

ESTTA Tracking number: **ESTTA464643**

Filing date: **03/30/2012**

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	EventForce, Inc
Granted to Date of previous extension	03/31/2012
Address	8806 116th Ave NE Kirkland, WA 98033 UNITED STATES

Attorney information	Oliver Edwards Law Office of Oliver Edwards LLC 8701 Georgia Ave Suite 605 Silver Spring, MD 20910 UNITED STATES ttab-email@edwardslaw.pro Phone:301-841-8050
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Applicant Information

Application No	85301581	Publication date	01/31/2012
Opposition Filing Date	03/30/2012	Opposition Period Ends	03/31/2012
Applicant	salesforce.com, inc. The Landmark @ One Market St., Ste. 300 San Francisco, CA 94105 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 009. All goods and services in the class are opposed, namely: Downloadable computer software for use in developing and customizing computer software applications and computer software application user interfaces; computer software for storing, managing, tracking, analyzing, and reporting data in the field of marketing, promotion, sales, customer information, customer relationship management, sales support, and employee efficiency; computer software to facilitate communicating among peer professionals in the advertising, marketing, and business services fields, and for customizing computer application user interfaces</p>
<p>Class 035. All goods and services in the class are opposed, namely: business management services, namely, providing business information management services; compilation and management of computerized databases and consulting services related thereto; business management services, namely, providing customer relationship management services and sales support management services; business management consulting services relating to customer relationship management, sales support management, and marketing automation; providing a website featuring business management consulting information; operating online marketplaces for third parties to buy, sell, share, and offer for free computer software and on-demand applications to others</p>

Class 041.

All goods and services in the class are opposed, namely: Educational services, namely, conducting seminars, conferences, workshops, and computer application training in the fields of marketing, promotion, sales, customer information, customer relationship management, sales support and employee efficiency, and distributing course materials in connection therewith

Class 042.

All goods and services in the class are opposed, namely: Providing temporary use of on-line non-downloadable software to store, manage, track, analyze, and report data in the field of marketing, promotion, sales, customer information, customer relationship management, sales support and employee efficiency; providing temporary use of on-line non-downloadable software to facilitate communicating among peer professionals in the advertising, marketing and business services fields, and for customizing computer application user interfaces; computer services, namely, designing, developing, and maintaining computer software applications for others and consulting services related thereto; Providing temporary use of online non-downloadable computer software application development tools and programming language for use in developing, analyzing, coding, checking, and controlling other computer software; providing temporary use of online non-downloadable computer software that implements a procedural and object-oriented programming language; online hosted computer services, namely, designing, developing, customizing, and maintaining computer software applications for others; and consulting services related to all of the foregoing

Class 045.

All goods and services in the class are opposed, namely: On-line social networking services

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Other	Lack of bona fide intent to use mark in connection with each enumerated good or service

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3619223	Application Date	10/06/2008
Registration Date	05/12/2009	Foreign Priority Date	NONE
Word Mark	EVENTFORCE		
Design Mark			
Description of Mark	The mark consists of an outline of an oval slightly tilted clockwise. Inside the oval, there is a lion in profile to the right. Underneath the oval, the words "EventForce" appear in bold font. The length of the oval lasts from the middle of the "n" to the right side of the "F".		
Goods/Services	Class 035. First use: First Use: 1999/07/01 First Use In Commerce: 1999/07/01 Temporary employment agency		

U.S. Application/Registration No.	NONE	Application Date	NONE
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Registration Date	NONE
Word Mark	EVENTFORCE
Goods/Services	Charitable fundraising services by means of conference and event staffing with volunteers from beneficiary organizations; Educational and organizational services, namely, providing planning for support and staffing of conferences and educational events, providing support and temporary staffing for conference and educational events, managing temporary staff for conference and educational events; and Business, organizational and management services, namely, providing planning for staffing of conferences, expos, trade shows and events, providing support and temporary staffing for conferences, expos, trade shows and events, managing temporary staff for conferences, expos, trade shows and events.

Attachments	77586383#TMSN.jpeg (1 page)(bytes) Opposition to 85301581.pdf (11 pages)(241030 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	/Oliver L. Edwards/
Name	Oliver Edwards
Date	03/30/2012

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

In the matter of Application Serial No. 85301581

Published in the Official Gazette of January 31, 2012, Page TM 215-16 in International Classes 9, 35, 41, 42 and 45

EventForce, Inc,

Opposer,

v.

salesforce.com, inc.,

Applicant.

