

ESTTA Tracking number: **ESTTA553731**

Filing date: **08/13/2013**

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	Alt3 Media Corporation
Granted to Date of previous extension	08/14/2013
Address	6404 Bannington Rd.Suite B Charlotte, NC 28226 UNITED STATES

Attorney information	Eric J. Steiger, Esq. Miller Goler Faeges Lapine LLP 1301 E. 9th St.Ste. 2700 Cleveland, OH 44114-1835 UNITED STATES steiger@mgfl-law.com Phone:216-696-3366
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Applicant Information

Application No	85774479	Publication date	04/16/2013
Opposition Filing Date	08/13/2013	Opposition Period Ends	08/14/2013
Applicant	Krueger International, Inc. 1330 Bellevue Street Green Bay, WI 54302 UNITED STATES		

Goods/Services Affected by Opposition

Class 020. All goods and services in the class are opposed, namely: Furniture
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Grounds for Opposition

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

Mark Cited by Opposer as Basis for Opposition

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	ALT3		
Goods/Services	Digital agency service for business Internet and Web solutions.		

Attachments	Opposition - Signed.pdf(304087 bytes) Exhibit A.pdf(364219 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	/Eric Steiger/
Name	Eric J. Steiger, Esq.
Date	08/13/2013

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

ALT3 MEDIA CORPORATION)	SERIAL NO. 85774479
6404 Bannington Rd., Suite B)	
Charlotte, NC 28226)	
Opposer,)	
)	
v.)	
)	
KRUEGER INTERNATIONAL, INC.)	NOTICE OF OPPOSITION
1330 Bellevue Street)	
Green Bay, WI 54302)	
Defendant.)	
)	
)	

For its Opposition against Applicant Krueger International, Inc. ("Krueger"), Alt3 Media Corporation ("Alt3") alleges and states as follows:

PARTIES

1. Alt3 is a Delaware corporation with its principal place of business in Charlotte, North Carolina, the principal business of which is to act as a single source digital agency for businesses of all types to assist them with their overall web strategy and business.

2. Upon information and belief, Krueger is a Wisconsin corporation with its principal place of business in Green Bay, Wisconsin, whose business includes the web based sale of office furniture.

STANDING

3. Alt3 has standing to file this Opposition pursuant to 15 U.S.C. §1063(a), as a person who believes that it would be damaged by the registration of Krueger's mark on the principal register.

4. Alt3's belief is based on the likelihood of confusion and/or deception that would ensue, if Krueger's registration is accepted, between Krueger's mark and an identical mark already in use by Alt3.

FACTUAL ALLEGATIONS

5. On September 28, 2011, Alt3 incorporated in Delaware.

6. Since the date of its incorporation, Alt3 has been engaged in interstate commerce through its website, <http://www.alt3.com> (which is also redirected from <http://www.alt3media.com>).

7. Since it began doing business, Alt3 has been using the standard character mark "Alt3" (the "Mark") as a trade and/or service mark in interstate commerce to identify the products and services it provides to customers.

8. The Mark is a protected unregistered mark under 15 U.S.C. § 1125, that has been in continuous use in interstate commerce since September 28, 2011.

9. Alt3's primary channel of communication is the Internet and Alt3's prominent presence on the World Wide Web. A Google search of the Mark yielded Alt3's website on the first page, seventh from the top (See attached **Exhibit A**). The Mark is displayed prominently and frequently in all sections of Alt3's website.

10. Krueger also sells products to business customers through the web.

11. On or about November 8, 2012, Krueger filed an Intent-to-Use Application (the "Application") with the United States Patent and Trademark Office (the "USPTO") for use of the term "Alt3" as a standard character mark in the class of "Furniture".

COUNT I – LIKELIHOOD OF CONFUSION- §2(d)

12. Alt3 incorporates here by reference all allegations set forth in paragraphs 1 through 12 of its Opposition as though fully rewritten at length.

13. The mark in the Application is identical to the Mark used by Alt3, namely the term “Alt3” as a standard character mark.

14. Alt3 and Krueger sell to similar classes of purchasers, namely, business customers.

15. Alt3 and Krueger use the same or similar channels of trade to market their products, specifically, the Internet.

16. The mark in the Application so resembles the Mark, which has been previously used in the United States by Alt3, as to be likely, if used on or in connection with Krueger’s products, as to cause confusion, to cause mistake, and/or to deceive, pursuant to 15 U.S.C. §1052(d).

COUNT 2 – DECEPTION/FALSE SUGGESTION OF CONNECTION - §2(a)

17. The mark in the Application so resembles the Mark, that it is likely to cause deception in violation of Section 2(a) of the Trademark Act, in that the mark in the Application misdescribes the nature or origin of the product, purchasers are likely to believe that the misdescription actually describes the nature or origin of the product, and this is likely to materially alter purchasers' decisions to acquire Krueger’s product.

18. The mark in the Application so closely resembles the Mark that it falsely suggests a connection with Alt3 in violation of Section 2(a) of the Trademark Act, because the Mark points uniquely to Alt3, and purchasers will assume that goods and services offered under Krueger’s mark are connected with Alt3.

19. Krueger’s mark is deceptive in that it falsely suggests a connection with or approval by Alt3.

WHEREFORE, Alt3 respectfully requests that this Board enter judgment in its favor on its Opposition and refuse Krueger registration of the mark in the Application.

Respectfully submitted,



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Alt3 Media Corporation

CERTIFICATE OF SERVICE

A copy of the foregoing was sent by First-Class U.S. Mail, postage prepaid, this August
13, 2013, to:

MICHAEL L. NOVITSKI
KRUEGER INTERNATIONAL, INC.
1220 BELLEVUE ST
GREEN BAY, WI 54302-2118



ERIC J. STEIGER

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Aug 27, 2008 - normally alt 3 makes this heart symbol. ... 5 years ago; Report Abuse. 0% 0 Votes. xparaisibobo by xparaisi... Member since: August 10, ...

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The latest from alt3 (@alt3). Amateur photographer, @melonteam founder, # Eclipse lover, software project manager IRL. Dad. Le Barp.

[Alt3.co.uk](#)

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Alt3 first page - introduction into how the world will develop in the next several years.

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