

ESTTA Tracking number: **ESTTA590232**

Filing date: **03/03/2014**

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	Backpage.com, LLC		
Entity	limited liability company	Citizenship	Delaware
Address	2501 East Oak Lawn Avenue Dallas, TX 75219 UNITED STATES		

Attorney information	Calvin J. Platten Gust Rosenfeld, P.L.C. One East Washington Street Suite 1600 Phoenix, AZ 85004 UNITED STATES cplatten@gustlaw.com, jhay@gustlaw.com Phone:602-257-7464
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Applicant Information

Application No	86066892	Publication date	02/11/2014
Opposition Filing Date	03/03/2014	Opposition Period Ends	03/13/2014
Applicant	BlastPage.net, Limited Liability Company P.O. Box 541741 Dallas, TX 752209998 TX		

Goods/Services Affected by Opposition

Class 035. First Use: 2013/03/15 First Use In Commerce: 2013/09/11
All goods and services in the class are opposed, namely: Providing a web site featuring on-line classified advertisements posted by users

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. Registration No.	4236302	Application Date	09/14/2011
Registration Date	11/06/2012	Foreign Priority Date	NONE
Word Mark	BACKPAGE.COM		

Design Mark	BACKPAGE.COM
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2005/01/21 First Use In Commerce: 2005/01/21 Providing online newspapers in the field of classified advertisements

U.S. Registration No.	2940220	Application Date	04/19/2004
Registration Date	04/12/2005	Foreign Priority Date	NONE
Word Mark	BACKPAGE.COM		
Design Mark	BACKPAGE.COM		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2004/03/19 First Use In Commerce: 2004/03/19 Dissemination of advertising for others via the internet		

U.S. Registration No.	4099177	Application Date	09/14/2011
Registration Date	02/14/2012	Foreign Priority Date	NONE
Word Mark	BACKPAGE		

Design Mark	BACKPAGE
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2007/08/13 First Use In Commerce: 2007/08/13 Advertising services

Attachments	85422483#TMSN.jpeg(bytes) 78404221#TMSN.jpeg(bytes) 85422418#TMSN.jpeg(bytes) Backpage notice of opposition.PDF(41999 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	/calvinjplatten/
Name	Calvin J. Platten
Date	03/03/2014

GUST ROSENFELD P.L.C.
One East Washington, Suite 1600
Phoenix, Arizona 85004-2553
(602) 257-7422
John L. Hay - 001723
Calvin J. Platten Jr. - 023978

Attorneys for Opposer

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

In the matter of application)	
)	
Serial No.: 86/066892)	NOTICE OF OPPOSITION
Filed : September 17, 2013)	
Published in the Official Gazette on February 11, 2014)	
)	
Mark: BLASTPAGE.NET)	
_____)	
BACKPAGE.COM, LLC, a Delaware limited liability company)	
)	
Opposer,)	
)	
v.)	
)	
BLASTPAGE.NET, LLC, a Texas Limited Liability Company)	
)	
Applicant.)	
_____)	

Backpage.Com, LLC, a Delaware limited liability company, with its principal place of business at 2501 East Oak Lawn Avenue, Suite 700, Dallas, Texas 75219, will be damaged by registration of the mark shown in the above-identified application and hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Applicant seeks to register the service mark BLASTPAGE.NET for providing a web site featuring on-line classified advertisements posted by users, in International class 035.

2. Opposer is the owner of the service mark BACKPAGE.COM for dissemination of advertising for others via the internet, and the goodwill associated therewith, having purchased the mark, the goodwill and the registration from Village Voice Media Holdings, LLC, a Delaware limited liability company, which had adopted the mark and had registered the mark on the Principal Register, registration number 2.940,220, issued April 12, 2005, in international class 35. Opposer and its predecessors have been using the mark continuously in commerce since at least March 19, 2004. Opposer's mark is symbolic of extensive goodwill and consumer recognition built up by Opposer through substantial amounts of time and effort in advertising and promotion.

