

ESTTA Tracking number: **ESTTA553429**

Filing date: **08/12/2013**

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

Proceeding	91211540
Party	Plaintiff Match.com LLC
Correspondence Address	William M. Merone Kenyon & Kenyon LLP 1500 K Street, N.W.Suite 700 Washington, DC 20005 UNITED STATES tmdocketdc@kenyon.com
Submission	Other Motions/Papers
Filer's Name	William M. Merone
Filer's e-mail	tmdocketdc@kenyon.com
Signature	/William M. Merone/
Date	08/12/2013
Attachments	Notice of Undeliverable Mail.pdf(17680 bytes) Attachments for Notice of Undelivered Mail.pdf(1910591 bytes)

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

In the Matter of Trademark Application:

Serial No. : 85807492
Applicant : Noble Education Foundation, Inc.
Filed : December 12, 2012
Mark : MATCHRIMONIAL

Published on May 14, 2013

MATCH.COM, L.L.C.

Opposer,

v.

NOBEL EDUCATION FOUNDATION, INC.

Applicant.

Opposition No. 91211540

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF UNDELIVERABLE MAIL

Pursuant to Trademark Rule 2.101(b) and Section 302 of the *TTAB Manual of Procedure*, Opposer, Match.com, L.L.C., hereby notifies the Board that the copy of the *Notice of Opposition* that Opposer served on Applicant Nobel Education Foundation, Inc. at the address specified in the Trademark Office's records (5538 61st ST E, Bradenton,

FL 34203-9745) was returned by the U.S. Postal Service on or about August 12, 2013, as undeliverable. A copy of the returned envelope is attached. *See* Attachment 1.¹

Opposer has no additional information about Applicant's physical location. Opposer notes, however, that Applicant put itself down as the correspondent for the application at issue and authorized email correspondence with the Office through the email address of arif.khan2000@gmail.com. As a courtesy, Opposer is therefore sending a copy of the *Notice* and an electronic copy of this filing to that email address.

Respectfully submitted,

KENYON & KENYON LLP

Date: August 12, 2013

By:

/William M. Merone/

Edward T. Colbert

William M. Merone

Erik C. Kane

KENYON & KENYON LLP

1500 K Street, N.W.; Suite 700

Washington, D.C. 20005

Tel.: (202) 220-4200

Fax: (202) 220-4201

Counsel for Opposer,

Match.com, L.L.C.

¹ In addition, Match.com is also attaching a copy of the *Notice of Opposition* as served on Applicant. *See* Attachment 2. The *Notice* was filed using the TTABVUE system on July 12, 2013. For some reason, however, only the cover sheet for the filed *Notice* can be viewed online. Opposer wishes to correct that problem and thus is filing the *Notice* again.

Attachment 1

No longer
at this
address

Hasler

07/12/2013

US POSTAGE

FIRST-CLASS MAIL

\$01.52⁰



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011D11636978

Kenyon & Kenyon LLP

1500 K Street, NW
Washington, DC 20005-1257

NOBLE EDUCATION FOUNDATION, INC.
5538 61ST ST E
BRADENTON, FLORIDA 34203-9745

Bill Malone

NIXIE 342033215-1N 08/06/13

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KENYON & KENYON LLP
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Attachment 2

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

In the Matter of Trademark Application:

Serial No. : 85807492
Applicant : Noble Education Foundation, Inc.
Filed : December 20, 2012
Mark : MATCHRIMONIAL

Published for Opposition on May 14, 2013

MATCH.COM, L.L.C.

Opposer,

v.

NOBEL EDUCATION FOUNDATION, INC.

Applicant.

Opposition No. _____

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Opposer, Match.com, L.L.C. (“Match.com”), a limited liability company existing under the laws of the state of Delaware and having an address of P.O. Box 25458, Dallas, Texas 75225, believing it will be damaged by registration of MATCHRIMONIAL as a trademark in International Class 45 for “Marriage partner introduction or dating services” as shown in Serial No. 85807492, hereby opposes same.

