide range of subject areas; providing an interactive web site that facilitates the verification of a person's background credentials to verify an individual's trustworthiness, reliability, dependability and integrity across online and wireless environments

Attachments	85096225#TMSN.jpeg (1 page)(bytes) 85096300#TMSN.jpeg (1 page)(bytes) Notice of opposition (as filed), 7-26-2011.pdf (5 pages)(51994 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	/B. Anna McCoy/
Name	B. Anna McCoy
Date	07/26/2011

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

Repify, Inc.,)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
Reppify LLC)	Re App. Ser. No. 77/895,974
)	Mark: REPPIFY
Applicant.)	
_____)	

Commissioner for Trademarks
Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

In the matter of the application of Reppify LLC (“Applicant”), for registration of the mark REPPIFY, Application Serial No. 77/895,974, published in the Official Gazette on July 19, 2011, Repify, Inc. (“Opposer”), a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at P.O. Box 230603, Montgomery, AL 36123-0603, believes that it will be damaged by registration of the mark shown in Serial No. 77/895,974 and hereby opposes registration.

The grounds for opposition are as follows:

1. Opposer is a corporation, doing business as Repify, Inc., organized and existing under the laws of the State of Delaware, with its principal place of business at P.O. Box 230603, Montgomery, AL 36123-0603.

2. Opposer has been and continues to be engaged in the business of online services, specifically, providing an interactive web site that facilitates the verification of a person's background credentials to verify an individual's trustworthiness, reliability, dependability and integrity across online and wireless environments across a wide range of subject areas and other related goods and services in the United States.

3. Opposer has used and continues to use in interstate commerce the mark REPIFY to identify services for providing an interactive web site that facilitates the verification of a person's background credentials to verify the trustworthiness of individuals across a wide range of subject areas; providing an interactive web site that facilitates the verification of a person's background credentials to verify an individual's trustworthiness, reliability, dependability and integrity across online and wireless environments and other related goods and services originating from the Opposer (“Opposer’s services”).

4. Further, Opposer has used and continues to use in interstate commerce the mark REPISCORE to identify Opposer’s services. REPIFY and REPISCORE are a family of marks (“the Opposer’s Marks) identifying Opposer’s services.

5. As shown in U.S. Reg. No. 3,937,819 for REPIFY and in U.S. Reg. No. 3,937,828 for REPISCORE, Opposer first used the Opposer’s Marks at least as early as October 9, 2009, and first used the Opposer’s Marks in commerce at least as early as October 31, 2009.

6. Opposer has common law rights and trademark registrations for the Opposer’s Marks, including the following United States trademark registrations:

Registration Number	Registration Date	International Class
3,937,819	March 29, 2011	045
3,937,828	March 29, 2011	045

7. In addition to the Opposer’s Marks, Opposer may have common law rights in additional marks, for use in connection with Opposer’s services, including but not limited to:



8. Opposer has used and continues to use the Opposer’s Marks, and the services in connection therewith have been popular and the subject of advertising and promotional activities.

9. Opposer has promoted and sold its services in interstate commerce under its Opposer’s Marks since prior to any alleged use by Applicant of the mark, and it is noted that Applicant has failed to file any use statement.

10. The use of Opposer's Marks has been valid and continuous since the dates of first use and Opposer has not abandoned the Opposer's Marks. Opposer's Marks are symbolic of extensive goodwill and consumer recognition built up by Opposer through substantial amounts of time and effort in advertising and promotion. Opposer's Marks identify and distinguish Opposer's goods and services from the goods and services of others, and identify the source and origin thereof to both the trade and the public.

11. Notwithstanding Opposer's rights in and to its Marks, Applicant, on December 17, 2009, filed an intent-to-use application for registration of the mark REPPIFY. Applicant's application was given Serial No. 77/895,974 and was published for opposition in the Official Gazette on July 19, 2011.

12. The published application for the mark REPPIFY includes the following services:

Market research and market intelligence services; Business consultation and market research services in the nature of a website that rates the social and business reputation of individuals by assigning a numeric score, and that provides businesses with data about individuals' online social and business reputations in order to facilitate safe online commercial transactions and targeted marketing in International Class 035.

13. Applicant does not claim a date of first use, and no statement of use has been filed with the United States Patent and Trademark Office.

14. Applicant's filing date is subsequent to Opposer's first use date for each of the Opposer's Marks.

15. Further, Applicant and Opposer both provide online services and overlap exists between the consumers of the respective marks.

16. Applicant's recited services are closely related to the services offered by Opposer for the Opposer's Marks and consumers may be confused as to source of the goods and services.

17. Opposer's registered mark REPIFY and Applicant's mark REPPIFY are substantially identical with only one letter difference such that consumers are likely to be confused between the marks.

18. Opposer's registered mark REPIFY and Applicant's mark REPPIFY sound the same such that consumers are likely to be confused between the marks.

19. Consumers will likely be confused as to the source of the services offered by Opposer.

20. Opposer notified Applicant of the likelihood of confusion when the Opposer's application was pending; however, Opposer failed to take any action to address the concerns raised by Applicant and has continued to pursue the application in bad faith.

21. Applicant's mark REPPIFY, when used in connection with the services set forth in its application, is confusingly similar to Opposer's use of its Opposer's Marks. Registration of Applicant's mark and use by it for its services in the U.S. is likely to cause confusion, mistake and deception among consumers. Registration of Applicant's mark may damage the goodwill and consumer recognition that Opposer has built up in its Opposer's Marks.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's mark, and prays that registration be denied.

Opposer authorizes the Commissioner for Trademarks to charge the fee for filing this Notice of Opposition, or any other additional fees that may be due, to Deposit Account 503397.

DATED this 26st day of July 2011.

Respectfully submitted,

Alleman Hall McCoy Russell & Tuttle LLP



B. Anna McCoy
Attorney for Opposer
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Portland, Oregon 97204
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing NOTICE OF OPPOSITION was served by First Class Mail upon Applicant's attorney at the address of record below on this 26st day of July, 2011:

Linda Goldman
Fenwick & West LLP
801 California St.
Mountain View, CA 94041-1990



B. Anna McCoy
Attorney for Opposer