

ESTTA Tracking number: **ESTTA611918**

Filing date: **06/24/2014**

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	SignMeUp.com, Inc.		
Entity	Corporation	Citizenship	Illinois
Address	500 North Michigan Avenue Suite 600 Chicago, IL 60611 UNITED STATES		

Attorney information	Robert Hart Magnolia Law Group, Ltd. 401 North Michigan Avenue Suite 1200-1 Chicago, IL 60611 UNITED STATES robert@magnolialawgroup.com Phone:3128347701
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Applicant Information

Application No	86141075	Publication date	05/27/2014
Opposition Filing Date	06/24/2014	Opposition Period Ends	06/26/2014
Applicant	Gregory Adam Dunlap 18565 NW Nelscott St Portland, OR 97229 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 2014/03/21 First Use In Commerce: 2014/03/21
All goods and services in the class are opposed, namely: Athletic pants; Sweatshirts; T-shirts

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. Application No.	86314490	Application Date	06/19/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	RUNFREE		

Design Mark	<h1>RUNFREE</h1>
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2011/12/07 First Use In Commerce: 2012/08/31 T-shirts

Attachments	86314490#TMSN.jpeg(bytes) 2014-06-24_Notice_of_Opposition.pdf(254446 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 Personal Delivery on this date.

Signature	/Robert Hart/
Name	Robert Hart
Date	06/24/2014

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

In the matter of Trademark Application

Serial No.: 86/141,075
Filed: December 11, 2013
Mark: RUN FREE
Class: International Class No. 025
Goods: Athletic pants; Sweatshirts; T-shirts
Official Gazette: Published May 27, 2014

SignMeUp.com, Inc.)
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Opposer,)
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v.)
)
Gregory Adam Dunlap)
)
Applicant.)
_____)

Opposition No.:

NOTICE OF OPPOSITION

SignMeUp.com, Inc., a corporation organized under the laws of the State of Illinois, having its principal place of business at 500 North Michigan Avenue, Suite 600, Chicago, IL 60611 (“Opposer”), believes it will be damaged by registration of the mark RUN FREE in International Class 025 for Athletic pants; Sweatshirts; T-shirts, shown in Serial No. 86/141,075 filed December 11, 2013 by Gregory Adam Dunlap (“Applicant”) and opposes the registration of Mr. Dunlap’s Application.

The Opposer alleges, solely for the purpose of this proceeding, as grounds for opposition the following:

1. Opposer is the owner of U.S. Trademark Registration No. 4,522,705, registered on April 29, 2014 for the mark RUNFREE in connection with services in International Class 035

(“Opposer’s Registration”) and U.S. Trademark Application No. 86/314,490 for the mark RUNFREE in International Class 025 for the goods: “T-shirts” (“Opposer’s Mark”).

2. Applicant seeks to register the mark RUN FREE as a trademark for “Athletic pants; Sweatshirts; T-shirts” in interstate commerce in U.S. Serial No. 86/141,075, as evidenced by publication of the mark on May 27, 2014 issue of the *Official Gazette* at page TM 2661.

3. Applicant, in its trademark application U.S. Serial No. 86/141,075 for the mark RUN FREE (“Applicant’s Application”), alleges that its first use for the mark RUN FREE began on March 21, 2014 and in interstate commerce on March 21, 2014; both dates of which are subsequent to the date of first use in Opposer’s Mark in International Class 025.

4. Opposer and the Applicant use the marks RUNFREE and RUN FREE, respectively, on identical goods that are distributed through the same channels of trade.

5. Applicant’s mark RUN FREE, so resembles Opposer’s Mark RUNFREE, as to be likely, when used with identical goods that are distributed through the same channels of trade, to cause confusion, mistake or deception within the meaning of Section 2(d) of the Trademark Act.

6. The Opposer avers that if Applicant is granted the registration being opposed in this Notice, it would interfere with Opposer’s exclusive right to use its mark and will result in detriment and damage to Opposer.

7. The Opposer avers that for the reasons set forth in this Notice of Opposition, it will be damaged by a grant of a registration certificate to the Applicant of the trademark which is the subject of Serial No. 86/141,075.

The Opposer respectfully requests that registration of U.S. Application Serial No. 86/141,075 for the mark RUN FREE be denied and refused.

Magnolia Law Group, Ltd.

Date: June 24, 2014



By: _____

Robert Hart
401 North Michigan Avenue
Suite 1200-1
Chicago, IL 60611
(312) 834-7701

Attorney for Opposer