As grounds for opposition, Match.com alleges as follows:

1. Applicant, Nobel Education Foundation, Inc., seeks registration of MATCHRIMONIAL as a trademark in International Class 45 for “Marriage partner introduction or dating services” (“the Subject Services”).
2. Applicant filed Application Serial No. 85807492 on December 20, 2012, claiming a *bona fide* intent to use the mark in commerce for the Subject Services.
3. Match.com is the owner of a family of “MATCH.COM” trademarks relating to online dating and/or related services (collectively the “MATCH.COM Marks”), including the following registered marks or pending applications:
 - (1) **MATCH.COM**
U.S. App. Ser. 85215707 for “Dating services, internet based social networking, introduction and dating services” (Int’l. Cl. 45)
Application Date: January 12, 2011
Use in Commerce: March 10, 1995
 - (2) **MATCH.COM**
U.S. Reg. No. 2088545 for “Computer services, namely, providing information regarding, and in the nature of, on-line dating and introduction services” (Int’l. Cl. 42)
Date of Registration: August 19, 1997
Application Date: May 8, 1995
Use in Commerce: March 10, 1995
(Incontestable Registration)
 - (3) **MATCH.COM MAKE LOVE HAPPEN & Design**
U.S. Reg. No. 3518254 for “Computer services, namely, providing information in the nature of on-line dating and introduction services” (Int’l. Cl. 45)
Date of Registration: October 14, 2008
Application Date: November 4, 2005
Use in Commerce: August 8, 2008



(4) **MATCH.COM PLATINUM**

U.S. Reg. No. 3323423 for “Computer dating services, dating services, internet based social networking, introduction, and dating services; matchmaking services” (Int’l. Cl. 45)

Date of Registration: October 30, 2007

Application Date: February 15, 2007

Use in Commerce: December 6, 2006

(Printouts showing the above registrations and applications are attached as Exhibit A).

4. Match.com also owns federal registrations for the trademarks MATCHWORDS (U.S. Reg. No. 3299484) and MATCHTALK (U.S. Reg. No. 3206334), in addition to owning certain common law trademarks in various other “MATCH” marks, including MATCHMOBILE and MY MATCH. Over the years, Match.com has also used other MATCH marks. (The above marks, coupled with the MATCH.COM Marks, collectively forming the “MATCH Marks”).
5. Match.com, its licensees, and/or its predecessors-in-interest, have used the MATCH Marks in interstate commerce in connection with online dating and social interaction and/or related services since at least as early as March 1995, well before the filing date of Application Serial No. 85807492.
6. Match.com, its licensees, and/or its predecessors-in-interest, have invested significant resources advertising and promoting goods and services sold under the MATCH Marks, and has used the marks in connection with millions of dollars

worth of goods and services. As such, consumers and others view the MATCH Marks as a famous family of marks, and regard Match.com as the origin of goods or services sold under the “MATCH” designation, especially in the field of dating services. The MATCH Marks acquired distinctiveness, fame, and renown among consumers and the public well before Applicant’s filing date.

7. Upon information and belief, Applicant will offer the Subject Services under the MATCHRIMONIAL mark to a variety of customers, many of whom are likely to be familiar with, or actual purchasers or users of, services offered or provided by Match.com under one or more of its MATCH Marks.
8. Applicant’s MATCHRIMONIAL mark appropriates Match.com’s MATCH mark in its entirety. The addition by Applicant of “...RIMONIAL” to the MATCH mark is unlikely to dispel confusion because it is likely to make consumers believe that Applicant’s services are merely a marriage (or “matrimonial”) service offered by Match, leading to a play on words—“MATCH ... RIMONIAL.”
9. Applicant’s actual (or licensed) use of the MATCHRIMONIAL name further illustrates that confusion is likely. When the MATCHRIMONIAL name is presented to the public, the “MATCH” portion of the name is highlighted:

rimonial

MATCHRIMONIAL as Used by Applicant
(See Exhibit B)

10. Applicant's proposed use of MATCHRIMONIAL in connection with the Subject Services is thus likely to cause consumers mistakenly to believe that such services are related to Match.com or the MATCH Marks, or that such services originate from, or are sponsored or approved by, Match.com (or vice versa). This confusion and mistake is likely to cause injury to Match.com.
11. If Applicant is awarded a registration for MATCHRIMONIAL in connection with the Subject Services as shown in Serial No. 85807492, it would also be entitled to the presumptions flowing from such a registration, all to the injury of Match.com.
12. Concerned about the potential for confusion and for harm, Match.com timely filed this Notice of Opposition within the prescribed statutory period.
13. Match.com has not given Applicant permission to use the MATCHRIMONIAL mark, or to incorporate the MATCH designation into any mark.
14. Accordingly, registration for the mark applied for under Serial No. 85807492 should be refused under the provisions of Section 2(d) of the Trademark Act.

WHEREFORE, Opposer, Match.com, L.L.C., prays that Application Serial No. 85807492 be rejected, that no registration be issued to Applicant, and that this opposition be sustained in favor of Match.com.

