

ESTTA Tracking number: **ESTTA430443**

Filing date: **09/14/2011**

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	Appinions Inc.
Granted to Date of previous extension	09/14/2011
Address	261 Madison Avenue, 14th Floor New York, NY 10016 UNITED STATES
Party who filed Extension of time to oppose	Jodange, Inc. Jodange, Inc.
Relationship to party who filed Extension of time to oppose	After Jodange, Inc. filed its Extension of Time to Oppose the instant application, it changed its name to Appinions Inc. and filed the Change of Name with the United States Patent and Trademark Office.

**Applicant Information**

Application No	85215484	Publication date	05/17/2011
Opposition Filing Date	09/14/2011	Opposition Period Ends	09/14/2011
Applicant	Appinion LLC 125 Tech Park Drive Rochester, NY 14623 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 009. All goods and services in the class are opposed, namely: Software used for conducting advertising, surveys, and other market research on smartphones, tablet computers, and other mobile electronic devices
Class 035. All goods and services in the class are opposed, namely: Advertising, survey, and market research services via software on smartphones, tablet computers, and other mobile electronic devices; provision of market research information to others for business purposes

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

**Marks Cited by Opposer as Basis for Opposition**

U.S. Application	85250915	Application Date	02/24/2011
------------------	----------	------------------	------------

No.			
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	APPINIONS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2010/12/14 First Use In Commerce: 2010/12/14 Web based software applications for analyzing subjective statements reflected in electronic text		

U.S. Application No.	85250948	Application Date	02/24/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	APPINIONS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2010/12/14 First Use In Commerce: 2010/12/14 Services, namely, assisting others in implementing, configuring and delivering software solutions for analyzing subjective statements reflected in electronic text		

Attachments	85250915#TMSN.jpeg ( 1 page )( bytes ) 85250948#TMSN.jpeg ( 1 page )( bytes ) Notice of Opposition.pdf ( 6 pages )(18390 bytes ) Assignment recordation confirmation.pdf ( 1 page )(21911 bytes ) Change of Name.pdf ( 4 pages )(94175 bytes )
-------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

## 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	/tara reedy sliva/
Name	JOEL N BOCK ESQ, TARA REEDY SLIVA ESQ
Date	09/14/2011

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

In the Matter of	)	
Application Serial No. 85/215,484	)	
Published in the May 17, 2011 <i>Official Gazette</i>	)	
	)	
<b>Appinions Inc.,</b>	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. _____
	)	
<b>Appinion LLC,</b>	)	
	)	
Applicant.	)	

**NOTICE OF OPPOSITION**

Appinions Inc. (“Opposer”), a Delaware corporation having its principal place of business at 261 Madison Avenue, 14<sup>th</sup> Floor, New York New York, 10016, believes that it will be damaged by registration of the mark shown in Application Serial No. 85/215,484 and hereby opposes registration of same under § 13 of the Trademark Act of 1946, 15 U.S.C. § 1063.

1. On January 11, 2011, Applicant Appinion LLC, (“Applicant”) filed an application under Section 1(b) of the Lanham Act to register the mark APPINION (“Applicant’s Mark”) in connection with the following goods and services:

Software used for conducting advertising, surveys, and other market research on smartphones, tablet computers, and other mobile electronic devices in International Class 9; and

Advertising, survey, and market research services via software on smartphones, tablet computers, and other mobile electronic devices; provision of market research information to others for business purposes in International Class 35.

2. The United States Patent and Trademark Office (“USPTO”) assigned Applicant’s Mark Serial No. 85/215,484 and published the application for opposition in the *Official Gazette* on May 17, 2011, allowing time to oppose said application up to and including June 16, 2011.

3. On May 23, 2011, Opposer, under its former name Jodange, Inc., filed a First 90 Day Request for Extension of Time to Oppose for Good Cause until September 14, 2011. The Trademark Trial and Appeal Board (“TTAB”) granted Opposer’s Request.

4. On August 17, 2011, Opposer filed a Change of Name document executed on July 25, 2011, with the United States Patent and Trademark Office, changing Opposer’s name from Jodange, Inc., a Delaware corporation, to Appinions Inc., a Delaware Corporation (*see* Attached). Accordingly, Opposer has preserved its rights and has timely filed this Notice of Opposition.

The grounds for opposition are as follows:

5. Since at least as early as December 14, 2010, Opposer has used its APPINIONS mark (“Opposer’s Mark” or “APPINIONS Mark”) in connection with “web based software applications for analyzing subjective statements reflected in electronic text” in International Class 9 and “services, namely, assisting others in implementing, configuring and delivering software solutions for analyzing subjective statements reflected in electronic text” in International Class 42 (collectively “Opposer’s Goods and Services”).

