

ESTTA Tracking number: **ESTTA450728**

Filing date: **01/11/2012**

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	STAMPZZ MEDIA S.A.
Granted to Date of previous extension	01/11/2012
Address	4, rue Dicks Luxembourg, L1417 LUXEMBOURG

Correspondence information	Arnaud de Lummen Director STAMPZZ MEDIA S.A. 4, rue Dicks Luxembourg, L1417 LUXEMBOURG info@stampzzmedia.com Phone:+352248747135
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**Applicant Information**

Application No	85294613	Publication date	09/13/2011
Opposition Filing Date	01/11/2012	Opposition Period Ends	01/11/2012
Applicant	Stamped Inc. 215 Park Ave South, Suite 1802 New York, NY 10003 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 042. All goods and services in the class are opposed, namely: Providing on-line non-downloadable software for displaying and sharing user preferences relating to business organizations, locations, service providers, events, objects, media, and interacting with other users and locations
Class 045. All goods and services in the class are opposed, namely: online social networking services

**Grounds for Opposition**

The mark is merely descriptive	Trademark Act section 2(e)(1)
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Attachments	Stamped - Notice of Opposition.pdf ( 2 pages )(94100 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	/adelummen/
Name	Arnaud de Lummen
Date	01/11/2012

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

In the matter of Trademark Application Serial No: 85294613  
Filed: April 13, 2011  
For the mark: STAMPED  
Services in classes 42 and 45  
Published in the Official Gazette: September 13, 2011

STAMPZZ MEDIA S.A.,	)	
	)	
Opposer	)	<b>Opposition No.</b> _____
	)	
v.	)	<b>NOTICE OF OPPOSITION</b>
	)	
STAMPED Inc.	)	<b>Mark: Stamped</b>
	)	<b>Application Serial No.: 85294613</b>
Applicant	)	
	)	
	)	
_____	)	

**NOTICE OF OPPOSITION**

Opposer, Stampzz Media S.A., is a Luxembourg company with its head office at 4, rue Dicks, L-1417 Luxembourg, Grand Duchy of Luxembourg.

To the best of Opposer's knowledge, the name and current address of the applicant in question, Stamped Inc., is 215 Park Avenue, Suite 1802, New York, New York 10003 ("Applicant"). Opposer believes that it will be damaged by the registration of the mark shown in the above-identified application, and hereby opposes the same.

As grounds of opposition, it is alleged that:

1. Opposer has filed application Serial No. 85334860 on June 1, 2011 to register the mark "Stampzz" in class 42, for which the examining attorney issued an Office Action in which he considered that there may be a likelihood of confusion with the mark of application Serial 85294613 ("Opposed Mark").
2. Opposer has filed application Serial No. 85335131 on June 1, 2011 to register the semi-figurative mark "Stampzz" in class 42, for which the examining attorney issued an Office Action in which he considered that there may be a likelihood of confusion with the mark of application Serial 85294613 ("Opposed Mark").
3. Opposition has filed application Serial No. 85374897 on July 19, 2011 to register "Stampzz" in class 9, for which the examining attorney issued an Office Action in which he considered that there may be a likelihood of confusion with the mark of application Serial 85294613 ("Opposed Mark").

4. Opposer has filed application Serial No. 85374927 on July 19, 2011 to register “Stampzz” in class 45, for which the examining attorney issued an Office Action in which he considered that there may be a likelihood of confusion with the mark of application Serial 85294613 (“Opposed Mark”).
5. Applicant’s alleged mark is integral to the accurate and efficient description of Applicant’s services which are to enable users to find, share, approve, and recommend (in other words, to “stamp”) anything like restaurants, books, movies, music or more.
6. “Stamped” may be considered as a term of art within Applicant’s industry which signifies that website or mobile-app users have tested, approved, shared and recommended anything like restaurants, books, movies, or music. “Stamped” can be compared to the “checked-in” term of art meaning that a website or mobile app user has informed and shared with other users the fact he has been in a defined place.
7. Furthermore, the expression “stamped” can be considered as generic as it would be understood by the relevant public as an equivalent to “endorsed” or “approved.”
8. Opposer alleges that the term “stamped” does not function to identify Applicants’ services or to distinguish them from the services to be offered by others.
9. The term “stamped,” when used to share user preferences on anything, is merely descriptive; “stamped” is a common term used to share a point of view.
10. Opposer has a valid and legal right to use the Opposed Mark as part of its language to describe or name online actions in the field of online social networking services.
11. In view of the above-allegations, Applicant is not entitled to federal registration for its proposed mark because (a) Applicant is not entitled to exclusive use of the term “stamped” in commerce for the services specified in the above-referenced application, (b) the term “stamped” does not function to identify Applicant’s services or distinguish them from services to be offered by others, and (c) Opposer will be damaged by not being able to register the fanciful mark Stampzz in several classes of products and services.

WHEREFORE, Opposer prays that Opposed Mark be rejected, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of the Opposer.

Dated: January 10, 2012

A handwritten signature in blue ink, appearing to read 'A. de Lummen', with a long horizontal flourish extending to the right.

By: \_\_\_\_\_  
Arnaud de Lummen  
Director  
Stampzz Media S.A.  
4, rue Dicks, L-1417 Luxembourg  
Grand Duchy of Luxembourg