Please address all future communications regarding this opposition to:

Edward T. Colbert
William M. Merone
Erik C. Kane
KENYON & KENYON LLP
1500 K Street, N.W.
Washington, D.C. 20005
Tel.: (202) 220 - 4200
Fax: (202) 220 - 4201
E-Mail: tmocketdc@kenyon.com
ecolbert@kenyon.com
wmerone@kenyon.com
ekane@kenyon.com

If any fees associated with this proceeding are required and were not paid during the course of the electronic filing process, please charge such fees to Deposit Account 11-0600 (Our Ref. 13094-187).

Respectfully submitted,

KENYON & KENYON LLP

Date: July 12, 2013

By:

/William M. Merone/
Edward T. Colbert
William M. Merone
Erik C. Kane
KENYON & KENYON LLP
1500 K Street, N.W.; Suite 700
Washington, D.C. 20005
Tel.: (202) 220-4200
Fax: (202) 220-4201

*Counsel for Opposer,
Match.com, L.L.C.*

Certificate of Service

I hereby certified that the required number of copies of the foregoing *Notice of Opposition*, including all exhibits, was served as shown below:

By U.S. Mail (Postage Prepaid)

Correspondent Listed in Serial No. 85807492

NOBLE EDUCATION FOUNDATION, INC.
5538 61ST ST E
BRADENTON, FLORIDA 34203-9745

Date: July 12, 2013

By:

/William M. Merone/

Edward T. Colbert

William M. Merone

Erik C. Kane

KENYON & KENYON LLP

1500 K Street, N.W.; Suite 700

Washington, D.C. 20005

Tel.: (202) 220-4200

Fax: (202) 220-4201

*Counsel for Opposer,
Match.com, L.L.C.*

Exhibit

A



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MATCH.COM

Word Mark MATCH.COM

Goods and Services IC 045. US 100 101. G & S: Dating services; Internet based social networking, introduction, and dating services. FIRST USE: 19950310. FIRST USE IN COMMERCE: 19950310

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85215707

Filing Date January 12, 2011

Current Basis 1A

Original Filing Basis 1A

Owner (APPLICANT) Match.com, LLC LIMITED LIABILITY COMPANY DELAWARE P.O. Box 25458 Dallas TEXAS 75225

Attorney of Record William M. Merone

Prior Registrations 3323423;3518165;3518254;AND OTHERS

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Typed Drawing

Word Mark	MATCH.COM
Goods and Services	IC 042. US 100 101. G & S: computer services, namely, providing information regarding, and in the nature of, on-line dating and introduction services. FIRST USE: 19950310. FIRST USE IN COMMERCE: 19950310
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	74670969
Filing Date	May 8, 1995
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	May 27, 1997
Registration Number	2088545
Registration Date	August 19, 1997
Owner	(REGISTRANT) Electric Classifieds, Inc. CORPORATION CALIFORNIA 340 Brannan Street Suite 102 San Francisco CALIFORNIA 941071233 (LAST LISTED OWNER) MATCH.COM, L.L.C. LIMITED LIABILITY COMPANY DELAWARE P.O. BOX 25458 DALLAS TEXAS 75225
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Robert W. Sacoff
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Affidavit Text	SECT 8 (6-YR). SECTION 8(10-YR) 20061026.
Renewal	1ST RENEWAL 20061026
Live/Dead Indicator	LIVE

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Word Mark MATCH.COM MAKE LOVE HAPPEN
Goods and Services IC 045. US 100 101. G & S: Computer services, namely, providing information in the nature of on-line dating and on-line introduction services. FIRST USE: 20080808. FIRST USE IN COMMERCE: 20080808
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 02.01.02 - Men depicted as shadows or silhouettes of men; Silhouettes of men
 02.01.33 - Grotesque men formed by letters, numbers, punctuation or geometric shapes; Stick figures
 02.03.02 - Silhouettes of women; Women depicted as shadows or silhouettes of women
 02.03.26 - Grotesque women formed by letters, numbers, punctuation or geometric shapes
 02.07.03 - Groups, males and females
 02.07.26 - Groups, grotesque (having human features or attributes)
Trademark Search Facility Classification Code GROT-HUM Exaggerated depiction of a human
 NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters,punctuation and mathematical signs,zodiac signs,prescription marks
 SHAPES-COLORS-3-OR-MORE Design listing or lined for three or more colors
 SHAPES-MISC Miscellaneous shaped designs
Serial Number 78747429
Filing Date November 4, 2005
Current Basis 1A
Original Filing Basis 1B
Published for Opposition January 9, 2007
Registration Number 3518254

