

ESTTA Tracking number: **ESTTA555305**

Filing date: **08/21/2013**

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	Square, Inc.
Granted to Date of previous extension	08/21/2013
Address	901 Mission Street San Francisco, CA 94103 UNITED STATES
Correspondence information	Connie L. Ellerbach Fenwick & West LLP 801 California Street Silicon Valley Center Mountain View, CA 94041 UNITED STATES trademarks@fenwick.com Phone:650-988-8500

Applicant Information

Application No	85755628	Publication date	04/23/2013
Opposition Filing Date	08/21/2013	Opposition Period Ends	08/21/2013
Applicant	Three Quarters Holdings LLC 5924 Grandview Drive Indianapolis, IN 46228 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 2012/10/16 First Use In Commerce: 2012/10/16 All goods and services in the class are opposed, namely: Computer application software for mobile phones, portable media players and handheld computers, namely, software for accessing, submitting and searching information about current entertainment events, restaurants and food markets
Class 041. First Use: 2012/08/15 First Use In Commerce: 2012/08/15 All goods and services in the class are opposed, namely: Providing online entertainment information, namely, information about current entertainment events, restaurants, and food markets; on-line blogs featuring information about current entertainment events, restaurants, and food markets

Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3917735	Application Date	08/05/2009
Registration Date	02/08/2011	Foreign Priority Date	NONE
Word Mark	SQUARE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2009/07/00 First Use In Commerce: 2009/07/00 Hardware and software for processing credit card, debit card, and gift card transactions via mobile devices		

U.S. Registration No.	3962489	Application Date	08/05/2009
Registration Date	05/17/2011	Foreign Priority Date	NONE
Word Mark	SQUARE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2009/07/00 First Use In Commerce: 2009/07/00 Reconciling credit card, debit card, and gift card accounts transactions via a global computer network Class 036. First use: First Use: 2009/07/00 First Use In Commerce: 2009/07/00 Reconciling, namely, processing credit card, debit card, and gift card transactions via a global computer network Class 038. First use: First Use: 2009/07/00 First Use In Commerce: 2009/07/00 Providing electronic transmission of credit card, debit card, and gift card transaction data, namely, charges		

U.S. Application No.	85542833	Application Date	02/14/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SQUARE		
Design Mark			
Description of Mark	The mark consists of a two-dimensional square image surrounded by a larger two-dimensional square-shaped borderbox followed by the word "Square".		
Goods/Services	Class 009. First use: Hardware and software for making and processing payment transactions with credit cards, debit cards, gift cards, cash, and other payment forms; financial software and accessories, namely, card readers, point of sale terminals, hardware and software, all for accepting, effecting, enabling, facilitating, processing, operating and managing payment transactions on mobile devices, cash registers, and other point of sale systems; analytic tools, namely, software for payment processing and tracking; computer software for businesses, namely, software for use in enabling, operating, and managing customer relations and loyalty programs Class 035. First use:		

	<p>Operating and managing customer relations and loyalty programs</p> <p>Class 036. First use: Accepting, processing, and reconciling credit card, debit card, gift card and other forms of payment transactions via a global computer network; accepting, processing, and reconciling credit card, debit card, gift card and other forms of payment transactions</p> <p>Class 038. First use: Providing electronic transmission of payment transactions and related information, merchant-customer communications, and advertising and promotional materials; providing electronic transmission of financial and business information between and among customers and businesses</p> <p>Class 042. First use: Providing temporary use of on-line non-downloadable computer software for payment processing and tracking; providing temporary use of on-line non-downloadable computer software for businesses, namely, software for use in enabling, facilitating, operating, and managing customer relations and loyalty programs; providing temporary use of on-line non-downloadable computer software for use in payment processing, and for operating and managing customer relations and loyalty programs and for business optimization planning and administration</p>
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Attachments	<p>SQUAREJIVE Notice of Opposition.pdf(448350 bytes)</p> <p>Exhibit A.pdf(1222975 bytes)</p> <p>Exhibit B.pdf(25608 bytes)</p> <p>Exhibit C.pdf(2879371 bytes)</p>
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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	/cle1087/
Name	Connie L. Ellerbach
Date	08/21/2013