Opp No.: _____

NOTICE OF OPPOSITION

EventForce, Inc (“Opposer”), a Washington State corporation located and doing business at 8806 116th Ave NE, Kirkland, Washington 98033, believes it will be damaged by registration of the mark shown in Application Serial No. 85301581, and opposes the same.

The grounds for the opposition are as follows.

1. Since at least 2000, Opposer has continually used the mark EVENTFORCE and trade name EventForce, Inc in commerce in connection with the advertising, promotion, and provision of fundraising services and conference and event planning, support and staffing services.

2. Opposer registered and has owned the internet domain name eventforceinc.com since as early as February of 2000 and began thereafter advertising, offering and promoting its services in connection with the prominent display of its EVENTFORCE marks and trade name on internet web pages available at www.eventforceinc.com.

3. Opposer registered and has owned the internet domain name eventforce.com since as early as December of 2004 and began thereafter advertising, offering and promoting its services in connection with the prominent display of its EVENTFORCE marks and trade name on internet web pages available at www.eventforce.com.

4. Opposer has registered and owns the internet domain names eventforce.org, eventforce.info and eventforce.biz.

5. On October 6, 2008, Opposer filed trademark application serial no. 77586383 with the U.S. Patent and Trademark Office (USPTO) for a design mark including a lion in profile in an oval centered above the text “EventForce” in connection with “Temporary Labor Agency” services. Opposer submitted a business card specimen (relevant portion reproduced below) depicting the applied-for mark above the words “Conference & Event Support Staff.”



6. On May 12, 2009, Opposer's application serial no. 77586383 matured into registered trademark no. 3619223 for services identified as “Temporary employment agency.” A current printout of information from the electronic database records of the USPTO showing the current status and title of registration no. 3619223 is attached as Exhibit A.

7. By virtue of Opposer's continuous use, commercial efforts, extensive sales and fundraising, advertising and promotional efforts over the last twelve years, consumers and clients throughout the United States have come to recognize the services advertised, provided and sold under Opposer's EVENTFORCE marks and trade name and the valuable goodwill represented by the marks and trade name.

8. Throughout the United States, Opposer has provided millions of dollars in services at hundreds of events under the EVENTFORCE marks and trade name and has raised millions of dollars for funding of over 100 beneficiary organizations through its fundraising function. Opposer has spent substantial sums advertising and promoting the EVENTFORCE marks and trade name throughout the United States.

9. Opposer personnel and volunteer staffers frequently provide Opposer's services to conference and event organizers and attendees while wearing uniforms bearing Opposer's marks.

10. Since prior to Applicant's intent to use Application, Opposer's services associated with its EVENTFORCE marks and trade name have included:

- Charitable fundraising services by means of conference and event staffing with volunteers from beneficiary organizations;
- Educational and organizational services, namely, providing planning for support and staffing of conferences and educational events, providing support and temporary staffing for conference and educational events, managing temporary staff for conference and educational events; and

- Business, organizational and management services, namely, providing planning for staffing of conferences, expos, trade shows and events, providing support and temporary staffing for conferences, expos, trade shows and events, managing temporary staff for conferences, expos, trade shows and events.

11. Opposer's registration no. 3619223, Opposer's common law rights accrued in connection with Opposer's use of the EVENTFORCE marks, Opposer's trade name and Opposer's internet domain names are valid and subsisting and are directly owned by Opposer.

12. On April 21, 2011, Applicant filed Application 85301581 stating that it had a bona fide intent to use EVENTFORCE in connection with:

- Downloadable computer software for use in developing and customizing computer software applications and computer software application user interfaces; computer software for storing, managing, tracking, analyzing, and reporting data in the field of marketing, promotion, sales, customer information, customer relationship management, sales support, and employee efficiency; computer software to facilitate communicating among peer professionals in the advertising, marketing, and business services fields, and for customizing computer application user interfaces (IC 9);
- Business management services, namely, providing information, data asset, and identity management services; compilation and management of computerized databases, and consulting services related thereto; Business management services, namely, providing customer relationship management services and sales support management services; business management consulting services relating to customer relationship management, sales support management, and

marketing automation; providing a website with general information of interest to the fields of advertising, marketing, and business management consulting and advisory services; operating online marketplaces for buying and selling, sharing, and offering for free computer software and on-demand applications (IC 35);

- Educational services, namely, conducting seminars, conferences, workshops, and computer application training in the fields of marketing, promotion, sales, customer information, customer relationship management, sales support and employee efficiency, and distributing course materials in connection therewith (IC 41);
- Providing temporary use of on-line non-downloadable software to store, manage, track, analyze, and report data in the field of marketing, promotion, sales, customer information, customer relationship management, sales support and employee efficiency; providing temporary use of on-line non-downloadable software to facilitate communicating among peer professionals in the advertising, marketing and business services fields, and for customizing computer application user interfaces; computer services, namely, designing, developing, and maintaining computer software applications for others and consulting services related thereto; Providing temporary use of online non-downloadable computer software application development tools and programming language for use in developing, analyzing, coding, checking, and controlling other computer software; providing temporary use of online non-downloadable computer software that implements a procedural and object-oriented programming language; online hosted computer services, namely, designing, developing, customizing, and maintaining computer software applications for others; and consulting services related thereto (IC 42); and

- On-line social networking services (IC 45).

