

ESTTA Tracking number: **ESTTA557548**

Filing date: **09/04/2013**

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	CALIFORNIA VOICES
Granted to Date of previous extension	09/04/2013
Address	3411 SILVERSIDE ROAD Wilmington, DE 19810 UNITED STATES
Party who filed Extension of time to oppose	CALIFORNIA VOICES; QVC Inc.
Relationship to party who filed Extension of time to oppose	California Voices is a wholly owned Subsidiary of QVC, Inc.

Correspondence information	CALIFORNIA VOICES 3411 SILVERSIDE ROAD Wilmington, DE 19810 UNITED STATES sean.dwyer@qvc.com Phone:484-701-6286
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Applicant Information

Application No	85796743	Publication date	05/07/2013
Opposition Filing Date	09/04/2013	Opposition Period Ends	09/04/2013
Applicant	Caroodle Media, inc. 2082 Business Center Drive, STE 175 Newport Beach, CA 92612 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 035. First Use: 2008/06/18 First Use In Commerce: 2008/06/18 All goods and services in the class are opposed, namely: Advertisement for others on the Internet; Advertising services, namely, promoting and marketing the goods and services of others through all public communication means; Advertising services, namely, promoting car dealerships of others; Advertising, marketing and promotion services in the field of Car Sales; Compilation of advertisements for use as web pages on the Internet; Internet advertising services; On-line advertising and marketing services; On-line advertising services for others; Online advertisements; Online advertising and promotional services; Online retail services through direct solicitation by distributors directed to end-users featuring Cars; Promoting the goods and services of others by means of distributing advertising on the Internet; Providing a searchable on-line advertising website and guide featuring the goods and services of other vendors via the Internet; Providing a searchable</p>

online advertising guide featuring the goods and services of online vendors
Class 042. First Use: 2008/06/18 First Use In Commerce: 2008/06/18 All goods and services in the class are opposed, namely: Providing an online search engine service for new and used automobile listings and automobile related information

Grounds for Opposition

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

U.S. Registration No.	3722401	Application Date	02/18/2005
Registration Date	12/08/2009	Foreign Priority Date	NONE
Word Mark	OODLE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 2005/04/06 First Use In Commerce: 2005/04/06 providing a searchable online advertising guide featuring the goods and services of others on the internet; advertising and promotion services and related consulting; promoting the goods and services of others by advertising via electronic media, namely, the internet; business referral services, namely, promoting the goods and services of others by passing business leads and referrals among affiliate members</p> <p>Class 042. First use: First Use: 2005/04/06 First Use In Commerce: 2005/04/06 COMPUTER SERVICES, NAMELY, PROVIDING SEARCH ENGINES FOR SEARCHING THE CLASSIFIED ADVERTISEMENTS OF OTHERS; HOSTING CONTENT OF OTHERS ON A WEB SITES</p>		

Attachments	NOCAROODLE.pdf(259383 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	/Sean W. Dwyer/
Name	CALIFORNIA VOICES
Date	09/04/2013

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

California Voices Corp.
Delaware corporation,

Opposer,

v.

Serial No.: 85/796,743

Caroodle Media, Inc.
A California corporation

Applicant.

NOTICE OF OPPOSITION

In the matter of the application for registration of the mark CAROODLE for "advertisement for others on the internet; advertising services, namely, promoting and marketing the goods and services of others through all public communication means; advertising services, namely, promoting car dealerships of others; advertising, marketing and promotion services in the field of car sales; compilation of advertisements for use as web pages on the internet; internet advertising services; on-line advertising and marketing services; on-line advertising services for others; online advertisements; online advertising and promotional services; online retail services through direct solicitation by distributors directed to end-users featuring cars; promoting the goods and services of others by means of distributing advertising on the internet; providing a searchable on-line advertising website and guide featuring the goods and services of other vendors via the internet; providing a searchable online advertising guide featuring the goods and services of online vendors " in International Class 35, Serial No. 85/796,743, filed December 6, 2012 by Caroodle Media Inc. ("Applicant") and published for opposition in the Official Gazette of the United States Patent and Trademark Office May 7, 2013, California Voices Corporation ("Opposer") believes that it will be damaged by such registration, and hereby opposes the

registration of Applicant's mark. The grounds for the opposition are as follows:

1. Opposer is a corporation organized under the laws of the state of Delaware, having its principal place of business at Suite 205B, Bancroft Building, Concord Plaza, 3411 Silverside Road, Wilmington, DE 19810.

2. Since 2005, Opposer has used the service mark OODLE, alone and/or in combination with a design element, in connection with its website services found at <www.oodle.com>.

3. Since 2005, Opposer has used the service mark OODLE for providing a classifieds search engine and electronic marketplace for general merchandise via the internet and social media, including an electronic marketplace for automobiles.

4. Upon information and belief, Opposer is one of the leading providers of classified search engines and electronic marketplaces with millions of users.

5. From 2005 to the present, Opposer's advertising and sales under the OODLE mark have been and are significant.

6. As a result of such substantial advertising and sales under the OODLE mark and the maintenance of premium quality standards relating thereto, said mark has become unique and is identified by the public solely with Opposer's electronic marketplace. Thus, the OODLE mark has become famous and distinctive.

7. By virtue of its efforts in advertising and sales under the OODLE mark, and the maintenance of premium quality standards relating thereto, said service mark has become well and favorably known to the general public and the industry as a distinctive indication of the origin of the electronic marketplace services offered by Opposer.

