

ESTTA Tracking number: **ESTTA545564**

Filing date: **06/27/2013**

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	GrubHub, Inc		
Entity	Corporation	Citizenship	Deleware
Address	111 W. Washington St., Suite 2100 Chicago, IL 60602 UNITED STATES		

Attorney information	Steven L. Baron Mandell Menkes LLC 1 N. Franklin Ave Suite 3600 Chicago, IL 60606 UNITED STATES sbaron@mandellmenkes.com, nharris@mandellmenkes.com, emorris@mandellmenkes.com, mdavis@mandellmenkes.com, bturner@mandellmenkes.com Phone:312-251-1009
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Applicant Information

Application No	85820352	Publication date	05/28/2013
Opposition Filing Date	06/27/2013	Opposition Period Ends	06/27/2013
Applicant	So Within Reach, LLC 1743 Eastern Valley Rd Bessemer, AL 35022 UNITED STATES		

Goods/Services Affected by Opposition

Class 042. All goods and services in the class are opposed, namely: Computer services, namely, creating an on-line community for registered users to share business advice among themselves, and provide business consulting services for each other

Grounds for Opposition

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

U.S. Registration No.	2998028	Application Date	07/31/2004
Registration Date	09/20/2005	Foreign Priority Date	NONE
Word Mark	GRUBHUB		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2002/09/15 First Use In Commerce: 2003/04/01 Advertising and commercial information services, via the internet

U.S. Registration No.	4279002	Application Date	05/25/2012
Registration Date	01/22/2013	Foreign Priority Date	NONE
Word Mark	GRUBHUB		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 2005/08/31 First Use In Commerce: 2005/08/31 Printed publications, namely, informational brochures, booklets, forms and flyers featuring information about how to advertise goods and services in the marketplace; folders; stickers, namely, bumper stickers and decals for windows; coasters made of paper; coasters made of cardboard; document portfolios and document folders made of imitation leather; pens		

U.S. Registration No.	4279207	Application Date	06/01/2012
Registration Date	01/22/2013	Foreign Priority Date	NONE
Word Mark	GRUBHUB		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2007/05/31 First Use In Commerce: 2008/09/30 Shirts; underwear; outerwear in the nature of rain wear		

U.S. Registration No.	4304175	Application Date	04/17/2012
Registration Date	03/19/2013	Foreign Priority Date	NONE
Word Mark	GRUBHUB		
Design Mark			
Description of Mark	The mark consists of the stylized term "GRUBHUB".		
Goods/Services	Class 035. First use: First Use: 2012/03/30 First Use In Commerce: 2012/03/30 Advertising services via the internet; Providing consumer information, namely, ratings and reviews of restaurants and compilations of ratings and reviews of restaurants; On-line advertising and marketing services for restaurants, namely, social media, internet and mobile marketing; Customer service, namely responding to customer inquiries for others in the field of restaurant delivery and carry-out		

U.S. Application No.	85800677	Application Date	12/12/2012
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	GRUBHUB
Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2004/09/01 First Use In Commerce: 2004/09/01 Decorative magnets; downloadable software in the nature of mobile applications, namely, software for use in facilitating the advertising and marketing of restaurants to consumers, for accessing restaurant menus, for placing restaurant orders, for monitoring the status and/or location of restaurant orders, and for assisting restaurant delivery operators with mapping, planning, and tracking their orders, trips, and finances Class 042. First use: First Use: 2004/00/00 First Use In Commerce: 2004/00/00 Providing websites featuring temporary use of non-downloadable software, namely, software for use in facilitating the advertising and marketing of restaurants to consumers, for accessing restaurant menus, for placing restaurant orders, for monitoring the status and/or location of restaurant orders, and for restaurants to manage customer order information

U.S. Application No.	85763034	Application Date	10/25/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	GRUBHUB		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 2012/03/31 First Use In Commerce: 2012/03/31 Cups and mugs		

