

ESTTA Tracking number: **ESTTA610720**

Filing date: **06/18/2014**

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	Blab, Inc.
Granted to Date of previous extension	06/18/2014
Address	915 East Pine Street, #304 Seattle, WA 98122 UNITED STATES

Attorney information	Kevin S. Costanza Seed IP Law Group LLP 701 Fifth Avenue, Suite 5400 Seattle, WA 98104 UNITED STATES kevinC@SeedIP.com, litcal@SeedIP.Com Phone:206-622-4900
----------------------	---

Applicant Information

Application No	85869103	Publication date	02/18/2014
Opposition Filing Date	06/18/2014	Opposition Period Ends	06/18/2014
Applicant	Wolfe, Alexander Suite 820 New York, NY 10036 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Software and software applications to enable transmission, access, organization, and management of messaging, multimedia messaging, on-line blog journals, text,weblinks, images, audio and video via the Internet and other communications networks; computer software used to enhance the capabilities and features of other software and non-downloadable online software; software for accessing information on a global computer network; downloadable software via the Internet and wireless devices for accessing, sending, and receiving information on a global computer network; downloadable software for computers, portable handheld digital electronic communication devices, mobile devices, and wired and wireless communication devices for facilitation of communication and data transmission in the field of social networking; downloadable software in the nature of a mobile application for use with computers, portable handheld digital electronic communication devices, mobile devices, and wired and wireless communication devices for facilitation of communication; downloadable software in the nature of a mobile application for social networking; downloadable software in the nature of a mobile application for real-time delivery of data, messages, location information, photographs,weblinks, text, audio, video and other data related thereto; downloadable software to facilitate online advertising, business promotion, connecting social network users with businesses and for tracking users and advertising of others to provide strategy, insight, marketing, and predicting consumer behavior</p>

Class 035. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: advertising and marketing; advertising services; online advertising and marketing services; business data analysis; promotional services, namely, promoting goods and services of others via computer networks and communication channels; business networking; online service for connecting social network users with business and brand owners for the purpose of promoting the goods and services of others; business monitoring and consulting services, namely, tracking users and advertising of others to provide strategy, insight, marketing guidance, and for analyzing, understanding and predicting consumer behavior and motivations, and market trends

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	86313195	Application Date	
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services			

U.S. Application No.	86313174	Application Date	
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services			

Attachments	NOO - A. Wolfe.pdf(527261 bytes)
-------------	-----------------------------------

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	/Kevin S. Costanza/
Name	Kevin S. Costanza
Date	06/18/2014

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

Blab, Inc.,)	
)	
Opposer,)	Opposition No. _____
)	
v.)	Serial No. 85/869103
)	
Alexander Wolfe,)	
)	
Applicant.)	Attorney Docket No. 150117.801
_____)	

NOTICE OF OPPOSITION

Opposer Blab, Inc. (“Blab” or “Opposer”), a Delaware corporation which has a place of business at 915 East Pine Street, Suite 304, Seattle, WA 98122 believes it will be damaged by registration in International Classes 09 and 35 of the mark “BLABME,” shown in United States Trademark Application Serial No. 85/869103 (“the ’103 Application”) filed by Alexander Wolfe (“Wolfe” or “Applicant”) on March 6, 2013 and published for opposition on February 18, 2104. Opposer has requested and received an extension of time to June 18, 2014.

The grounds for this opposition are as follows:

1. Opposer is a pioneer of predictive social intelligence. Opposer applies proprietary technology and data processing to organize, pattern and predict online conversations.
2. Well prior to the March 6, 2013 date of Applicant’s application, Opposer adopted and has continuously used, among others, the trade names Blab and Blab, Inc. and the trademarks BLAB, the BLAB logo, BLABPREDICTS and others (collectively, “Opposer’s Marks”) in interstate commerce in the United States.

3. Opposer is the owner of U.S. Trademark Application Serial No. 86/313174 for the word mark BLAB in:

International Class 09 for Computer software; computer software for the collection, editing, organizing, modifying, bookmarking, transmission, storage and sharing of data and information; computer software that facilitates online services for social networking, building social networking applications and for allowing data retrieval, upload, download, access and management; computer software for tracking, filtering, automating, managing, searching, and interacting with social media platforms

International Class 35 for Research, analysis and consulting services; analysis of market research data and statistics; business data analysis; business management consulting with relation to strategy, marketing, and sales, particularly specializing in the use of analytic and statistic models for the understanding and predicting of consumers, businesses, and market trends and actions; consulting services, namely, expert analysis and management consulting in economics and accounting; providing information and analysis in the fields of economics and business; statistical analysis and reporting services for business purposes; statistical evaluations of marketing data

International Class 45 for Computer services; online services; online social networking services provided through a website by tracking, filtering, automating, managing, searching, and interacting with other social media platforms; online social networking services; providing on-line computer databases and on-line searchable databases in the field of social networking

4. Opposer is the owner of U.S. Trademark Application Serial No. 86/313195 for the word mark BLABPREDICTS in:

International Class 09 for Computer software; computer software for the collection, editing, organizing, modifying, bookmarking, transmission, storage and sharing of data and information; computer software that facilitates online services for social networking, building social networking applications and for allowing data retrieval, upload, download, access and management; computer software for tracking, filtering, automating, managing, searching, and interacting with social media platforms

