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

Proceeding	91203541
Party	Plaintiff Andre D. Rossouw
Correspondence Address	MR ANDRE ROSSOUW 7535 WHITSETT AVE APT 2 NORTH HOLLYWOOD, CA 91605-3054 UNITED STATES gwinfo@ymail.com, andreross2000@yahoo.com
Submission	Motion to Amend Pleading/Amended Pleading
Filer's Name	Andre D. Rossouw
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Signature	/9047/
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Attachments	Amended Notice Of Opposition.pdf (3 pages)(88852 bytes) Proof Of Service amended notice of opposition.pdf (1 page)(37414 bytes)

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

In the matter of Trademark Application No. 85358119
Mark: GOOGLEPLUS (GOOGLE +)

Andre Rossouw (Opposer)	)	
	)	
vs.	)	Opposition No. 91203541
	)	
Google Incorporated (Applicant)	)	

Amended Notice of Opposition

In opposing Applicant FOR APPLICATION # 91203541 Opposer states the following reasons for opposition.

HISTORY:

1. Opposer applied a Trademark application for mark dated **Aug 31st 2007**, and first used the mark in commerce in 03/01/2008.
2. Opposer was awarded trademark class *045* on **Dec 2nd 2008** after satisfactorily proved to the Trademark Office the mark was being used in commerce and to date still is.
3. Applicant filed for application of opposed mark in July 2011 to which Opposer in turn first filed a Letter Of Protest with the Trademark Office, then informed Applicant by Letter Of Seize And Desist, then Opposer filed for an Extension To Oppose with TTAB (GRANTED) and then filed Opposition TIMELY thereafter.

REASONS FOR OPPOSITION

1. Opposer has Trademarked said mark for the specific reason to develop the mark and create a Brand Name and to protect the mark for the very reason.
2. Opposer claims sole ownership of mark.
3. Opposer has put forth considerable finances, work and effort to develop product for the mark and is still doing so and will loose substantially including future returns relied on from the eventual success of the mark if indeed jeopardized by any similar sounding mark, in particular in this case, the mark filed by Applicant in direct competition for the same class.
4. Oppser's mark should be allowed protection if indeed being developed and used in commerce and can prove such efforts and ongoing efforts to develop said mark.
5. Opposer's stance is that Applicant's mark, if allowed to register, and continued being used and promoted in direct competition to Opposer's mark would hypothetically and with "reasonable prudent" confuse consumers between the two marks if both marks derived to a reasonable famous status, and/ or will indeed jeopardize Opposer's mark from any chance to properly develop, especially in lieu to the fact that Applicant has far superior ability including financial ability to overshadow Opposer's mark in promotion in a very short time, and will thus be the cause of diminishing any chance for Opposer's mark to withstand and develop as Opposer's mark will without a doubt be seen as a simulating mark or copy of Applicant's mark as result.

*(Marks do not have to be identical for trademark rules to apply).

6. Opposer should have first right to develop his mark without having to compete against a newly filed similar mark 3 years after Opposer's mark was Registered and used and believes this indeed to be the case as Applicant's mark is so similar in sound that confusion of whether Opposer's mark is linked to Applicant will now be evident*
7. Opposer do NOT favor a confusion of consumers as to the source (entity) developing his mark as Applicant has proven without a doubt that consumers do NOT favor Applicant for providing this particular service as so proven by many failed attempts by Applicant to provide these services in the past thus further jeopardizes Opposer's mark of any chance of success.
8. Opposer believes that Opposer's mark and not Applicant's mark should be allowed the priority of use and development of the two similar sounding marks seeing Opposer has done due diligence to protect his mark and is indeed being used in commerce and ongoing efforts to develop the mark successfully are indeed in place.
9. The enormous notoriety of Applicant should not be given preference in this case as the newly created extension to their existing mark and applied <u>to the same class</u> as Opposers mark, creates an overwhelming similar sound to Opposer's mark and applied for three years AFTER the registration of Opposers mark .
10. Opposer's mark was created from the following: Goo (inspired by the Goo-Goo Dolls) Box (Inspired by Matchbox 20) Then combined as "Googabox" as Opposer's initial plan was to create a social network for musicians only however decided to open doors for all and thus had NO inspiration from Applicant's already founded and notorious mark for different class/ es and desire no confusion at all to Applicant's mark.

FOR ALL REASONS ABOVE OPPOSER OPPOSES APPLICANT'S APPLICATION.

So stated by OPPOSER

9047

Andre Rossouw (Pro Se) October 16th 2012

PROOF OF SERVICE

I declare that:

I am the **OPPOSER**

I am party to the within cause; my business address is

7535 Whitsett Avenue, North Hollywood, CA, 91605

On the date indicated below I mailed (served) a true copy of ANDRE ROSSOUW's RESPONSE TO TTAB DECISION to the Law Offices of:

FENWICK & WEST LLP
801 CALIFORNIA ST.
MOUNTAIN VIEW, CA 94041

and particularly to the attention of Eric J. Ball esq. claiming to be the composer of said "Motion To Dismiss" and claiming so thereof and claiming to be representative of Google Inc. Mountain View California

☒ **BY US MAIL:** by placing the document(s) listed above in a sealed envelope for collection and mailing following ordinary business practices. I am readily familiar with ordinary business practices for collecting and processing mail for the United States Postal Service, and mail that I place for collection and processing is regularly deposited with the United States Postal Service that same day with postage prepaid.

☐ **BY E-MAIL:** by mutual agreement between the parties, causing to be transmitted via e-mail the document(s) listed above to the addressee(s) at the e-mail address(es) listed above.

☐ **BY PERSONAL DELIVERY:** by causing to be personally delivered the document(s) listed above to the addressee(s) at the address(es) set forth above.

I declare under penalty of perjury that the foregoing is true and correct, and that

this declaration was executed at 7535 Whitsett Avenue, North Hollywood, CA, 91605

October 25th 2012.
Date Served

ANDRE D. ROSSOUW

Opposition No. 91203541
Application No. 85358119