6. On February 24, 2011, Opposer filed two separate applications under Section 1(a) of the Lanham Act to register the mark APPINIONS with the United States Patent and Trademark Office for Opposer’s Goods and Services claiming a date of first use at least as early as December 14, 2010. Opposer’s applications for the mark APPINIONS were assigned Serial Nos. 85/250,915 and 85/250,948 respectively.

7. Opposer used its APPINIONS Mark in the United States in interstate commerce since at least as early as December 14, 2010, in connection with Opposer’s Goods and Services.

Such use predates the January 11, 2011 filing date of the intent-to-use application for Applicant's Mark. Accordingly, Opposer has priority of rights in the APPINIONS Mark.

8. Applicant's proposed use of the mark APPINION for the goods and services specified in its application so resembles the Opposer's APPINIONS Mark as to be likely to create confusion, mistake, or deception under § 2(d) of the Trademark Act, 15 U.S.C § 1052(d).

9. In fact, on June 1, 2011, Applicant's application for the mark APPINION was cited as a potential bar to registration of Opposer's applications for Opposer's APPINIONS Mark.

### **Likelihood of Confusion**

10. Applicant's mark APPINION is substantially similar in sound, appearance, connotation and commercial impression to Opposer's APPINIONS Mark because Applicant's Mark, among other things, deletes only one letter from Opposer's APPINIONS Mark. Consumers encountering the term APPINION in connection with Applicant's goods and services will reasonably believe that such goods and services are offered or otherwise sponsored or endorsed by, or manufactured under license from, Opposer.

11. Upon information and belief, Applicant's proposed products and services overlap and are similar or related to the products and services with which Opposer uses its APPINIONS Mark.

12. Upon information and belief, the goods and services in the Application could be purchased by the same class of purchasers, and may be offered or promoted, or are intended to be offered or promoted, in the same trade channels, as Opposer's Goods and Services are promoted and offered under the APPINIONS Mark

13. As the Applicant's application for the mark APPINION has no limitation on trade channels, Applicant's goods and services are presumed to move through all or the ordinary and usual channels of trade for such goods and service, further exacerbating the likelihood of confusion between Applicant's mark APPINION and Opposer's prior established rights in the APPINIONS Mark.

14. Upon information and belief, at the time Applicant filed its trademark application to register the mark APPINION, Applicant had knowledge of the existence of the Opposer's APPINIONS Mark.

15. Upon information and belief, Applicant adopted its mark APPINION with the intent to trade off of the goodwill represented by Opposer's APPINIONS Mark. Opposer has established considerable goodwill in connection with its APPINIONS Mark. Having established such goodwill, Opposer is entitled to protection against use of confusingly similar marks.

16. The United States Patent and Trademark Office has already taken the position that Applicant's mark APPINION is confusingly similar to Opposer's APPINIONS Mark by citing the Applicant's prior filed application for the mark APPINION as a potential bar to registration of Opposer's applications for its APPINIONS Mark.

17. If Applicant's mark APPINION registers, purchasers are likely to believe that Applicant's Mark and the products and services offered thereunder originated with or are connected or associated with, or sponsored, licensed, endorsed or approved by Opposer, all to Opposer's detriment. Registration of Applicant's Mark would allow Applicant to wrongfully appropriate Opposer's valuable goodwill and reputation associated with its APPINIONS Mark. Further, If Applicant's mark APPINION registers, the United States Patent and Trademark

Office will formally cite Applicant's application for the mark APPINION against Opposer's applications for the APPINIONS Mark.

WHEREFORE, Opposer believes that as a result of the likelihood of confusion with Applicant's proposed mark APPINION, Opposer will be damaged by registration of that mark and prays that the TTAB sustain this opposition and refuse to register Application Serial No. 85/215,484.

Opposer hereby appoints Joel Bock, Tara Reedy Sliva, and SNR Denton US LLP, P.O. Box #061080, Wacker Drive Station, Willis Tower, Chicago, IL 60606-1080, as its representative upon whom notices and process in proceedings affecting this proceeding may be served.

Respectfully submitted,

Appinions Inc.

Dated: September 14, 2011

By: /s/ Tara Reedy Sliva  
Attorney for Appinions Inc.  
Joel Bock  
Tara Reedy Sliva  
SNR Denton US LLP  
P.O. Box #061080  
Wacker Drive Station, Willis Tower  
Chicago, IL 60606-1080

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and correct copy of the foregoing NOTICE OF OPPOSITION to be served upon:

ERIC MITTEREDER  
607 P ST NW, UNIT A  
WASHINGTON, DC 20001-3403

by placing same in an envelope, properly sealed and addressed, with postage prepaid and depositing same with the United States Postal Service on this 14<sup>th</sup> day of September, 2011.