U.S. Registration No.	4353799	Application Date	10/25/2012
Registration Date	06/18/2013	Foreign Priority Date	NONE
Word Mark	GRUBTOBERFEAST		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2012/10/01 First Use In Commerce: 2012/10/01 On-line advertising and marketing services for restaurants, namely, social media, internet and mobile marketing		

U.S. Registration No.	4344476	Application Date	09/13/2012
Registration Date	05/28/2013	Foreign Priority Date	NONE
Word Mark	TRACK YOUR GRUB		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2012/11/13 First Use In Commerce: 2012/11/13 Downloadable software in the nature of mobile applications for monitoring the		

	<p>status and/or location of restaurant orders</p> <p>Class 035. First use: First Use: 2012/11/13 First Use In Commerce: 2012/11/13 Monitoring the status and/or location of restaurant orders for business purposes</p> <p>Class 042. First use: First Use: 2012/11/13 First Use In Commerce: 2012/11/13 Providing temporary use of online non-downloadable software for use in monitoring the status and/or location of restaurant orders</p>
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U.S. Registration No.	4302839	Application Date	06/01/2012
Registration Date	03/12/2013	Foreign Priority Date	NONE
Word Mark	DELIVERYHUB		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2012/10/03 First Use In Commerce: 2012/10/03</p> <p>Computer application software for mobile phones, namely, software for restaurant delivery drivers to map, plan, and track their orders, trips, and finances</p>		

U.S. Registration No.	4278480	Application Date	02/20/2012
Registration Date	01/22/2013	Foreign Priority Date	NONE
Word Mark	ORDERHUB POWERED BY GRUBHUB		
Design Mark			
Description of Mark	The mark consists of words and letters in a stylized form without claim to color.		
Goods/Services	<p>Class 042. First use: First Use: 2012/02/08 First Use In Commerce: 2012/02/08</p> <p>Providing online non-downloadable software which allows member restaurants to manage customer order information using mobile devices; Computer software design and development in the fields of restaurant delivery/carryout, customer service and mobile applications, specifically design and development of software that retrieves orders, indicates order statuses, displays a selected order, changes order status of a selected order, and communicates order status updates to customers or a restaurant server where software adopts on mobile appliances to monitor the point-of-sale system for updates to menu information, and to transmit updated menu information to restaurant servers coupled to a database storing menus</p>		

U.S. Registration No.	4278461	Application Date	02/13/2012
Registration Date	01/22/2013	Foreign Priority Date	NONE
Word Mark	ORDERHUB		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 042. First use: First Use: 2012/01/25 First Use In Commerce: 2012/01/25</p> <p>Providing online non-downloadable software which allows member restaurants to manage customer order information using mobile devices; Computer software design and development in the fields of restaurant delivery/carryout, customer</p>		

	service and mobile applications, specifically design and development of software that retrieves orders, indicates order statuses, displays a selected order, changes order status of a selected order, and communicates order status updates to customers or a restaurant server where software adopts on mobile appliances to monitor the point-of-sale system for updates to menu information, and to transmit updated menu information to restaurant servers coupled to a database storing menus
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U.S. Registration No.	4278460	Application Date	02/13/2012
Registration Date	01/22/2013	Foreign Priority Date	NONE
Word Mark	ORDERHUB POWERED BY GRUBHUB		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2012/01/25 First Use In Commerce: 2012/01/25 Providing online non-downloadable software which allows member restaurants to manage customer order information using mobile devices; Computer software design and development in the fields of restaurant delivery/carryout, customer service and mobile applications, specifically design and development of software that retrieves orders, indicates order statuses, displays a selected order, changes order status of a selected order, and communicates order status updates to customers or a restaurant server where software adopts on mobile appliances to monitor the point-of-sale system for updates to menu information, and to transmit updated menu information to restaurant servers coupled to a database storing menus		

