

ESTTA Tracking number: **ESTTA588869**

Filing date: **02/24/2014**

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	Intellectual Reserve, Inc.
Granted to Date of previous extension	02/26/2014
Address	50 East North Temple Street Salt Lake City, UT 84150 UNITED STATES

Attorney information	Dale E. Hulse Kirton McConkie 1800 World Trade Center at City Creek , 60 East South Temple Salt Lake City, UT 84111 UNITED STATES dhulse@kmclaw.com Phone:(801) 321-4815
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**Applicant Information**

Application No	85949670	Publication date	10/29/2013
Opposition Filing Date	02/24/2014	Opposition Period Ends	02/26/2014
Applicant	Jonathan Eller 18630 Minden Oaks Drive Spring, TX 77388 USX		

**Goods/Services Affected by Opposition**

Class 045. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Internet-based dating, social introduction and social networking services
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**Grounds for Opposition**

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.	3239919	Application Date	09/05/2002
Registration Date	05/08/2007	Foreign Priority Date	NONE
Word Mark	MORMON		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 1920/00/00 First Use In Commerce: 1920/00/00 Educational services, namely, providing classes, conferences, and institutes in the fields of history and religion Class 042. First use: First Use: 1833/06/01 First Use In Commerce: 1833/06/01 genealogy services

U.S. Registration No.	3715744	Application Date	05/11/2007
Registration Date	11/24/2009	Foreign Priority Date	NONE

Word Mark	MORMON.ORG
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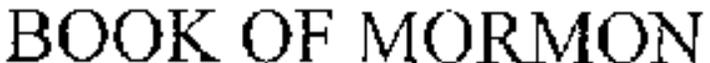
Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 041. First use: First Use: 2001/10/31 First Use In Commerce: 2001/10/31 Providing information and instruction in the fields of religion, ethics, and moral and religious values; providing on-line religious instruction promoting family values; providing information in the field of parenting concerning education and entertainment of children; and providing courses of instruction in the field of marital relations
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U.S. Registration No.	2883572	Application Date	05/10/2002
Registration Date	09/14/2004	Foreign Priority Date	NONE

Word Mark	BOOK OF MORMON
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Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 009. First use: First Use: 1977/00/00 First Use In Commerce: 1977/00/00 pre-recorded audio and video cassette tapes and compact discs featuring religious content</p> <p>Class 016. First use: First Use: 1830/00/00 First Use In Commerce: 1830/00/00 Printed matter; namely religious books,religious instructional pamphlets, and brochures; photographs, artist materials, instructional and teaching material, posters, engravings, prints of paintings,books</p>
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U.S. Registration No.	2766231	Application Date	11/20/2001
Registration Date	09/23/2003	Foreign Priority Date	NONE

Word Mark	MORMON TABERNACLE CHOIR
Design Mark	<h1>MORMON TABERNACLE CHOIR</h1>

Description of Mark	NONE
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Goods/Services	<p>Class 009. First use: First Use: 1973/11/00 First Use In Commerce: 1973/11/00 Pre-recorded audio and audio-video [ cassette tapes and ] compact discs featuring musical entertainment incorporating religious, family, and educational themes</p> <p>Class 041. First use: First Use: 1893/08/00 First Use In Commerce: 1893/08/00 entertainment services, namely, live performances by a musical performance group</p>
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U.S. Registration No.	2913694	Application Date	04/10/2003
Registration Date	12/21/2004	Foreign Priority Date	NONE

Word Mark	MORMON TABERNACLE CHOIR
Design Mark	

Description of Mark	NONE
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Goods/Services	<p>Class 009. First use: First Use: 2003/03/00 First Use In Commerce: 2003/03/00 prerecorded audiotapes, videotapes, compact discs, and digital video discs featuring musical entertainment incorporating religious, family, and educational themes</p> <p>Class 016. First use: First Use: 2003/06/00 First Use In Commerce: 2003/06/00 publications, namely, books featuring musical performances and featuring</p>
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	religious, family, and educational themes Class 041. First use: First Use: 2003/03/00 First Use In Commerce: 2003/03/00 entertainment services, namely, live performances by a musical performance group
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U.S. Registration No.	1524555	Application Date	04/07/1986
Registration Date	02/14/1989	Foreign Priority Date	NONE
Word Mark	MORMON HANDICRAFT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 1974/05/00 First Use In Commerce: 1974/05/00 FABRICS, LINENS, BATS, TOWELS, DISH CLOTHS, PILLOWCASES, AFGHANS, LAP ROBES, QUILTS, QUILT KITS, AND WALL HANGINGS, TABLE COVERS, SOFT GIFTS, AND HEM-STITCHED ITEMS OF TEXTILE MATERIAL		