International Class 35 for Research, analysis and consulting services; analysis of market research data and statistics; business data analysis; business management consulting with relation to strategy, marketing, and sales, particularly specializing in the use of analytic and statistic models for the understanding and predicting of consumers, businesses, and market trends and actions; consulting services, namely, expert analysis and management consulting in economics and accounting; providing information and analysis in the fields

of economics and business; statistical analysis and reporting services for business purposes; statistical evaluations of marketing data

International Class 45 for Computer services; online services; online social networking services provided through a website by tracking, filtering, automating, managing, searching, and interacting with other social media platforms; online social networking services; providing on-line computer databases and on-line searchable databases in the field of social networking

5. Since commencing use of Opposer's Marks, Opposer has generated and continues to generate substantial goodwill from the provision of goods and services in the United States in connection with the marks. Additionally, Opposer has expended and continues to expend substantial sums of money, time, and effort in advertising, promoting and popularizing Opposer's Marks in the United States.

6. As a result of the use of Opposer's Marks, and the advertising and promotion of goods and services offered in connection with Opposer's Marks, Opposer's Marks have become well known in the United States and are recognized as identifying Opposer's high-quality goods and services. Opposer's Marks and the associated goodwill are valuable assets of Opposer.

7. Applicant's applied-for mark is the word mark "BLABME". The applied-for mark incorporates Opposer's BLAB name and mark in its entirety, and is otherwise confusingly similar to Opposer's Marks.

8. In the '103 Application, Applicant has applied on an intent-to-use basis to register the mark "BLABME" for:

"Software and software applications to enable transmission, access, organization, and management of messaging, multimedia messaging, online blog journals, text, weblinks, images, audio and video via the Internet and other communications networks; computer software used to enhance the capabilities and features of other software and non-downloadable online software; software for accessing information on a global computer network; downloadable software via the Internet and wireless devices for accessing, sending, and receiving information on a global computer network; downloadable software for computers, portable handheld digital electronic communication devices, mobile devices, and wired and wireless communication devices for facilitation of communication and data transmission in the field of social networking; downloadable software in the nature of a mobile application for use with computers, portable handheld digital electronic communication devices, mobile devices, and wired and wireless communication devices for facilitation of communication; downloadable software in the

nature of a mobile application for social networking; downloadable software in the nature of a mobile application for real-time delivery of data, messages, location information, photographs, weblinks, text, audio, video and other data related thereto; downloadable software to facilitate online advertising, business promotion, connecting social network users with businesses and for tracking users and advertising of others to provide strategy, insight, marketing, and predicting consumer behavior” in international class 09; and

“advertising and marketing; advertising services; online advertising and marketing services; business data analysis; promotional services, namely, promoting goods and services of others via computer networks and communication channels; business networking; online service for connecting social network users with business and brand owners for the purpose of promoting the goods and services of others; business monitoring and consulting services, namely, tracking users and advertising of others to provide strategy, insight, marketing guidance, and for analyzing, understanding and predicting consumer behavior and motivations, and market trends” in international class 35.

9. Applicant’s described goods are complementary and otherwise sufficiently related to Opposer’s goods and services such that confusion is likely to result if the parties’ respective goods and services are marketed and sold under the same or confusingly similar marks.

10. Applicant’s “BLABME” mark as used for the described goods is confusingly and deceptively similar to one or more of Opposer’s Marks for Opposer’s goods and services, such that the trade and purchasing public are likely to be confused by and deceived into believing that Applicant’s goods originate with Opposer or are otherwise authorized by, sponsored by, licensed by, affiliated with, or associated with Opposer.

11. To the extent there is any likelihood of confusion between Applicant’s applied-for mark and Opposer’s Marks, Opposer is the senior user and entitled to stop use and registration by Applicant.

12. By reason of the foregoing, Opposer would be greatly damaged by the registration of Applicant’s “BLABME” mark.

WHEREFORE, Opposer prays that this Opposition be sustained, Applicant’s application denied and the mark refused registration.

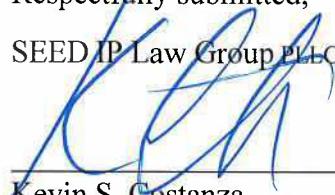
Correspondence Address

Please direct all communications to:

Kevin S. Costanza
KevinC@SeedIP.com
Litcal@SeedIP.com
SEED IP Law Group PLLC
701 Fifth Avenue, Suite 5400
Seattle, Washington 98104

DATED this 18th day of June, 2014.

Respectfully submitted,
SEED IP Law Group PLLC



Kevin S. Costanza
701 Fifth Avenue, Suite 5400
Seattle, Washington 98104
Telephone (206) 622-4900
Facsimile: (206) 682-6031

Attorney for Opposer
BLAB, INC.

3245309_1

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of June, 2014, the foregoing **NOTICE OF OPPOSITION** was served upon Applicant by depositing same with the U.S. Postal Service, first-class postage prepaid, addressed as follows:

Alexander Wolfe
1180 Avenue of The Americas, #820
New York, NY 10036-8401



Anne Calico