

ESTTA Tracking number: **ESTTA460491**

Filing date: **03/07/2012**

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

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| Name | LJK Companies, Inc. |
| Granted to Date of previous extension | 03/07/2012 |
| Address | 10225 Yellow Circle Drive Suite 200 Minnetonka, MN 55343 UNITED STATES |

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| Attorney information | John Pickerill Fredrikson & Byron, P.A. 200 South Sixth Street Suite 4000 Minneapolis, MN 55402 UNITED STATES ip@fredlaw.com Phone:612-492-7036 |
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Applicant Information

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|------------------------|---|------------------------|------------|
| Application No | 85235454 | Publication date | 11/08/2011 |
| Opposition Filing Date | 03/07/2012 | Opposition Period Ends | 03/07/2012 |
| Applicant | Performance Media Group, Inc. 593 Rancocas Road Westampton, NJ 08060 UNITED STATES | | |

Goods/Services Affected by Opposition

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| Class 035. First Use: 2011/08/01 First Use In Commerce: 2011/08/01 All goods and services in the class are opposed, namely: Providing to travel professionals business and commercial information, namely, travel sales information, media and marketing information, marketing and consumer engagement information, and other marketing and media resources and support specifically for travel industry suppliers; providing a website featuring travel agency business information for travel professionals, namely, providing a network of travel sales information, media and marketing information, marketing and consumer engagement information, and other marketing and media resources and support specifically for travel industry suppliers |
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Grounds for Opposition

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

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| U.S. Application No. | 85197528 | Application Date | 12/14/2010 |
| Registration Date | NONE | Foreign Priority | NONE |

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|---------------------|---|------|--|
| | | Date | |
| Word Mark | TRAVELLIANCE | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 035. First use: Business services, namely, meeting planning services and auditing and billing services; Administrative accounting services; Administrative resort lodging management services Class 036. First use: Bill payment services Class 039. First use: Transportation reservation services Class 043. First use: Making reservations and bookings for temporary lodging; hotel services | | |

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| Related Proceedings | United States District Court for the District of Minnesota, Case No. 11-cv-03329 |
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| Attachments | 85197528#TMSN.jpeg (1 page)(bytes) NOTICE OF OPPOSITION - TRAVALLIANCE.pdf (5 pages)(92770 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 | /John Pickerill/ |
| Name | John Pickerill |
| Date | 03/07/2012 |

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

In the Matter of

Trademark Serial No. 85235454
For the Mark: TRAVALLIANCE
Filed: February 7, 2011
Published: November 8, 2011

LJK Companies, Inc.,
d/b/a Travelliance

Opposer,

Opposition No. _____

v.

Travalliance, LLC,

Applicant.

NOTICE OF OPPOSITION

This opposition is made to the application of Applicant, Travalliance, LLC, for registration of the mark TRAVALLIANCE, Application Serial No. 85235454, published on November 8, 2011. Opposer, LJK Companies, Inc., d/b/a Travelliance, believes it will be damaged by the registration of the mark shown in the application, and hereby opposes the same. As grounds for its opposition, Opposer states and alleges as follows:

1. Opposer is a Minnesota corporation with its principal place of business at 10225 Yellow Circle Drive, Minnetonka, MN 55343.
2. On information and belief, Applicant is a New Jersey limited liability company with its principal place of business at 593 Rancous Road, Westampton, NJ 08060.
3. Opposer is the owner of U.S. Trademark Application No. 85197528 for the trademark TRAVELLIANCE for use with:

IC 035: Business services, namely, meeting planning services and auditing and billing services; Administrative accounting services; Administrative resort lodging management services

IC 036: Bill payment services

IC 039: Transportation reservation services

IC 043: Making reservations and bookings for temporary lodging; hotel services

4. Opposer's application has a priority filing date of December 14, 2010.

5. Opposer has been using the TRAVELLIANCE trademark since at least May 2011.

6. As a result of the widespread use and display of the TRAVELLIANCE trademark, the public and the trade associate the TRAVELLIANCE trademark exclusively with Opposer.

7. Opposer's mark is inherently distinctive and is a strong mark and should be accorded the broad protection given to strong marks.

8. On February 7, 2011, Applicant filed an intent-to-use application to register the mark TRAVALLIANCE, Application Serial No. 85235454, for use with various travel-related goods and services.

9. At the time Applicant filed its application to register the TRAVALLIANCE mark, Opposer had already applied to register the TRAVELLIANCE trademark.

10. Applicant began using the TRAVALLIANCE mark on August 1, 2011 – three months after Opposer began using its TRAVELLIANCE trademark.

11. The Examiner initially refused to register Applicant's application for TRAVALLIANCE because the mark in connection with Applicant's goods and services is confusingly similar to Opposer's TRAVELLIANCE trademark.

12. To overcome this refusal and facilitate some form of registration, Applicant removed seven classes of goods and services in their entirety from its application and revised the description of its services in the remaining class in an attempt to artificially distance those

services from the services listed in Opposer's application.

13. Applicant's application was published for opposition for the following services in Class 035:

Providing to travel professionals business and commercial information, namely, travel sales information, media and marketing information, marketing and consumer engagement information, and other marketing and media resources and support specifically for travel industry suppliers; providing a website featuring travel agency business information for travel professionals, namely, providing a network of travel sales information, media and marketing information, marketing and consumer engagement information, and other marketing and media resources and support specifically for travel industry suppliers.

14. In November 2011, Opposer filed suit against Applicant in United States District Court for the District of Minnesota, Case No. 11-cv-03329 (SRN/AJB), accusing Applicant of trademark infringement, deceptive trade practices, and unfair competition for Applicant's use of the TRAVALLIANCE mark. Opposer also requested the District Court to deny registration of Application No. 85235454. The case is still pending.

15. Use by Applicant of the trademark TRAVALLIANCE for which registration is sought in the application opposed herein is likely to cause confusion, mistake or deception as to the source of origin, sponsorship or approval of Applicant's services in that purchasers or others are likely to believe that Applicant's services are Opposer's services, or are in some way legitimately connected with, licensed by, or approved by Opposer. Use by Applicant of the trademark TRAVALLIANCE for which registration is sought in the application opposed herein has lessened, and will continue to lessen, the capacity of the TRAVALLIANCE mark to identify and distinguish Opposer's services.

16. Use by Applicant of the mark TRAVALLIANCE for which registration is sought in the application opposed herein, is without Opposer's consent or permission.

WHEREFORE, registration by Applicant of the aforesaid trademark for the aforesaid services would be damaging to Opposer.

THEREFORE, Opposer respectfully requests that the application for registration be denied.

Respectfully submitted,

Dated: March 7, 2012

_____/John C. Pickerill/
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ATTORNEYS FOR OPPOSER

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the NOTICE OF OPPOSITION was served by United States mail on the correspondent of record for Applicant, Lisa B. Lane, Fox Rothschild LLP, P.O. Box 5231, Princeton, NJ 08543-5231, by mailing it to the address of record by first class mail, postage prepaid, this 7th day of March, 2012.

/John C. Pickerill/

John C. Pickerill

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