U.S. Registration No.	1527447	Application Date	04/07/1986
Registration Date	02/28/1989	Foreign Priority Date	NONE
Word Mark	MORMON HANDICRAFT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1937/10/00 First Use In Commerce: 1937/10/00 RETAIL CATALOG MAIL ORDER AND TELEPHONEORDER SERVICES FOR CRAFT ITEMS AND MATERIALS, DOLLS, BABY CLOTHES, TOYS, YOUNG GIRLS' CLOTHING, QUILTS, PERSONAL GIFTS, NEEDLEWORK, PORCELAIN STATUES AND THE LIKE		

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	MORMON		
Goods/Services	a variety of goods and services		

Attachments	77179068#TMSN.jpeg( bytes ) 76405608#TMSN.gif( bytes ) 76340212#TMSN.gif( bytes ) 76505493#TMSN.gif( bytes ) MORMON MATCH (and Design) Opposition Brief.pdf(28691 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	/Dale E. Hulse/
Name	Dale E. Hulse
Date	02/24/2014

1. Intellectual Reserve, Inc. ("IRI") is a nonprofit corporation of the state of Utah having a principal place of business at 50 East North Temple, Salt Lake City, Utah 84150.
2. IRI owns intellectual property used by The Church of Jesus Christ of Latter-day Saints and its affiliated legal entities, IRI and its affiliates and predecessors being collectively referred to herein as "Opposer".
3. Since at least as early as 1833, Opposer has used the mark and trade name "MORMON" in connection with a variety of goods and services, and Opposer has continually used such mark up through the present time.
4. In this regard, Opposer owns all right, title, and interest in and to the mark "MORMON", as well as to the following marks and federal registrations: U.S. Registration No. 3,239,919 for the mark "MORMON", U.S. Registration No. 3,715,744 for the mark "MORMON.ORG", U.S. Registration No. 2,883,572 for the mark "BOOK OF MORMON", U.S. Registration No. 2,766,231 for the mark "MORMON TABERNACLE CHOIR", U.S. Registration No. 2,913,694 for the mark "MORMON TABERNACLE CHOIR (and Design)", U.S. Registration No. 1,524,555 for the mark "MORMON HANDICRAFT", and U.S. Registration No. 1,527,447 for the mark "MORMON HANDICRAFT". All of the foregoing marks and registrations are collectively referred to herein as the "MORMON marks".
5. The use of the MORMON marks by Opposer has been valid and continuous since the respective dates of first use of those marks, and such use has not been abandoned.
6. Opposer has so used the MORMON marks in connection with Opposer's goods and services such that the public has come to associate "MORMON" and the MORMON marks with Opposer and as indicating that the goods and services marketed and/or associated with the MORMON marks originate with Opposer.
7. The MORMON marks are symbolic of extensive goodwill and consumer recognition built up by Opposer through the substantial expenditure of time and resources in promotion and advertising.
8. On information and belief, Applicant, Jonathan Eller, is an individual doing business as Mormon Match, with an address of 18630 Minden Oaks Drive, Spring, Texas 77388.
9. On June 3, 2013, Applicant filed application Serial No. 85/949,670 for registration of the alleged mark "MORMON MATCH (and Design)", and said application was published for opposition in the Official Gazette of the United States Patent and Trademark Office on October 29, 2013 in International Class 45 (U.S. Classes 100 and 101) for "Internet-based dating, social introduction and social networking services". On November 5, 2013, Opposer was granted a 90 day Extension of Time to Oppose, extending the opposition deadline to February 26, 2014.
10. Applicant's aforesaid application is based upon Applicant's alleged bona fide intent to use the proposed "MORMON MATCH (and Design)" mark in connection with the above-stated services.
11. The services recited in Applicant's application are similar to goods and/or services presently offered by Opposer, or offered in the past by Opposer, bearing the MORMON marks of Opposer.

12. The services of Applicant bearing the alleged mark "MORMON MATCH (and Design)" would pass through the same or similar channels of commerce to the same or similar classes of purchasers as the goods and services offered by Opposer in connection with its MORMON marks.

13. The alleged "MORMON MATCH (and Design)" mark of Applicant, as applied to the services of Applicant set forth in Applicant's application, so resembles the MORMON marks of Opposer, previously used in the United States by Opposer, as applied to the goods and services of Opposer, so as to be likely to cause confusion, or to cause mistake, or to deceive, so as to falsely suggest a connection with Opposer, and so as to dilute the distinctive quality of Opposer's MORMON marks which are believed to be famous.

14. Based upon the foregoing, registration of the "MORMON MATCH (and Design)" mark, depicted in application Serial No. 85/949,670, on the Principal Register of the United States Patent and Trademark Office, will cause injury and damage to Opposer.

15. Wherefore, Opposer prays that this opposition be sustained in its favor, and that registration of Applicant's alleged mark "MORMON MATCH (and Design)", application Serial No. 85/949,670, be denied.