

ESTTA Tracking number: **ESTTA613596**

Filing date: **07/02/2014**

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	Symplified, Inc.
Granted to Date of previous extension	07/02/2014
Address	1600 Pearl Street Suite 200 Boulder, CO 80302 UNITED STATES

Attorney information	Shane Percival Neugeboren O'Dowd PC 1227 Spruce Street Suite 200 Boulder, CO 80302 UNITED STATES shane@neugeborenlaw.com Phone:720-536-4906
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Applicant Information

Application No	86066424	Publication date	03/04/2014
Opposition Filing Date	07/02/2014	Opposition Period Ends	07/02/2014
Applicant	JHC Technology, Inc. 401 Post Office Road, Suite 201 Waldorf, MD 20602 UNITED STATES		

Goods/Services Affected by Opposition

Class 042. First Use: 2012/12/05 First Use In Commerce: 2012/12/05 All goods and services in the class are opposed, namely: Computer security services, namely, enforcing, restricting and controlling access privileges of users of computing resources for cloud, mobile or network resources based on assigned credentials; Computer services, namely, cloud hosting provider services; Computer services, namely, integration of private and public cloud computing environments; Consulting services in the field of cloud computing; Providing virtual computer systems and virtual computer environments through cloud computing; Technical consulting services in the fields of datacenter architecture, public and private cloud computing solutions, and evaluation and implementation of internet technology and services

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.	3729225	Application Date	04/09/2008
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Registration Date	12/22/2009	Foreign Priority Date	NONE
Word Mark	SYMPLIFIED		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2003/04/01 First Use In Commerce: 2007/05/04 Computer software and hardware for on demand information technology delivery, namely, computer hardware and software for identity management, monitoring of information technology deployment, and integration of enterprise software applications</p> <p>Class 042. First use: First Use: 2003/04/01 First Use In Commerce: 2007/05/04 Computer service, namely, acting as an application service provider in the fields of identity management and information technology delivery, to host computer application software for the collection,organizing, and modifying of personal identity information</p>		

U.S. Registration No.	3917503	Application Date	10/01/2008
Registration Date	02/08/2011	Foreign Priority Date	NONE
Word Mark	SYMPLIFIED SYNC		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 042. First use: First Use: 2010/07/28 First Use In Commerce: 2010/07/28 Computer service, namely, acting as an on demand enterprise application serviceprovider in the field of identity management featuring software for use in providing centralized auditing, management, provisioning, bridging, and synchronizing of user accounts with cloud and enterprise-based applications</p>		

Attachments	77444078#TMSN.jpeg(bytes) 77582867#TMSN.jpeg(bytes) 3600.2017_Notice_of_Opposition.pdf(86681 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	/Shane Percival/
Name	Shane Percival
Date	07/02/2014

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

Symplified, Inc. Opposer, v. JHC Technology, Inc. Applicant	Opposition No. _____ Serial No. 86-066424
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NOTICE OF OPPOSITION

Symplified, Inc. ("Opposer"), a Delaware Corporation having a place of business at 1600 Pearl Street, Suite 200, Boulder CO 80302, believes it will be damaged by the registration of the mark shown in Application Serial No. 86/066424 and hereby opposes that registration under the provisions of 15 U.S.C. §1063.

As grounds for the Notice for Opposition, Opposer alleges that:

1. Application Serial No. 86/066,424 was filed on September 20, 2013 for the mark CLOUD. SIMPLIFIED. and was published for opposition under the following services: Computer security services, namely, enforcing, restricting and controlling access privileges of users of computing resources for cloud, mobile or network resources based on assigned credentials; computer services, namely, cloud hosting provider services; computer services, namely, integration of private and public cloud computing environments; consulting services in the field of cloud computing; providing virtual computer systems and virtual computer environments through cloud computing; technical consulting services in the fields of datacenter architecture, public and

private cloud computing solutions, and evaluation and implementation of internet technology and services, in international class 042.

2. Opposer is in the business of offering various computer goods and services relating to identity management software and services, including software related to enforcing, restricting and controlling access privileges of users of computing resources for cloud, mobile or network resources based on assigned credentials. Opposer's goods and services are marketed and sold throughout many channels of trade.

3. Opposer has offered products and services in support thereof under the mark and name SYMPLIFIED continuously since at least as early as 2007.

4. Opposer has offered products and services in support thereof under the mark and name SYMPLIFIED SYNC continuously since at least as early as 2010

5. Opposer is the owner of all right, title and interest in U.S. Trademark Registration No. 3,729,225 registered with the USPTO on December 22, 2009, for SYMPLIFIED and U.S. Trademark Registration No. 3,917,503 registered with the USPTO on February 8, 2011, for SYMPLIFIED SYNC (the "Simplified Marks").

6. Since well prior to Applicant's first use of the challenged mark in connection with the goods and services listed in its application, Opposer has extensively and continuously used, advertised and promoted the Simplified Marks for, *inter alia*, identity management software and services, including software related to enforcing, restricting and controlling access privileges of users of computing resources for cloud, mobile or network resources based on assigned credentials.

7. Applicant seeks registration for the CLOUD. SIMPLIFIED. mark for the goods and

services identified in paragraph 1 above.

8. Applicant filed its application for the CLOUD. SIMPLIFIED. mark on the basis of use in commerce, beginning December 5, 2012.

9. Upon information and belief, Applicant made no valid use of the challenged mark for the published services prior to the first use of the SYMPLIFIED Marks by Opposer.

10. Applicant's CLOUD. SIMPLIFIED. mark so resembles Opposer's previously used marks, as to be likely, when used in connection with the services of Applicant, to cause confusion, to cause mistake, to deceive, or to dilute the SYMPLIFIED Marks.

11. In the alternative, the registration of Applicant's CLOUD. SIMPLIFIED. mark on the Principal Register would be inconsistent with Opposer's rights under its aforementioned registrations and under the common law, and be damaging to Opposer.

WHEREFORE, Opposer requests that Serial No. 86066424 be rejected, that judgment in favor of Opposer be entered, and that this Notice for Opposition be sustained in favor of Opposer.

Respectfully submitted,

Dated: July 2, 2014

By: /Shane Percival/
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Certificate of Service

I certify that on July 2, 2014, the attached document was both emailed and mailed to the following addresses, respectively:

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/Shane Percival/
Shane Percival