

ESTTA Tracking number: **ESTTA563197**

Filing date: **10/04/2013**

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	4DD Holdings, LLC
Granted to Date of previous extension	10/06/2013
Address	1600 Tysons Blvd., 8th Floor McLean, VA 22102 UNITED STATES

Attorney information	Michael H. Selter MANELLI SELTER PLLC 2000 M Street NW, Suite 700 Washington, DC 20036 UNITED STATES mselter@mdslaw.com Phone:202-261-1026
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Applicant Information

Application No	85600501	Publication date	04/09/2013
Opposition Filing Date	10/04/2013	Opposition Period Ends	10/06/2013
Applicant	Tetra 4D, LLC Suite 714 1511 3rd Avenue Seattle, WA 98101 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 2010/12/23 First Use In Commerce: 2010/12/23 All goods and services in the class are opposed, namely: Computer programs for creating, manipulating, storing, transferring and retrieving 3-D images and 3-D CAD geometry

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. Application No.	85893265	Application Date	04/02/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	TETRA		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 009. First use: First Use: 2010/04/01 First Use In Commerce: 2010/04/01 Computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and manipulation of data and information for building data workflow processes

U.S. Registration No.	4276134	Application Date	04/30/2010
Registration Date	01/15/2013	Foreign Priority Date	NONE
Word Mark	4DD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2010/04/01 First Use In Commerce: 2010/04/01 Design and development of computer software		

Attachments	Tetra4D Notice of Opposition.pdf(76182 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	/Michael Selter/
Name	Michael H. Selter
Date	10/04/2013

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

4DD Holdings, LLC)	
)	
Opposer,)	Opposition No. _____
)	
v.)	
)	Serial No. 85/600,501
TETRA 4D, LLC)	Filed: April 17, 2012
)	Published: April 9, 2013
Applicant.)	
)	
)	

NOTICE OF OPPOSITION

Opposer, 4DD Holdings, LLC (öOpposerö), a Delaware limited liability company with its principal place of business at 1600 Tysons Blvd., 8th Floor, McLean, Virginia 22102, hereby opposes registration of a design mark with the literal element TETRA4D, which is the subject of application Serial No. 85/600,501, published in the *Official Gazette* of April 9, 2013, and which was filed by Applicant Tetra 4D, LLC (öApplicantö), a Wyoming limited liability company with its principal place of business at 1511 3rd Avenue, Suite 714, Seattle, Washington 98101. Opposer requests that registration to Applicant be refused.

Opposer believes that it will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same.

The reasons for which Opposer believes it will be damaged by the registration, and the grounds for opposition, are as follows:

1. Opposer is the owner of an application to register the mark TETRA in class 9 for "Computer software for the collection, editing, organizing, modifying, book marking, transmission and information for building data workflow processes." That application was filed on April 2, 2013 and assigned Serial. No. 85/893,265. Opposer has used this mark since at least April 1, 2010, in commerce continuously without abandonment. Opposer has developed substantial good will in this mark.

2. Opposer is also the owner of Reg. No. 4,276,134 for the mark 4DD in class 42 for "Design and development of computer software." Opposer has used this mark since at least April 1, 2010, in commerce continuously without abandonment. Opposer has developed substantial good will in this mark.

3. Applicant has filed an application to register its design mark with the literal element TETRA4D, alleging a date of first use anywhere and date of first use in commerce as of December 23, 2010. That application was filed on April 17, 2012, and was assigned Serial No. 85/600,501.

4. Applicant is seeking to register the design mark with the literal element TETRA4D in the following class and for the following goods:

IC 009. Computer programs for creating, manipulating, storing, transferring and retrieving 3-D images and 3-D CAD geometry.

5. The literal element of Applicant's design mark with the literal element TETRA4D is substantially the same as Opposer's mark TETRA.

6. Applicant's design mark with the literal element TETRA4D uses two of the three characters of Opposer's 4DD mark.

7. Applicant's design mark with the literal element TETRA4D so resembles Applicant's previously used mark TETRA as to be likely, when applied to the goods set

forth in Applicant's application, to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act.

8. Applicant's design mark with the literal element TETRA4D so resembles the combination of Applicant's previously used marks TETRA and 4DD as to be likely, when applied to the goods set forth in Applicant's application, to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act.

WHEREFORE, Opposer prays that the opposition be sustained and that registration to Applicant be refused.

Dated: October 4, 2013

Respectfully submitted,

By: Michael H. Selter
Stuart E. Benson
Michael H. Selter
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4DD Holdings, LLC.