

ESTTA Tracking number: **ESTTA580733**

Filing date: **01/08/2014**

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	Social Code, LLC
Granted to Date of previous extension	01/08/2014
Address	395 Hudson Street, 4th Floor New York, NY 10014 UNITED STATES

Attorney information	Tracy-Gene G. Durkin Sterne, Kessler, Goldstein & Fox P.L.L.C. 1100 New York Avenue, NW Washington, DC 20005 UNITED STATES tm@skgf.com, tdurkin@skgf.com, jshirk@skgf.com Phone:(202) 371-2600
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Applicant Information

Application No	85761507	Publication date	09/10/2013
Opposition Filing Date	01/08/2014	Opposition Period Ends	01/08/2014
Applicant	ISAAC DANIEL GROUP, INC. 3401 SW 160th Avenue, Suite 430 Miramar, FL 33027 GERMANY		

Goods/Services Affected by Opposition

Class 045. First Use: 2012/07/27 First Use In Commerce: 2012/07/27
All goods and services in the class are opposed, namely: On-line social networking services

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.	4000821	Application Date	05/12/2010
Registration Date	07/26/2011	Foreign Priority Date	NONE
Word Mark	SOCIAL CODE		

Design Mark	SOCIAL CODE
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2010/07/00 First Use In Commerce: 2010/07/00 Advertising agency services, namely, creating advertisements and managing advertising campaigns for brand advertisers on social networking websites

Attachments	85036881#TMSN.jpeg(bytes) 3457 022OPT0 OPPOSITION.pdf(1219983 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 Overnight Courier on this date.

Signature	/Tracy Durkin/
Name	Tracy-Gene G. Durkin
Date	01/08/2014

2. Opposer has used the trade name and mark SOCIAL CODE in the United States since long prior to the filing date of Applicant's '507 Application (October 23, 2012) and prior to the date of first use in commerce alleged in the '507 Application (July 27, 2012).

3. As a result of such use of the trade name and mark SOCIAL CODE, and Opposer's continued use of the trade name and mark SOCIAL CODE, Opposer has acquired valuable rights and goodwill in and for this trade name and mark for a variety of online business and advertising services, including advertising agency services, namely, creating advertisements and managing advertising campaigns for brand advertisers on social networking websites.

4. Opposer is the owner of the following United States trademark registration for the SOCIAL CODE mark (printouts from the USPTO TESS, TSDR, and Assignment databases, are attached as Exhibit A):

Mark	Reg. No.	Reg. Date	Date of First Use in Commerce	Services
SOCIAL CODE	4000821	July 26, 2011	July 2010	Advertising agency services, namely, creating advertisements and managing advertising campaigns for brand advertisers on social networking websites.

(Opposer's registered and common law SOCIAL CODE mark collectively referred to as the "SOCIAL CODE Mark").

5. The foregoing registration in Paragraph 4 is valid and subsisting and constitutes *prima facie* evidence of the validity of the mark and registration, of Opposer's ownership of and

exclusive right to use the mark in commerce, and provides constructive notice of ownership thereof by Opposer.

Applicant and its SOCIAL CODE MOBILE Application

6. Upon information and belief, Isaac Daniel Group, Inc. ("Applicant") is a Delaware corporation having a principal place of business at 3401 SW 160th Avenue, Suite 430, Miramar, Florida 33027.

7. Applicant is the listed owner of Application Serial No. 85761507, filed October 23, 2012, for the mark SOCIAL CODE MOBILE for "on-line social networking services."

Likelihood of Confusion, 15 U.S.C. §1052(d)

8. Opposer repeats and realleges each and every allegation set forth above.

9. Opposer has used its SOCIAL CODE trade name and SOCIAL CODE Mark in commerce since long prior to the filing date of the '507 Application and the first use date alleged therein.

10. Opposer also has priority based on its pleaded valid and subsisting registration.

11. Applicant's mark incorporates the whole of Opposer's SOCIAL CODE trade name and SOCIAL CODE Mark.

12. The term SOCIAL CODE is the dominant portion of Applicant's mark.

13. The term MOBILE of Applicant's mark is merely descriptive and has been disclaimed by Applicant.

14. The merely descriptive term MOBILE of Applicant's mark has no source identifying significance.

15. The term SOCIAL CODE of Applicant's mark is identical in sound, appearance, connotation, and commercial impression to Opposer's SOCIAL CODE trade name and SOCIAL CODE Mark.

16. The services recited in the opposed application overlap with and/or are highly related to the services advertised, offered, and sold by Opposer under Opposer's SOCIAL CODE Mark.

17. Opposer's services and the services recited in the opposed application travel through the same channels of trade to the same group of consumers.

18. Applicant's mark so resembles Opposer's SOCIAL CODE trade name and Opposer's registered and prior used SOCIAL CODE Mark as to be likely, when used in connection with Applicant's services, to cause confusion, or to cause mistake, or to deceive under Section 2(d) of the Lanham Act, as amended, 15 U.S.C. § 1052(d).

