

ESTTA Tracking number: **ESTTA428116**

Filing date: **08/31/2011**

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	WebMagic Ventures, LLC
Granted to Date of previous extension	08/31/2011
Address	87 N. Raymond Ave. Ste 850 Pasadena, CA 91103 UNITED STATES
Correspondence information	Oppedahl Patent Law Firm 12000 North Pecos Street Suite 252 Westminster, CO 80234-2000 UNITED STATES docket-oppedahl@oppedahl.com

Applicant Information

Application No	77872770	Publication date	05/03/2011
Opposition Filing Date	08/31/2011	Opposition Period Ends	08/31/2011
Applicant	Ray, Veronica R 1512 Emerson St NW Washington, DC 20011 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. First Use: 2008/03/25 First Use In Commerce: 2009/02/11
All goods and services in the class are opposed, namely: Entertainment marketing services, namely, marketing, promotion and advertising for independent recording artists

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. Application No.	85098375	Application Date	08/02/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	DD		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 035. First use: First Use: 1998/03/17 First Use In Commerce: 1998/03/17 Advertisement for others on the Internet; Advertisement via mobile phone networks; Advertising agencies; Advertising and directory services, namely, promoting the services of others by providing a web page featuring links to the websites of others; Advertising services, namely, cost-per-action on-line advertising; Advertising services, namely, promoting the brands, goods and services of others; Advertising, marketing and promotion services; Dissemination of advertisements; Dissemination of advertising for others via public and private wireless networks for display on mobile devices; Dissemination of advertising for others via the Internet; Marketing, advertising, and promoting the retail goods and services of others to wireless electronic devices; Marketing, promotional and advertising services provided by mobile telephone connections; Online advertisements; Preparing and placing advertisements for others; Providing a searchable on-line advertising website and guide featuring the goods and services of other vendors via the Internet; Rental of advertising space; Shoppers' guide information</p>

Attachments	85098375#TMSN.jpeg (1 page)(bytes) DD-77872770-Opposition-110819-1.pdf (2 pages)(114301 bytes) SCAN-certofserv.pdf (1 page)(25260 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	/dms/
Name	Oppedahl Patent Law Firm
Date	08/31/2011

UNITED STATES PATENT AND TRADEMARK OFFICE

WebMagic Ventures, LLC,
Opposer and plaintiff,

Application number 77872770

v.

Veronica R. Ray
Applicant and defendant

NOTICE OF OPPOSITION

Now comes Opposer and plaintiff, WebMagic Ventures LLC, which pleads as follows:

1. Opposer has been using the mark "DD" since at least as early as March of 1998 for advertisement for others on the internet and related services.
2. Opposer presently uses the mark "DD" for advertisement for others on the internet and related services and intends to continue such use of the mark for those services.
3. Opposer is the owner of the domain name "dd.com" and has owned the domain name since at least as early as March 17, 1998.
4. Opposer operates the web site <http://www.dd.com/> and offers its advertising services at that web site.
5. The Opposer has applied for a trademark through the United States Patent and Trademark Office; the application is presently pending and has been assigned application number 85098375.
6. The Opposer's trademark application lists services of "Advertisement for others on the Internet; Advertisement via mobile phone networks; Advertising agencies; Advertising and directory services, namely, promoting the services of others by providing a web page featuring links to the websites of others; Advertising services, namely, cost-per-action on-line advertising; Advertising services, namely, promoting the brands, goods and services of others; Advertising, marketing and promotion services; Dissemination of advertisements; Dissemination of advertising for others via public and private wireless networks for display on mobile devices; Dissemination of advertising for others via the Internet; Marketing, advertising, and promoting the retail goods and services of others to wireless electronic devices; Marketing, promotional and advertising services provided by mobile telephone connections; Online advertisements; Preparing and placing advertisements for others; Providing a searchable on-line advertising website and guide featuring the goods and services of other vendors via the Internet; Rental of advertising space; Shoppers' guide information."
7. On November 14, 2009, Veronica R. Ray ("Applicant") filed US trademark application number 77872770 in the United States Patent and Trademark Office for the mark "DD Different Dimensions," listing services of "Different Dimensions is a record label. The mark will be used for everything associated with the record label," and as amended on September 23, 2010, "Entertainment marketing

services, namely, marketing, promotion and advertising for independent recording artists.”

8. Upon information and belief, Applicant has not yet commenced use of the mark “DD Different Dimensions” in connection with the services of “Entertainment marketing services, namely, marketing, promotion and advertising for independent recording artists.”

9. Upon information and belief, Applicant has not yet commenced use of the mark “DD Different Dimensions” in connection with any goods or services.

10. Upon information and belief, Applicant has not yet commenced use of the mark “DD Different Dimensions” in interstate commerce in connection with the goods of “Entertainment marketing services, namely, marketing, promotion and advertising for independent recording artists.”

11. On November 22, 2010, the United States Patent and Trademark Office issued an Office Action refusing registration to Opposer in view of Applicant's trademark application.

12. Opposer believes it would be harmed by a grant of a trademark registration to Applicant upon US trademark application number 77872770.

13. By virtue of the foregoing, Opposer prays that this opposition be decided in favor of Opposer and against Applicant.

Respectfully submitted,



Greg McLeMore, CEO, WebMagic Ventures, LLC

8/19/11

Date

Certificate of service

I certify that the attached paper is being served by first-class mail upon the applicant/defendant:

Veronica R. Ray
1512 Emerson St NW
Washington, DC 20011

this thirty-first day of August, 2011.

A handwritten signature in cursive script, appearing to read "D. Stangel".

Dana Stangel
USPTO Reg. No. 64870