U.S. Registration No.	3980740	Application Date	08/23/2010
Registration Date	06/21/2011	Foreign Priority Date	NONE
Word Mark	GRUBHUB.COM EATING MADE EASY		
Design Mark			
Description of Mark	The mark consists of the stylized word "grubHub.com" in red above the stylized words "eating made easy" in light red.		
Goods/Services	Class 035. First use: First Use: 2010/08/15 First Use In Commerce: 2010/08/15 On-line advertising and marketing services		

U.S. Application No.	85765660	Application Date	10/29/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	DELIVERY HUB		
Design Mark			
Description of Mark	The mark consists of the words "delivery hub" and an arrow pointing to the right. The word "delivery" appears inside of the arrow, and the word "hub" appears below the arrow. The arrow consists of one smaller arrow superimposed over a second larger arrow. The second larger arrow is represented by a line bordering the smaller arrow.		
Goods/Services	Class 009. First use: First Use: 2012/10/03 First Use In Commerce: 2012/10/03 Computer application software for mobile phones, namely, software for restaurant delivery operators to map, plan, and track their orders, trips, and		

	finances		
U.S. Application No.	85765682	Application Date	10/29/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	GH		
Design Mark			
Description of Mark	The mark consists of an image of a rectangular mobile device with three curved wireless signal waves emanating from the center of the mobile device screen. Inside the curved wireless signal waves are the stylized letters "gH".		
Goods/Services	Class 009. First use: First Use: 2012/11/13 First Use In Commerce: 2012/11/13 Downloadable software in the nature of mobile applications for monitoring the status and/or location of restaurant orders Class 035. First use: First Use: 2012/11/13 First Use In Commerce: 2012/11/13 Monitoring the status and/or location of restaurant orders for business purposes Class 042. First use: First Use: 2012/11/13 First Use In Commerce: 2012/11/13 Providing temporary use of online non-downloadable software for use in monitoring the status and/or location of restaurant orders		

Attachments	Notice of Opposition.pdf(21808 bytes) GURU EX A.pdf(88600 bytes) GURU EX B.PDF(89991 bytes) GURU EX C.PDF(84695 bytes) GURU EX D.PDF(91543 bytes) GURU EX E.PDF(99751 bytes) GURU EX F.PDF(84838 bytes) GURU EX G.PDF(69815 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	/Steven L. Baron/
Name	Steven L. Baron
Date	06/27/2013

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

In the Matter of Serial No.: 85/820,352
For the Mark: GURUHUB
Filed: January 10, 2013
Date of Publication: May 28, 2013

GRUBHUB, INC.,)
a Delaware corporation,)
)
Opposer,)
)
v.)
)
SO WITHIN REACH, LLC,)
an Alabama limited liability company,)
)
Applicant.)

NOTICE OF OPPOSITION

Opposition No.

Opposer, GrubHub, Inc. (“GrubHub” or “Opposer”), a Delaware corporation with its principal place of business at 111 W. Washington St., Suite 2100, Chicago, IL 60602, believes that it will be damaged by the registration of the mark GURUHUB in Service Mark Application Serial No. 85/820,352 for goods and services in International Commerce Class 42 (the “Application”) and hereby opposes the same.

As grounds for this opposition, GrubHub states as follows:

FACTS

1. GrubHub owns the following registered GRUBHUB marks:
 - a. Registration Number 2,998,028, with a filing date of July 31, 2004 and a first use in commerce date of September 15, 2002 for the servicemark GRUBHUB for services in International Commerce Class 35 (“GRUBHUB ’028”). A copy of the TESS record is attached as **Exhibit A**.

b. Registration Number 4,279,002, with a filing date of May 25, 2012 and a first use in commerce date of August 31, 2005 for the trademark GRUBHUB for goods and services in International Commerce Class 16 (“GRUBHUB ’002”). A copy of the TESS record is attached as **Exhibit B**.

c. Registration Number 4,279,207, with a filing date of June 1, 2012 and a first use in commerce date of May 31, 2007 for the trademark GRUBHUB for goods and services in International Commerce Class 25 (“GRUBHUB ’207”). A copy of the TESS record is attached as **Exhibit C**.

d. Registration Number 4,304,175, with a filing date of April 17, 2012 and a first use in commerce date of March 30, 2012 for the stylized servicemark GRUBHUB for services in International Commerce Class 35 (“GRUBHUB ’175”). A copy of the TESS record is attached as **Exhibit D** (collectively, the “GRUBHUB Registrations”).