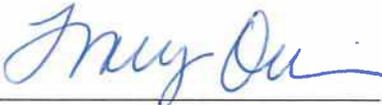
19. For these reasons, Opposer is being and will be damaged by the registration of Applicant's SOCIAL CODE MOBILE mark shown in the '507 Application.

20. WHEREFORE, Opposer respectfully requests that this opposition be sustained in favor of Opposer, and that application Serial No. 85761507 be refused registration.

A filing fee has been submitted electronically. If the filing fee is found to be insufficient for any reason, please charge such deficiency to our Deposit Account No. 190036.

Respectfully submitted,

Dated: January 8, 2014

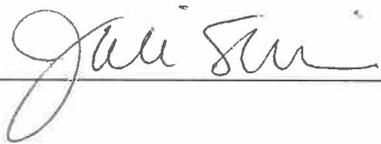
By: 
Tracy-Gene G. Durkin
STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 New York Avenue, NW
Washington, DC 20005
Telephone: 202-371-2600
Facsimile: 202-371-2540
Attorneys for Opposer
Social Code, LLC

1796317v1

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing NOTICE OF OPPOSITION was forwarded by Federal Express overnight courier, on this 8th day of January, 2014, upon Applicant at the following address of record:

Alberto Interian III, Esq.
Isaac Daniel Group, Inc.
3401 SW 160th Avenue, Suite 430
Miramar, Florida 33027-6306
United States





United States Patent and Trademark Office

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SOCIAL CODE

Word Mark	SOCIAL CODE
Goods and Services	IC 035. US 100 101 102. G & S: Advertising agency services, namely, creating advertisements and managing advertising campaigns for brand advertisers on social networking websites. FIRST USE: 20100700. FIRST USE IN COMMERCE: 20100700
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85036881
Filing Date	May 12, 2010
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	May 10, 2011
Registration Number	4000821
Registration Date	July 26, 2011
Owner	(REGISTRANT) Washingtonpost.Newsweek Interactive Company, LLC LIMITED LIABILITY COMPANY DELAWARE 1150 15th St., NW Washington D.C. 20071 (LAST LISTED OWNER) SOCIAL CODE, LLC LIMITED LIABILITY COMPANY DELAWARE 395 HUDSON STREET 4TH FLOOR NEW YORK NEW YORK 10014
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Tracy-Gene G. Durkin
Type of Mark	SERVICE MARK

Register PRINCIPAL
Live/Dead
Indicator LIVE

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Mark: SOCIAL CODE

SOCIAL CODE

US Serial Number: 85036881 Application Filing Date: May 12, 2010
US Registration Number: 4000821 Registration Date: Jul. 26, 2011
Register: Principal
Mark Type: Service Mark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Jul. 26, 2011
Publication Date: May 10, 2011

Mark Information

Mark Literal Elements: SOCIAL CODE
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ({}); identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Advertising agency services, namely, creating advertisements and managing advertising campaigns for brand advertisers on social networking websites

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 2010

Use in Commerce: Jul. 2010

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: SOCIAL CODE, LLC
Owner Address: 395 HUDSON STREET
4TH FLOOR
NEW YORK, NEW YORK 10014
UNITED STATES
Legal Entity Type: LIMITED LIABILITY COMPANY State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Tracy-Gene G. Durkin
Attorney Primary Email Address: tm@skgf.com Attorney Email Authorized: Yes

Correspondent

Correspondent Tracy-Gene G. Durkin

Name/Address: Sterne, Kessler, Goldstein & Fox P.L.L.C.
1100 New York Avenue, NW
Washington, DISTRICT OF COLUMBIA 20005
UNITED STATES

Phone: (202) 371-2600

Fax: (202) 371-2540

Correspondent e-mail: tm@skgf.com tdurkin@skgf.com jshirk@skgf.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 29, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Jul. 29, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Mar. 06, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Dec. 19, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 19, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Aug. 03, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Aug. 03, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jul. 26, 2011	REGISTERED-PRINCIPAL REGISTER	
May 18, 2011	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
May 11, 2011	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
May 10, 2011	PUBLISHED FOR OPPOSITION	
Apr. 20, 2011	NOTICE OF PUBLICATION	
Apr. 07, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	73797
Apr. 07, 2011	ASSIGNED TO LIE	73797
Mar. 25, 2011	NOTICE OF ACCEPTANCE OF AMENDMENT TO ALLEGE USE MAILED	
Mar. 24, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 24, 2011	USE AMENDMENT ACCEPTED	72150
Mar. 01, 2011	AMENDMENT TO USE PROCESSING COMPLETE	88889
Mar. 01, 2011	USE AMENDMENT FILED	88889
Feb. 28, 2011	TEAS AMENDMENT OF USE RECEIVED	
Mar. 01, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Feb. 28, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Feb. 28, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 01, 2010	NON-FINAL ACTION MAILED	
Aug. 31, 2010	NON-FINAL ACTION WRITTEN	72150
Aug. 24, 2010	ASSIGNED TO EXAMINER	72150
May 18, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 15, 2010	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jul. 26, 2011