Registration Date October 14, 2008
Owner (REGISTRANT) MATCH.COM, L.L.C. LIMITED LIABILITY COMPANY DELAWARE P.O. BOX 25458 DALLAS TEXAS 75225
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record William M. Merone
Description of Mark The colors blue, pink, green and black are claimed as features of the mark. The male figure is blue, the female figure is pink, the words "Make" and "Com" are blue, the dot is green, and the wording "Make Love Happen" is black.
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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MATCH.COM PLATINUM

Word Mark MATCH.COM PLATINUM
Goods and Services IC 045. US 100 101. G & S: Computer dating services; Dating services; Internet based social networking, introduction, and dating services; Matchmaking services. FIRST USE: 20061206. FIRST USE IN COMMERCE: 20061206
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Trademark Search Facility Classification Code NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters,punctuation and mathematical signs,zodiac signs,prescription marks
Serial Number 77108658
Filing Date February 15, 2007
Current Basis 1A
Original Filing Basis 1A
Published for Opposition August 14, 2007
Registration Number **3323423**
Registration Date October 30, 2007
Owner (REGISTRANT) Match.com, L.P. Ticketmaster, a corporation of Delaware LIMITED PARTNERSHIP DELAWARE P. O. Box 25458 Dallas TEXAS 75225

Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record William M. Merone
Prior Registrations 2088545
Type of Mark SERVICE MARK
Register PRINCIPAL
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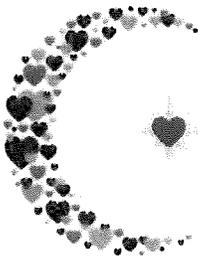
Exhibit B

What is Matrimonial.com?

Matchrimonial.com is a unique Muslim matrimonial website that seeks to bring together single Muslims from all over the world who wish to get married, giving them a unique and interactive platform to find a perfect match for themselves. Using cutting edge technology, Matrimonial.com adheres to the principles of Shariah and Sunnah to bring about an interactive experience in a perfectly secure Islamic environment.

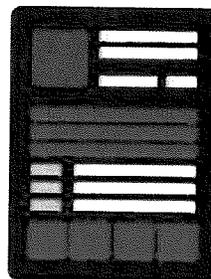
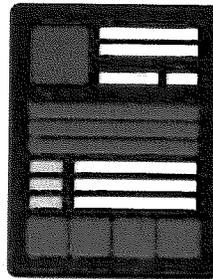
Prophet PBUH said: "When a man marries, he has fulfilled half of his religion..."

Why Matchrimonial.com?



Marriage in Islam is a blessed act. The Quran beautifully describes the relationship of spouses to each other in Surah Baqarah "they are apparel for you, and you are apparel for them" (Surah Al-Baqara 2- Verse 187)

Matchrimonial.com is the #1 choice for Single Muslims across the globe to find their ideal life partner because.



Question based match making system

78.25% Match

(sample)

- 100% Religious Beliefs
- 99% Family Values
- 84% Cultural Values
- 73% Character
- 94% Lifestyle & Interests
- 53% Education & Career
- 88% Future Plans
- 35% Past History

Register For Free!

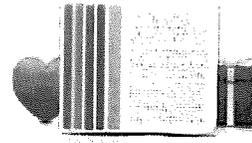
"Arrange the marriage of the spouseless among you, and the capable from among your bondmen and bondwomen. If they are poor, Allah will enrich them out of His grace. Allah is All-Encompassing, All-Knowing."
(Surah Al-Noor 24 - Verse 32)

Matchrimonial.com encourages marriage in Islam, therefore we invite muslims around the world to



Stay Informed

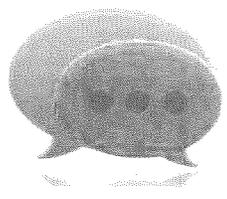
"And it is among his signs that He has created for you wives from among yourselves, so that you may find tranquility in them, and He has created love and kindness between you. Surely in this there are signs for people who reflect" (Surah Al Rum 30:21).



Follow us on facebook and twitter to get Islamic information on marriage. You will also receive regular updates on new functionality and updates to the website.

Like us on Facebook Follow us on Twitter

Share Your Ideas



We are open to all ideas that will help make the user experience useful and seamless in terms of functionality. Please let us know what is on your mind and what you would like to see in this unique match finding site for Muslims. We value the feedback of our customers and believe that we can continuously make improvements using their ideas.

Give your idea

Our presence on social media

Our other products

- Quran Explorer
Health Explorer
Date Explorer
Salam Explorer

Contact Details

- Help Desk
Email Us
Live Chat
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Important Links

- Conversion
Blessings Pillar
Single Muslim