13. On information and belief, neither the Applicant nor any predecessor or related company of Applicant has any basis for claiming rights in EVENTFORCE in connection with the identified goods and services prior to Opposer's first use of its EVENTFORCE marks and trade name.

14. Applicant's Application to register the EVENTFORCE mark is without Opposer's consent.

15. On information and belief, Applicant intends to use EVENTFORCE in each of the international classes in connection with at least one enumerated good or service directed specifically to the conference and event industry and in the same channels of trade in which Opposer advertises and provides its services.

16. On information and belief, Applicant intends to use EVENTFORCE in each of the international classes in connection with at least one enumerated good or service provided directly to event and conference organizers and attendees.

17. Applicant's use of EVENTFORCE is likely to cause confusion, mistake or deception with Opposer and its EVENTFORCE marks and trade name, individually and collectively, and is likely to cause purchasers and others erroneously to believe that Applicant or its goods and services are in some way legitimately connected with or sponsored by, licensed or approved by, Opposer.

18. On information and belief, Applicant did not possess at the time of its Application and does not possess a bona fide intent to use EVENTFORCE in connection with each good and service enumerated in its Application. On information and belief, by way of example only, Applicant did not

EXHIBIT A

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2012-03-30 11:24:47 ET

Serial Number: 77586383 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3619223

Mark



(words only): [EVENTFORCE](#)

Standard Character claim: No

Current Status: [Registered](#). The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: [2009-05-12](#)

Filing Date: [2008-10-06](#)

Transformed into a National Application: No

Registration Date: [2009-05-12](#)

Register: [Principal](#)

Law Office Assigned: [LAW OFFICE 110](#)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: [650 -Publication And Issue Section](#)

Date In Location: [2009-05-12](#)

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. [EventForce, Inc.](#)**Address:**

[EventForce, Inc.](#)
[8806 116th Avenue NE](#)
[Kirkland, WA 98033](#)
[United States](#)

Legal Entity Type: [Corporation](#)**State or Country of Incorporation:** [Washington](#)**Phone Number:** [206-427-0574](#)

GOODS AND/OR SERVICES

International Class: [035](#)**Class Status:** [Active](#)[Temporary employment agency](#)**Basis:** [1\(a\)](#)**First Use Date:** [1999-07-01](#)**First Use in Commerce Date:** [1999-07-01](#)

ADDITIONAL INFORMATION

Color(s) Claimed: [Color is not claimed as a feature of the mark.](#)**Description of Mark:** [The mark consists of an outline of an oval slightly tilted clockwise. Inside the oval, there is a lion in profile to the right. Underneath the oval, the words "EventForce" appear in bold font. The length of the oval lasts from the middle of the "n" to the right side of the "F".](#)**Design Search Code(s):**[03.01.01 - Lions](#)[03.01.16 - Heads of cats, dogs, wolves, foxes, bears, lions, tigers](#)[26.03.01 - Ovals as carriers and single line borders](#)

MADRID PROTOCOL INFORMATION

[\(NOT AVAILABLE\)](#)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

[2009-05-12 - Registered - Principal Register](#)

2009-02-24 - Published for opposition

2009-02-04 - Notice of publication

2009-01-22 - Law Office Publication Review Completed

2009-01-22 - Assigned To LIE

2009-01-07 - Approved for Pub - Principal Register (Initial exam)

2009-01-07 - Examiner's Amendment Entered

2009-01-07 - Notification Of Examiners Amendment E-Mailed

2009-01-07 - Examiners amendment e-mailed

2009-01-07 - Examiners Amendment -Written

2009-01-05 - Assigned To Examiner

2008-10-10 - Notice Of Design Search Code And Pseudo Mark Mailed

2008-10-09 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

MITCHELL, LAURIE J.

EVENTFORCE, INC.

8806 116TH AVENUE NE

KIRKLAND, WA 98033

Phone Number: 206-427-0574