Assignment Abstract Of Title Information

Summary

Total Assignments: 3

Registrant: Washingtonpost.Newsweek Interactive Company, LLC

Assignment 1 of 3

Conveyance: CHANGE OF NAME

Reel/Frame: [4537/0841](#)

Pages: 5

Date Recorded: May 10, 2011

Supporting Documents: [assignment-tm-4537-0841.pdf](#)

Assignor

Name: [WASHINGTONPOST.NEWSWEEK
INTERACTIVE COMPANY, LLC](#)

Execution Date: Dec. 09, 2010

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Assignee

Name: [THE SLATE GROUP LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 1515 NORTH COURTHOUSE ROAD
ARLINGTON, VIRGINIA 22201

Correspondent

Correspondent Name: MITCHELL H. STABBE, ESQ.

Correspondent Address: 1200 NEW HAMPSHIRE AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20036

Domestic Representative - Not Found

Assignment 2 of 3

Conveyance: NUNC PRO TUNC ASSIGNMENT EFFECTIVE 01/03/2011

Reel/Frame: [4539/0155](#)

Pages: 4

Date Recorded: May 11, 2011

Supporting Documents: [assignment-tm-4539-0155.pdf](#)

Assignor

Name: [THE SLATE GROUP LLC](#)

Execution Date: May 03, 2011

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Assignee

Name: [WP COMPANY LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 1150 15TH STREET N.W.
WASHINGTON, DISTRICT OF COLUMBIA 20071

Correspondent

Correspondent Name: MITCHELL H. STABBE, ESQ.

Correspondent Address: 1200 NEW HAMPSHIRE AVENUE, N.W. STE. 800
WASHINGTON, DC 20036

Domestic Representative - Not Found

Assignment 3 of 3

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [4969/0040](#)

Pages: 2

Date Recorded: Feb. 22, 2013

Supporting Documents: [assignment-tm-4969-0040.pdf](#)

Assignor

Name: [WP COMPANY, LLC](#)

Execution Date: Jan. 23, 2013

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Assignee

Name: [SOCIAL CODE, LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 395 HUDSON STREET
4TH FLOOR
NEW YORK, NEW YORK 10014

Correspondent

Correspondent Name: MITCHELL H. STABBE

Correspondent Address: EDWARDS WILDMAN PALMER LLP
F.D.R. STATION, P.O. BOX 130
NEW YORK, NY 10150

Domestic Representative - Not Found



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Trademark Assignment Abstract of Title

Total Assignments: 3

Serial #: [85036881](#)

Filing Dt: 05/12/2010

Reg #: [4000821](#)

Reg. Dt: 07/26/2011

Registrant: Washingtonpost.Newsweek Interactive Comp

Mark: SOCIAL CODE

Assignment: 1

Reel/Frame: [4537/0841](#)

Recorded: 05/10/2011

Pages: 5

Conveyance: CHANGE OF NAME

Assignor: [WASHINGTONPOST,NEWSWEEK INTERACTIVE COMPANY, LLC](#)

Exec Dt: 12/09/2010

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Assignee: [THE SLATE GROUP LLC](#)

1515 NORTH COURTHOUSE ROAD
ARLINGTON, VIRGINIA 22201

Correspondent: MITCHELL H. STABBE, ESQ.
1200 NEW HAMPSHIRE AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20036

Assignment: 2

Reel/Frame: [4539/0155](#)

Recorded: 05/11/2011

Pages: 4

Conveyance: NUNC PRO TUNC ASSIGNMENT EFFECTIVE 01/03/2011

Assignor: [THE SLATE GROUP LLC](#)

Exec Dt: 05/03/2011

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Assignee: [WP COMPANY LLC](#)

1150 15TH STREET N.W.
WASHINGTON, DISTRICT OF COLUMBIA 20071

Correspondent: MITCHELL H. STABBE, ESQ.
1200 NEW HAMPSHIRE AVENUE, N.W. STE. 800
WASHINGTON, DC 20036

Assignment: 3

Reel/Frame: [4969/0040](#)

Recorded: 02/22/2013

Pages: 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [WP COMPANY, LLC](#)

Exec Dt: 01/23/2013

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Assignee: [SOCIAL CODE, LLC](#)

395 HUDSON STREET
4TH FLOOR
NEW YORK, NEW YORK 10014

Correspondent: MITCHELL H. STABBE
EDWARDS WILDMAN PALMER LLP
F.D.R. STATION, P.O. BOX 130
NEW YORK, NY 10150

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350 v.2.3.4
Web interface last modified: Jul 8, 2013 v.2.3.4

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