2. GrubHub also owns the following GRUBHUB applications:

a. Application Serial No. 85/800,677, with a filing date of December 12, 2012 for the trademark and servicemark GRUBHUB for goods and services in International Commerce Classes 9 and 42 (“GRUBHUB ’677”). A copy of the TESS record is attached as **Exhibit E**.

b. Application Serial No. 85/763,034, with a filing date of October 25, 2012 for the trademark GRUBHUB for goods and services in International Commerce Class 21 (“GRUBHUB ’034”). A copy of the TESS record is attached as **Exhibit F** (collectively, the “GRUBHUB Applications”).

3. GrubHub also owns applications and registrations for a wide-ranging group of related trademarks and servicemarks, including, but not limited to, the following:

Registration No. or Serial No.	Mark	Goods and Services
Reg. No. 4,353,799	GRUBTOBERFEAST	“On-line advertising and marketing services for restaurants, namely, social media, internet and mobile marketing”
Reg. No. 4,344,476	TRACK YOUR GRUB	“Downloadable software in the nature of mobile applications for monitoring the status and/or location of restaurant orders”; “Monitoring the status and/or location of restaurant orders for business purposes “; “Providing temporary use of online non-downloadable software for use in monitoring the status and/or location of restaurant order”
Reg. No. 4,302,839	DELIVERYHUB (“DELIVERYHUB ’839”)	“Computer application software for mobile phones, namely, software for restaurant delivery drivers to map, plan, and track their orders, trips, and finances”
Reg. No. 4,278,480	ORDERHUB POWERED BY GRUBHUB (“OPBG '480”)	“Providing online non-downloadable software which allows member restaurants to manage customer order information using mobile devices; Computer software design and development in the fields of restaurant delivery/carryout, customer service and mobile applications, specifically design and development of software that retrieves orders, indicates order statuses, displays a selected order, changes order status of a selected order, and communicates order status updates to customers or a restaurant server where software adopts on mobile appliances to monitor the point-of-sale system for updates to menu information, and to transmit updated menu information to restaurant servers coupled to a database storing menus”
Reg. No. 4,278,461	ORDERHUB	“Providing online non-downloadable software which allows member restaurants to manage customer order information using mobile devices; Computer software design and development in the fields of restaurant delivery/carryout, customer service and mobile applications, specifically design and development of software that retrieves orders, indicates order statuses, displays a

		selected order, changes order status of a selected order, and communicates order status updates to customers or a restaurant server where software adopts on mobile appliances to monitor the point-of-sale system for updates to menu information, and to transmit updated menu information to restaurant servers coupled to a database storing menus”
Reg. No. 4,278,460	ORDERHUB POWERED BY GRUBHUB (“OPBG ’460”)	“Providing online non-downloadable software which allows member restaurants to manage customer order information using mobile devices; Computer software design and development in the fields of restaurant delivery/carryout, customer service and mobile applications, specifically design and development of software that retrieves orders, indicates order statuses, displays a selected order, changes order status of a selected order, and communicates order status updates to customers or a restaurant server where software adopts on mobile appliances to monitor the point-of-sale system for updates to menu information, and to transmit updated menu information to restaurant servers coupled to a database storing menus.”
Reg. No. 3,980,740	GRUBHUB.COM EATING MADE EASY	“On-line advertising and marketing services”
Serial No. 85/765,660	DELIVERY HUB (“DELIVERY HUB ’660”)	“Computer application software for mobile phones, namely, software for restaurant delivery operators to map, plan, and track their orders, trips, and finances”
Serial No. 85/765,682	GH	“Downloadable software in the nature of mobile applications for monitoring the status and/or location of restaurant orders”; “Monitoring the status and/or location of restaurant orders for business purposes”; “Providing temporary use of online non-downloadable software for use in monitoring the status and/or location of restaurant orders”

