

ESTTA Tracking number: **ESTTA528607**

Filing date: **03/25/2013**

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	Bhaskar and Bhaskar Holding Limited Liability Company
Granted to Date of previous extension	03/24/2013
Address	20 Independence Way Titusville, NJ 08560 UNITED STATES

Correspondence information	Robert R. Mallinckrodt Thorpe North & Western, LLP 8180 South 700 East Suite 350 Sandy, UT 84070 UNITED STATES mallinckrodt@tnw.com, docket@tnw.com, kelley.warner@tnw.com
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Applicant Information

Application No	85610747	Publication date	09/25/2012
Opposition Filing Date	03/25/2013	Opposition Period Ends	03/24/2013
Applicant	BodeTree, LLC c/o Matt Ankrum 2432 E. 7th Avenue Parkway Denver, CO 80206 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. First Use: 2011/08/01 First Use In Commerce: 2011/08/01 All goods and services in the class are opposed, namely: Business management analysis; Business management consultation; Market research and business analyses
Class 036. First Use: 2011/08/01 First Use In Commerce: 2011/08/01 All goods and services in the class are opposed, namely: Financial advice and consultancy services
Class 041. First Use: 2011/08/01 First Use In Commerce: 2011/08/01 All goods and services in the class are opposed, namely: Business training in the field of business management, business fundamentals, accounting, finance, marketing, sales, technology and retirement planning; Educational services, namely, providing online instruction in the field of business management, business fundamentals, accounting, finance, marketing, sales, technology and retirement planning

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	BODE		
Goods/Services	offering business and business management forms and offering business consulting services, business management consulting services, and providing business support services for others, namely, accounting services, human resource services, and information technology management services		

Attachments	BODETREE Opposition.pdf (4 pages)(21708 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	/Robert R. Mallinckrodt/
Name	Robert R. Mallinckrodt
Date	03/25/2013

Peter M. de Jonge
Robert R. Mallinckrodt
Jed H. Hansen
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Attorneys for Bhaskar and Bhaskar Holding Limited Liability Company
Opposed Mark: BODETREE
U.S. Trademark Application Serial Number 85/610,747

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

<p>Bhaskar and Bhaskar Holding Limited Liability Company</p> <p>Opposer,</p> <p>v.</p> <p>BodeTree, LLC</p> <p>Applicant.</p>	<p>Opposition No. _____</p>
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NOTICE OF OPPOSITION

Bhaskar and Bhaskar Holding Limited Liability Company (hereinafter referred to as “Opposer”), a limited liability company existing under the laws of the State of New Jersey, having a principal place of business at 20 Independence Way, Titusville, New Jersey 08560, believes it will be damaged by the registration of the mark BODETREE in Application Serial No. 85/610,747 and opposes and alleges the following:

1. Upon information and belief, BodeTree, LLC (hereinafter referred to as “Applicant”), a Colorado Limited Liability Company with an address c/o Matt Ankrum, 2432 East 7th Avenue Parkway, Denver, CO 80206, seeks to register the mark BODETREE as a service mark for “Business management analysis; Business management consultation; Market research and business analyses” in international class 035, for “Financial advice and consultancy services” in international class 036, and for “Business training in the field of business management, business fundamentals, accounting, finance, marketing, sales, technology and retirement planning; Educational services, namely, providing online instruction in the field of business management, business fundamentals, accounting, finance, marketing, sales, technology and retirement planning” in international Class 041. Applicant alleges that said mark has been used in commerce in connection with such services since August 1, 2011.

2. Opposer is in the business of offering business and business management forms and of offering business consulting services, business management consulting services, and providing business support services for others, namely, accounting services, human resource services, and information technology management services. Opposer is offering such business forms and services under the mark BODE which is used in a stylized form and in written form as BoDE, BODE, and Bode, and in the phrase “Powered by Bode Methodology”

3. Opposer has been using the above-referenced marks in commerce since prior to August 1, 2011, and has used such marks since as early as March, 2007.

4. Opposer owns common law trademark rights in the BODE mark.

5. Registration of Applicant’s BODETREE mark is likely to damage Opposer in that Applicant’s mark, when used on or in connection with the identified services, so resembles

Opposer's BODE mark as to be likely to cause confusion, to cause mistake, or to deceive. Such confusion is likely to falsely suggest a connection between Applicant and Opposer.

6. Registration of Applicant's BODETREE mark is likely to damage Opposer by diluting Opposer's mark.

WHEREFORE, Opposer requests that Application Serial No. 85/610,747 be refused registration, that no registration be issued to Applicant for the mark BODETREE, and that this opposition be sustained in favor of Opposer.

The statutory Opposition Filing Fee of \$900.00 (\$300.00 per class) is included herewith. Please charge any additional fees and credit any overpayment to Deposit Account No. 20-0100.

DATED this 25th day of March, 2013.

Respectfully submitted,

/Robert R. Mallinckrodt/

Peter M. de Jonge
Robert R. Mallinckrodt
Jed H. Hansen
Eric E. Westerberg
Attorneys for Opposer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **NOTICE OF OPPOSITION** was served upon the Applicant at the following by the methods indicated below:

Cory G. Kalanick
Attorney for Applicant
Sherman & Howard, L.L.C.
633 17th Street, Suite 3000
Denver, CO 80202

- Electronic Mail
- United States Mail
First Class, Postage Pre-Paid
- Overnight Delivery
- Fax Transmission

DATED this 25th day of March, 2013.

/Kelley Warner/
Kelley Warner