3. Opposer is also the owner of the service mark BACKPAGE.COM, for providing online newspapers in the field of classified advertisements, and the goodwill associated therewith, having purchased the mark, the goodwill and the registration from Village Voice Media Holdings, LLC, a Delaware limited liability company, which had adopted the mark and had registered the mark on the Principal Register, registration number 4,236,302, issued November 6, 2012, in international class 41. Opposer and its predecessors have been using the mark continuously in commerce since at least January 21, 2005. Opposer's mark is symbolic of extensive goodwill and consumer recognition built up by Opposer through substantial amounts of time and effort in advertising and promotion.

4. Opposer is also the owner of the service mark BACKPAGE for advertising services and the goodwill associated therewith, having purchased the mark, the goodwill and the registration from Village Voice Media Holdings, LLC, a Delaware limited liability company, which had adopted the mark and had registered the mark on the Principal Register, registration number 4,099,177, issued February 14, 2012, in international class 35. Opposer and its predecessors have been using the mark continuously in commerce since at least August 13, 2007. Opposer's mark is symbolic of extensive goodwill and consumer recognition built up by Opposer through substantial amounts of time and effort in advertising and promotion.

5. Opposer uses the above-referenced marks in connection with its website, BACKPAGE (accessible through the url www.backpage.com). BACKPAGE features classified advertisements produced by users of the site to market various goods and services throughout the United States, and uses both marks BACKPAGE and BACKPAGE.COM.

6. Applicant's mark is nearly identical to Opposer's marks, and it is being used to market a website that is substantially identical in look and format and is identical in services rendered for the publication and dissemination of classified advertisements over the internet.

7. The nearly identical mark combined with the substantially identical website and the completely identical services causes the marks to be confusingly similar. Each mark is designed to market an identical service. Applicant and Opposer's respective marks are nearly identical in appearance, sound, connotation and commercial impression. In addition, the fact that the marks are designed to market an identical

service is further evidence that the commercial impression of Applicant's mark is identical to Opposer's marks.

8. Because Applicant's mark is virtually identical to Opposer's marks, and because Applicant's mark will be used in connection with a nearly identical website, Applicant's registration of the mark in connection with its website in International Class 035 is likely to cause confusion or is likely to deceive purchasers as to the source or sponsorship of Applicant's goods or services.

9. Readers familiar with Opposer's marks BACKPAGE.COM and BACKPAGE for classified advertisement services would be likely to see Applicant's website and services using the mark BLASTPAGE.NET and believe that website and its related services to be made by, sponsored by or affiliated with Opposer. Any such confusion would inevitably cause economic damage to Opposer.

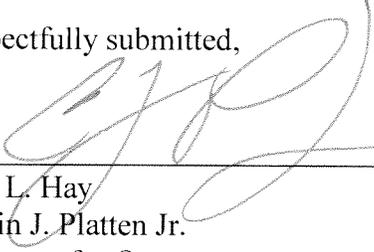
10. Opposer has superior rights in and to the marks BACKPAGE.COM and BACKPAGE because Opposer has been using the aforementioned marks on a continuous and substantially exclusive basis for 10 years and the marks are registered on the Principal Register.

11. Opposer has expended considerable effort and expense in promoting its BACKPAGE.COM and BACKPAGE marks, with the result that the relevant public has come to know, rely upon and recognize the services of Opposer by these marks. If Applicant is permitted to register BLASTPAGE.NET, such registration will interfere with Opposer's right to use its marks, and Opposer will be damaged thereby.

Opposer requests that the application for the mark BLASTPAGE.NET be rejected and that the registration of the mark be refused.

DATED the 3rd day of March, 2014.

Respectfully submitted,

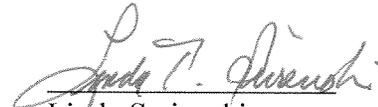


John L. Hay
Calvin J. Platten Jr.
Attorneys for Opposer
Gust Rosenfeld P.L.C.
One East Washington, Suite 1600
Phoenix, Arizona 85004-2553
602.257.7472 Office
602.254.4878 Facsimile
jhay@gustlaw.com
cplatten@gustlaw.com

CERTIFICATE OF SERVICE

I hereby certify that Backpage.Com, LLC's Notice of Opposition and all accompanying materials is being served on March 3, 2014 by depositing copies thereof in the United States Mail, first-class postage prepaid and certified mail return receipt requested, as follows:

Carmen Avila
3036 Kinkaid Drive
Dallas, TX 75220-1619


Linda Swiensi