(collectively, the “GRUBHUB Related Applications/Registrations”). The GRUBHUB Registrations, GRUBHUB Applications and GRUBHUB Related Applications/Registrations shall be referred to as the “GRUBHUB Marks.”

4. Upon information and belief, Applicant is an Alabama limited liability company with its principal place of business located at 1743 Eastern Valley Road, Bessemer, Alabama, 35022.

5. On or about January 10, 2013, Applicant filed the Application to register the mark GURUHUB for use in connection with International Class 42 and U.S. Classes 100 and 101 for “computer services, namely, creating an on-line community for registered users to share business advice among themselves, and provide business consulting services for each other.” A copy of the Application is attached as **Exhibit G**.

COUNT I

A Likelihood of Confusion Would Exist if the Application Were Registered

6. Opposer repeats and realleges each and every allegation set forth in paragraphs 1 through 5 as if fully set forth herein.

7. The TTAB has repeatedly affirmed an examining attorney’s refusal to register marks found to be similar in sound and appearance because they would create a likelihood of confusion among the public. *See Ed. Testing Serv. v. Touchstone Applied Science Assocs., Inc.*, 739 F. Supp. 847, 850 (S.D.N.Y. 1990) (looking to “the general impression conveyed to the purchasing public by the respective marks” and finding that “BOOKWHIZ” and “BOOKWIZE” were very similar); *Cuisinarts, Inc. v. John Boos & Co.*, 622 F. Supp. 1168, 1171 (S.D.N.Y. 1985) (finding that “CUISI CART” was “very similar” to protected mark “CUISINART,” even though the marks differed by one letter).

8. The GRUBHUB Marks and Applicant's GURUHUB mark are similar in sight and sound, which is likely to cause confusion.

9. Moreover, the computer services listed in the Application are similar to numerous GrubHub Mark services. Specifically, GrubHub uses the GRUBHUB Marks in connection with:

- a. Providing online non-downloadable software which allows member restaurants to manage customer order information using mobile devices;" (OPBG '480; OPBG '460; ORDERHUB);
- b. Computer software design and development in the fields of restaurant delivery/carryout, customer service and mobile applications, specifically design and development of software that retrieves orders, indicates order statuses, displays a selected order, changes order status of a selected order, and communicates order status updates to customers or a restaurant server where software adopts on mobile appliances to monitor the point-of-sale system for updates to menu information, and to transmit updated menu information to restaurant servers coupled to a database storing menus" (OPBG '480; OPBG '460; ORDERHUB);
- c. "On-line advertising and marketing services" (GRUBHUB.COM EATING MADE EASY);
- d. "Computer application for software for mobile phones, namely, software for restaurant delivery drivers to map, plan, and track their orders, trips, and finances" (DELIVERYHUB '839; DELIVERY HUB '660);

- e. “Advertising services via the internet; Providing consumer information, namely, ratings and reviews of restaurants and compilations of ratings and reviews of restaurants; On-line advertising and marketing services for restaurants, namely, social media, internet and mobile marketing; Customer service, namely responding to customer inquiries for others in the field of restaurant delivery and carry-out” (GRUBHUB ’175);
- f. “On-line advertising and marketing services” (GRUBHUB.COM EATING MADE EASY ’740);
- g. “Advertising and commercial information services, via the internet” (GRUBHUB ’028);
- h. “On-line advertising and marketing services for restaurants, namely, social media, internet and mobile marketing” (GRUBTOBERFEAST)
- i. “Downloadable software in the nature of mobile applications, namely, software for use in facilitating the advertising and marketing of restaurants to consumers, for accessing restaurant menus, for placing restaurant orders, for monitoring the status and/or location of restaurant orders, and for assisting restaurant delivery operators with mapping, planning, and tracking their orders, trips, and finances” (GRUBHUB ’677; TRACK YOUR GRUB; GH); and
- j. “Providing websites featuring temporary use of non-downloadable software, namely, software for use in facilitating the advertising and marketing of restaurants to consumers, for accessing restaurant menus, for placing restaurant orders, for monitoring the status and/or location of restaurant orders, and for