/s/ tara reedy sliva

Tara Reedy Sliva

Filed with the TTAB via  
ESSTA on September 14, 2011



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)[Assignments on the Web](#) > Trademark Query

## Trademark Assignment Details

Reel/ Frame: [4606/0389](#)[View Recorded Assignment](#)

Pages: 4

Received: 08/17/2011

Recorded: 08/17/2011

Attorney Dkt #: FILE CHANGE OF NAME

Conveyance: CHANGE OF NAME

## Total properties: 2

1	Serial #: <a href="#">85250915</a> Mark: APPINIONS	Filing Dt: 02/24/2011	Reg #: NONE	Reg. Dt:
2	Serial #: <a href="#">85250948</a> Mark: APPINIONS	Filing Dt: 02/24/2011	Reg #: NONE	Reg. Dt:

## Assignor

1 [JODANGE, INC.](#)

Exec Dt: 07/25/2011

Entity Type: CORPORATION

Citizenship: DELAWARE

## Assignee

1 [APPINIONS INC.](#)261 MADISON AVENUE, 14TH FLOOR  
NEW YORK, NEW YORK 10016

Entity Type: CORPORATION

Citizenship: DELAWARE

## Correspondence name and address

JOEL N. BOCK C/O SNR DENTON US LLP  
P. O. BOX 061080  
CHICAGO, IL 60606-1080

Search Results as of: 09/14/2011 05:53 PM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.2  
Web interface last modified: July 25, 2011 v.2.2[HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)

**TRADEMARK ASSIGNMENT**

Electronic Version v1.1  
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	CHANGE OF NAME		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Jodange, Inc.		07/25/2011	CORPORATION: DELAWARE
RECEIVING PARTY DATA			
Name:	APPINIONS INC.		
Street Address:	261 Madison Avenue, 14th Floor		
City:	New York		
State/Country:	NEW YORK		
Postal Code:	10016		
Entity Type:	CORPORATION: DELAWARE		
PROPERTY NUMBERS Total: 2			
Property Type	Number	Word Mark	
Serial Number:	85250948	APPINIONS	
Serial Number:	85250915	APPINIONS	
CORRESPONDENCE DATA			
Fax Number:	(973)912-7199		
	<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>		
Phone:	973-912-7100		
Email:	trademarks@snrdenton.com		
Correspondent Name:	Joel N. Bock c/o SNR Denton US LLP		
Address Line 1:	P. O. BOX 061080		
Address Line 4:	CHICAGO, ILLINOIS 60606-1080		
ATTORNEY DOCKET NUMBER:	FILE CHANGE OF NAME		
NAME OF SUBMITTER:	Joel N. Bock		
Signature:	/joel bock/		
Date:	08/17/2011		
Total Attachments: 3 source=JODANGE, INC. TO APPINIONS INC. - CHANGE OF NAME CERTIFICATE#page1.tif source=JODANGE, INC. TO APPINIONS INC. - CHANGE OF NAME CERTIFICATE#page2.tif source=JODANGE, INC. TO APPINIONS INC. - CHANGE OF NAME CERTIFICATE#page3.tif			

OP \$65.00 85250948

# Delaware

PAGE 1

*The First State*

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "JODANGE, INC.", CHANGING ITS NAME FROM "JODANGE, INC." TO "APPINIONS INC.", FILED IN THIS OFFICE ON THE TWENTY-FIFTH DAY OF JULY, A.D. 2011, AT 10:20 O'CLOCK A.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.

4490400 8100

110851822



You may verify this certificate online  
at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

  
Jeffrey W. Bullock, Secretary of State  
AUTHENTICATION: 8926586

DATE: 07-26-11

TRADEMARK  
REEL: 004606 FRAME: 0390

**CERTIFICATE OF AMENDMENT  
TO THE  
CERTIFICATE OF INCORPORATION  
OF  
JODANGE, INC.**

(Pursuant to Section 242 of the General Corporation Law of the State of Delaware)

The undersigned, Larry Levy, Chief Executive Officer of Jodange, Inc., a corporation organized and existing under the laws of the State of Delaware, on behalf of said corporation, hereby certifies as follows:

FIRST: The name of the corporation is Jodange, Inc. (the “**Corporation**”).

SECOND: The Corporation was incorporated pursuant to the General Corporation Law on January 16, 2008 under its current name.

THIRD: The Corporation wishes to amend its Certificate of Incorporation so as to change its corporate name.

FOURTH: To accomplish the amendment referred to in Paragraph THIRD above, Article FIRST of the Corporation’s Certificate of Incorporation is hereby amended to read as follows:

“The name of the corporation is Appinions Inc. (the “**Corporation**”).”

FIFTH: This Certificate of Amendment and the foregoing amendment to the Certificate of Incorporation of the Corporation were duly authorized in accordance with the provisions of Section 242 of the General Corporation Law of the State of Delaware.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the undersigned has executed this Certificate of Amendment as of July 22, 2011 and hereby affirms under penalties of perjury that the statements contained herein are true.

**JODANGE, INC.**

By: /s/ Larry Levy  
Larry Levy  
Chief Executive Officer