

ESTTA Tracking number: **ESTTA465410**

Filing date: **04/04/2012**

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	Memory Lane, Inc., fka Classmates Online, Inc.
Granted to Date of previous extension	04/04/2012
Address	333 Elliott Avenue West, Suite 500 Seattle, WA 98119 UNITED STATES

Attorney information	Daniel J. Oates Graham & Dunn PC 2801 Alaskan Way, Suite 300 - Pier 70 Seattle, WA 98121-1128 UNITED STATES ip@grahamdunn.com, doates@grahamdunn.com Phone:206-340-9631
----------------------	--

Applicant Information

Application No	85369686	Publication date	12/06/2011
Opposition Filing Date	04/04/2012	Opposition Period Ends	04/04/2012
Applicant	Ultra Caption Corporation Apt. 5B 209 West 20th Street New York, NY 10011 UNITED STATES		

Goods/Services Affected by Opposition

Class 045. All goods and services in the class are opposed, namely: Internet-based social networking services; On-line social networking services; Online social networking services provided through a community website; Online social networking services in the field of campus life; Social networking services in the field of campus life provided via a website
--

Grounds for Opposition

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

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3372057	Application Date	05/10/2007
Registration Date	01/22/2008	Foreign Priority Date	NONE
Word Mark	CLASSMATES.COM		

Design Mark	CLASSMATES.COM
Description of Mark	NONE
Goods/Services	Class 045. First use: First Use: 1995/12/00 First Use In Commerce: 1995/12/00 Internet based dating, introduction and social networking services

U.S. Registration No.	3372001	Application Date	05/08/2007
Registration Date	01/22/2008	Foreign Priority Date	NONE
Word Mark	CLASSMATES.COM		
Design Mark	CLASSMATES.COM		
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1995/12/00 First Use In Commerce: 1995/12/00 Computer services, namely, hosting online web facilities for others for organizing and conducting online reunions, meetings, gatherings, and interactive discussions; and computer services in the nature of customized web pages featuring user-defined information, personal profiles and information		

U.S. Registration No.	2584325	Application Date	12/14/1999
Registration Date	06/25/2002	Foreign Priority Date	NONE
Word Mark	CLASSMATES.COM		

Design Mark	CLASSMATES.COM
-------------	-----------------------

Description of Mark	NONE
---------------------	------

Goods/Services	<p>Class 035. First use: First Use: 1995/12/00 First Use In Commerce: 1995/12/00 Providing an online computer database featuring directory information services via a global technology computer network</p> <p>Class 038. First use: First Use: 1995/12/00 First Use In Commerce: 1995/12/00 Providing online electronic bulletin boards and chat rooms for the transmission of messages among computer users concerning current and past school, college, military, family, and special interest acquaintances via a global technology computer network; electronic delivery of data, images and photographs via a global technology computer network</p>
----------------	---

U.S. Registration No.	2788141	Application Date	04/11/2002
-----------------------	---------	------------------	------------

Registration Date	12/02/2003	Foreign Priority Date	NONE
-------------------	------------	-----------------------	------

Word Mark	CLASSMATES CONNECTIONS
-----------	------------------------

Design Mark	CLASSMATES CONNECTIONS
-------------	-------------------------------

Description of Mark	NONE
---------------------	------

Goods/Services	<p>Class 041. First use: First Use: 2001/11/26 First Use In Commerce: 2001/11/26 Providing an electronic publication, namely, a newsletter featuring the transmission via electronic mail of information and images pertaining to new, current and former classmates, college friends, military service personnel, family, colleagues, interest groups, friends and acquaintances</p>
----------------	--

U.S. Registration No.	2755056	Application Date	05/17/2001
-----------------------	---------	------------------	------------

Registration Date	08/26/2003	Foreign Priority Date	NONE
-------------------	------------	-----------------------	------

Word Mark	CLASSMATES
-----------	------------

Design Mark	CLASSMATES
Description of Mark	NONE
Goods/Services	Class 038. First use: First Use: 1995/12/00 First Use In Commerce: 1995/12/00 Providing on-line electronic bulletin boards, chat rooms and mail services for transmission of messages among computer users and handheld device users, in the field of school, college, military, family, colleagues, interest groups, friends and acquaintances reunions and communications, via a world-wide global computer network; providing multiple-user access to the global computer information network by subscription

U.S. Registration No.	2758007	Application Date	05/17/2001
Registration Date	09/02/2003	Foreign Priority Date	NONE
Word Mark	CLASSMATES		
Design Mark	CLASSMATES		
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 1993/12/29 First Use In Commerce: 1993/12/29 Providing an on-line computer database in the field of telephone, address and electronic mail contact directory information via a global computer information network; providing an on-line computer database featuring telephone, address and electronic mail contact directory information to assist users to locate former and current classmates, friends, family, colleagues, interest group members, acquaintances and military services personnel via a global computer information network; promoting the goods and services of others by placing advertisements in an interactive publication accessed through a global computer information network</p> <p>Class 041. First use: First Use: 1993/12/29 First Use In Commerce: 1993/12/29 Providing an on-line computer database featuring data and images pertaining to social interest groups via a global computer information network; providing an on-line computer database featuring data and images pertaining to school, college, military, family, colleagues, social interest groups and friend reunions, via a global computer information network; providing an on-line computer database in the field of school, college, military, family, colleagues, social interest groups and friend reunions, via a global computer information network</p> <p>Class 042. First use: First Use: 1993/12/29 First Use In Commerce: 1993/12/29 Providing an on-line database featuring data and images pertaining to classmates, friends, acquaintances, military service personnel, family,</p>		

	colleagues and interest group members via a global computer information network
--	---

Attachments	77178054#TMSN.jpeg (1 page)(bytes) 77175955#TMSN.jpeg (1 page)(bytes) 75872759#TMSN.gif (1 page)(bytes) 76394589#TMSN.gif (1 page)(bytes) 76258328#TMSN.gif (1 page)(bytes) 76258327#TMSN.gif (1 page)(bytes) Notice of Opposition.pdf (5 pages)(32434 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	/s/ Daniel J. Oates
Name	Daniel J. Oates
Date	04/04/2012

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

In the Matter of
Trademark Application Serial No. 85/369,686
For the Mark KLASSMATING.COM
Published in the Official Gazette on December 6, 2011
Time to Oppose Extended to April 4, 2012

MEMORY LANE, INC.,

Opposer,

v.