restaurants to manage customer order information” (GRUBHUB ’677; TRACK YOUR GRUB; GH).

10. Accordingly, the Application should be refused under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d), because the proposed mark in the Application (GURUHUB), so resembles a mark previously used in the United States by GrubHub and not abandoned (GRUBHUB), as to be likely, when used on or in connection with the goods and services of Applicant, to cause confusion, or to cause mistake, or to deceive.

WHEREFORE, Opposer, GrubHub, Inc., prays that this Notice of Opposition be sustained in favor of Opposer and that Serial No. 85/820,352 be denied registration. Opposer submits herewith a copy of this Notice of Opposition, along with a filing fee of \$300.00, as required by 37 C.F.R. § 2.6(a)(17).

Respectfully submitted,

GRUBHUB, INC.

Date: June 27, 2013

By: /s/ Steven L. Baron
Attorney for Opposer

Steven L. Baron
Natalie A. Harris
Elizabeth A.F. Morris
Mandell Menkes LLC
One North Franklin St., Suite 3600
Chicago, IL 60606
(312) 251-1000

Attorneys for Opposer

Exhibit A

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TSDR	ASSIGN Status	TTAB Status	(Use the "Back" button of the Internet Browser to return to TESS)
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GRUBHUB

Word Mark	GRUBHUB
Goods and Services	IC 035. US 100 101 102. G & S: Advertising and commercial information services, via the internet. FIRST USE: 20020915. FIRST USE IN COMMERCE: 20030401
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78460059
Filing Date	July 31, 2004
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	June 28, 2005
Registration Number	2998028
Registration Date	September 20, 2005
Owner	(REGISTRANT) Maloney, Matthew M. INDIVIDUAL UNITED STATES #110 1601 S. Indiana Chicago ILLINOIS 60616 (LAST LISTED OWNER) GrubHub, Inc. CORPORATION DELAWARE 2211 N. Elston Ave., Suite 400 Chicago ILLINOIS 606149280
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	MICHAEL EVANS

Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

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Exhibit B



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GRUBHUB

Word Mark GRUBHUB
Goods and Services IC 016. US 002 005 022 023 029 037 038 050. G & S: Printed publications, namely, informational brochures, booklets, forms and flyers featuring information about how to advertise goods and services in the marketplace; folders; stickers, namely, bumper stickers and decals for windows; coasters made of paper; coasters made of cardboard; document portfolios and document folders made of imitation leather; pens. FIRST USE: 20050831. FIRST USE IN COMMERCE: 20050831
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 85635406
Filing Date May 25, 2012
Current Basis 1A
Original Filing Basis 1A
Published for Opposition November 6, 2012
Registration Number 4279002
Registration Date January 22, 2013

Owner (REGISTRANT) GrubHub, Inc. CORPORATION DELAWARE 111 W. Washington St. Suite 2100
Chicago ILLINOIS 60602

Attorney of Record ETHEL SPYRATOS

Prior Registrations 2998028

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Exhibit C



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GRUBHUB

Word Mark	GRUBHUB
Goods and Services	IC 025. US 022 039. G & S: Shirts; underwear; outerwear in the nature of rain wear. FIRST USE: 20070531. FIRST USE IN COMMERCE: 20080930
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85640642
Filing Date	June 1, 2012
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	November 6, 2012
Registration Number	4279207
Registration Date	January 22, 2013
Owner	(REGISTRANT) GrubHub, Inc. CORPORATION DELAWARE 111 W. Washington St. Suite 2100 Chicago ILLINOIS 60602
Attorney of Record	ETHEL SPYRATOS
Prior Registrations	2998028
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Exhibit D