8. Opposer duly registered the OODLE mark for "providing a searchable online advertising guide featuring the goods and services of others on the internet; advertising and

promotion services and related consulting; promoting the goods and services of others by advertising via electronic media, namely, the internet; business referral services, namely, promoting the goods and services of others by passing business leads and referrals among affiliate members” and “computer services, namely, providing search engines for searching the classified advertisements of others; hosting content of others on a web sites,” in International Classes 35 and 42, in the USPTO under Registration No. 3,722,401, which issued on December 8, 2009.

10. Registration No. 3,722,401 is prima facie evidence of the validity of the service mark shown therein and Opposer's ownership thereof, and is constructive notice of ownership of the OODLE mark by Opposer, all as provided by §§ 7(b) and 22 of the Lanham Act, 15 U.S.C. §§ 1057(b) and 1072.

11. Notwithstanding Opposer's well-known and prior exclusive rights in the OODLE mark, and long after the OODLE mark had become famous, Applicant filed an application, Serial No. 85/796,743, to register the CAROODLE mark for "advertisement for others on the Internet; advertising services, namely, promoting and marketing the goods and services of others through all public communication means; advertising services, namely, promoting car dealerships of others; advertising, marketing and promotion services in the field of car sales; compilation of advertisements for use as web pages on the internet; internet advertising services; on-line advertising and marketing services; on-line advertising services for others; online advertisements; online advertising and promotional services; online retail services through direct solicitation by distributors directed to end-users featuring cars; promoting the goods and services of others by means of distributing advertising on the internet; providing a searchable on-line advertising website and guide featuring the goods and services of other vendors via the internet; providing a searchable online advertising guide featuring the goods and services of online vendors" in International Class 35,.

16. On information and belief, prior to and at the time Applicant filed its application, Serial No. 85/796,743, Applicant knew of Opposer's OODLE mark, Applicant's website <oodle.com> and/or Opposer's electronic marketplace services.

17. As to priority. Applicant claims a date of first use of June 18, 2008 which is three years after Opposer's April 6, 2005 date of first use.

18. The service mark proposed for registration by the Applicant, namely, the CAROODLE mark, is substantially similar in appearance, sound, meaning and commercial impression to Opposer's OODLE mark.

19. The service mark proposed for registration by the Applicant is similar in appearance, sound, meaning and commercial impression to Opposer's OODLE mark.

20. The service mark proposed for registration by the Applicant, CAROODLE, merely adds the generic term car to Opposer's mark OODLE.

21. The service mark proposed for registration, CAROODLE, is confusingly similar to Opposer's OODLE mark.

22. The services rendered under Applicant's OODLE mark comprise among other things, Applicant's electronic marketplace services.

23. The parties' services, as they are recited in Applicant's application and Opposer's registration, are related.

24. The conditions surrounding the marketing of the parties' services, as they are recited in Applicant's application and Opposer's registration, are such that they could be encountered by the same purchasers under circumstances that could give rise to the mistaken belief that the services come from a common source.

25. If Applicant is permitted to use and register the CAROODLE mark for the services specified in the application herein opposed, confusion in trade resulting in damage and

injury to Opposer would be caused and would result by reason of the similarity between the Applicant's mark and Opposer's OODLE mark. In addition, any defect, objection or fault found with Applicant's services marketed under the CAROODLE mark would necessarily reflect upon and seriously injure the reputation which Opposer has established for the services marketed under the OODLE mark.

26. The service mark proposed for registration by Applicant, CAROODLE, is likely to cause confusion, mistake or to deceive as to the source of origin of Applicant's services, contrary to 15 U.S.C. § 1052(d), by causing the consuming public to believe, contrary to fact that Applicant's services under the CAROODLE mark are sponsored, licensed and/or otherwise approved by, or are in some way connected or affiliated with Opposer.

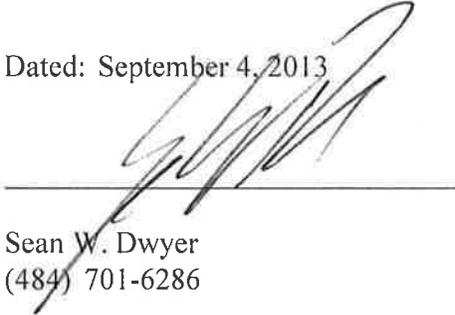
29. In addition, the service mark proposed for registration by Applicant, CAROODLE, will injure Opposer in its business, reputation and goodwill by diluting, rendering less valuable, impairing and/or tarnishing the distinctive, unique and singular quality of the OODLE mark, contrary to 15 U.S.C. §§ 1052 and 1125(c).

30. If the Applicant is granted the registration herein opposed, it would thereby obtain an exclusive right to the use of its mark. Such registration would be a source of damage and injury to Opposer.

WHEREFORE, Opposer prays that this Notice of Opposition be sustained in its favor, that Application Serial No. 85/479,815, herein opposed, be refused registration, and for such other and further relief as may be deemed to be just and proper.

Respectfully submitted,

Dated: September 4, 2013



Sean W. Dwyer
(484) 701-6286

Attorney for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Notice of Opposition has been served by by mailing said copy on September 4, 2013 via first class mail and email to:

Caroodle Media, inc.

2082 Business Center Drive, STE 175

Newport Beach CALIFORNIA 92612

Info@caroodle.com



Sean W. Dwyer