ULTRA CAPTION CORP.,

Applicant.

Opposition No.

NOTICE OF OPPOSITION

Memory Lane, Inc. fka/dba Classmates Online, Inc., a Washington corporation with its principal place of business located at 333 Elliott Avenue West, Ste. 500, Seattle, Washington 98119 (“Opposer”), believes that it will be damaged if a registration is granted on the above-captioned trademark application of Ultra Caption Corp., a Delaware Corporation with its principal place of business located at 209 West 20th St., Apt. 5B, New York, NY 10011 (“Applicant”), and hereby opposes such registration.

As grounds for its opposition, Opposer alleges that:

Opposer’s Trademarks

1. Opposer owns U.S. Reg. No. 3372057 for CLASSMATES.COM in International Class 45 for “internet based dating, introduction and social networking services” (first used in commerce at least as early as December 1995); U.S. Reg. No. 3372001 for CLASSMATES.COM in International Class 42 for “Computer services, namely, hosting online web facilities for others for organizing and conducting online

reunions, meetings, gatherings, and interactive discussions; and computer services in the nature of customized web pages featuring user-defined information, personal profiles and information” (first use in commerce at least as early as December 1995); and U.S. Reg. No. 2584325 for CLASSMATES.COM in International Class 35 for “providing an online computer database featuring directory information services via a global technology computer network” and International Class 38 for “providing online electronic bulletin boards and chat rooms for the transmission of messages among computer users concerning current and past school, college, military, family, and special interest acquaintances via a global technology computer network; electronic delivery of data, images and photographs via a global technology computer network” (first use in commerce at least as early as December 1995). Opposer’s CLASSMATES.COM marks are part of a family of marks owned by Opposer; others include: CLASSMATES CONNECTIONS (U.S. Reg. No. 2788141); CLASSMATES (U.S. Reg. No. 2755056); and CLASSMATES (U.S. Reg. No. 2758007) (collectively “Opposer’s Marks”). Opposer also has common law rights in Opposer’s Marks in commerce in the United States in connection with the services described above from the dates at least as early as described above.

Applicant’s Application to Register KLASSMATING.COM

2. On July 15, 2011, Applicant filed with the United States Patent and Trademark Office an Intent to Use Application, Serial No. 85/369,686 for KLASSMATING.COM in International Class 45 for “Internet-based social networking services; On-line social networking services; Online social networking services provided through a community website; Online social networking services in the field of campus life; Social networking services in the field of campus life provided via a website.”

Likelihood of Confusion

3. Applicant’s KLASSMATING.COM mark is nearly identical to Opposer’s Marks, both phonetically and visually, and promotes services that are identical to those

provided by Opposer under Opposer's Marks (e.g., social networking services directed at past and present college acquaintances). As a result, Opposer believes that Applicant's registration of KLASSMATING.COM for the services set forth in Applicant's application will create a likelihood of confusion, mistake and/or deception among consumers, all to Opposer's detriment.

Opposer's Priority and Standing

4. Opposer has used Opposer's Marks in commerce since at least as early as December 1995, and Opposer has sought and obtained U.S. Registrations for Opposer's Marks. As such, Opposer's trademark rights in Opposer's Marks have priority over Applicant's trademark rights in KLASSMATING.COM.

5. Opposer has spent significant amounts of money and other resources marketing, promoting, and advertising its services under Opposer's Marks. Through these efforts, these marks now enjoy valuable consumer recognition and goodwill.

6. Under 15 U.S.C. § 1063, Opposer believes that Applicant's registration of KLASSMATING.COM would damage Opposer's business and the goodwill symbolized and recognized by Opposer's Marks.

WHEREFORE, Opposer Memory Lane, Inc. prays that this opposition be sustained and that Application Serial No. 85/369,686 be denied.

Dated this 4th day of April, 2012.

Respectfully submitted,

GRAHAM & DUNN PC

/s/ Daniel J. Oates

Daniel J. Oates

Robert C. Cumbow

Pier 70, 2801 Alaskan Way, Suite 300

Seattle, WA 98121-1128

Email: doates@grahamdunn.com

Voice: (206) 340-9631

Fax: (206) 340-9599

Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of April, 2012, I served a copy of the attached document by first-class mail upon:

Ultra Caption Corporation
209 West 20th St., Apt. 5B
New York, NY 10011

Ultra Caption Corporation
1521 Concord Pike, Ste. 301
Wilmington, DE 19803

/s/ Daniel J. Oates
Daniel J. Oates

CERTIFICATE OF ELECTRONIC FILING

I CERTIFY that on April 4, 2012, the forgoing NOTICE OF OPPOSITION regarding the mark "KLASSMATING.COM" (Serial No.: 85/369,686) is being electronically filed:

/s/ Daniel J. Oates

Daniel J. Oates

Graham & Dunn PC

2801 Alaskan Way, Suite 300

Seattle, WA 98121-1128

Phone: 206-624-8300