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Word Mark	GRUBHUB
Goods and Services	IC 035. US 100 101 102. G & S: Advertising services via the internet; Providing consumer information, namely, ratings and reviews of restaurants and compilations of ratings and reviews of restaurants; On-line advertising and marketing services for restaurants, namely, social media, internet and mobile marketing; Customer service, namely responding to customer inquiries for others in the field of restaurant delivery and carry-out. FIRST USE: 20120330. FIRST USE IN COMMERCE: 20120330
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	85599755
Filing Date	April 17, 2012
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	January 1, 2013
Registration Number	4304175
Registration Date	March 19, 2013
Owner	(REGISTRANT) GrubHub, Inc. CORPORATION DELAWARE 111 W. Washington St. Suite 2100 Chicago ILLINOIS 60602
Attorney of Record	ETHEL SPYRATOS

Prior Registrations 2998028;3980740
Description of Mark Color is not claimed as a feature of the mark. The mark consists of the stylized term "GRUBHUB".
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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GRUBHUB

Word Mark GRUBHUB

Goods and Services IC 009. US 021 023 026 036 038. G & S: Decorative magnets; downloadable software in the nature of mobile applications, namely, software for use in facilitating the advertising and marketing of restaurants to consumers, for accessing restaurant menus, for placing restaurant orders, for monitoring the status and/or location of restaurant orders, and for assisting restaurant delivery operators with mapping, planning, and tracking their orders, trips, and finances. FIRST USE: 20040901. FIRST USE IN COMMERCE: 20040901

IC 042. US 100 101. G & S: Providing websites featuring temporary use of non-downloadable software, namely, software for use in facilitating the advertising and marketing of restaurants to consumers, for accessing restaurant menus, for placing restaurant orders, for monitoring the status and/or location of restaurant orders, and for restaurants to manage customer order information. FIRST USE: 20040000. FIRST USE IN COMMERCE: 20040000

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85800677

Filing Date December 12, 2012

Current Basis 1A

Original Filing Basis 1A

Published for Opposition April 30, 2013
Owner (APPLICANT) GrubHub, Inc. CORPORATION DELAWARE Ste. 2100 111 W. Washington St. Chicago ILLINOIS 60602
Attorney of Record ETHEL SPYRATOS
Prior Registrations 2998028;3980740;4279002;AND OTHERS
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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GRUBHUB

Word Mark GRUBHUB
Goods and Services IC 021. US 002 013 023 029 030 033 040 050. G & S: Cups and mugs. FIRST USE: 20120331. FIRST USE IN COMMERCE: 20120331
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 85763034
Filing Date October 25, 2012
Current Basis 1A
Original Filing Basis 1A
Published for Opposition April 23, 2013
Owner (APPLICANT) GrubHub, Inc. CORPORATION DELAWARE 111 W. Washington St. Ste. 2100 Chicago ILLINOIS 60602
Attorney of Record ETHEL SPYRATOS
Prior Registrations 2998028;4279002;4279207;AND OTHERS
Type of Mark TRADEMARK
Register PRINCIPAL
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GuruHub

Word Mark	GURUHUB
Goods and Services	IC 042. US 100 101. G & S: Computer services, namely, creating an on-line community for registered users to share business advice among themselves, and provide business consulting services for each other
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85820352
Filing Date	January 10, 2013
Current Basis	1B
Original Filing Basis	1B
Published for Opposition	May 28, 2013
Owner	(APPLICANT) So Within Reach, LLC LIMITED LIABILITY COMPANY ALABAMA 1743 Eastern Valley Rd Bessemer ALABAMA 35022
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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