

ESTTA Tracking number: **ESTTA631591**

Filing date: **10/08/2014**

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	Agence France Presse
Granted to Date of previous extension	10/08/2014
Address	13, Place de la Bourse Paris, 75002 FRANCE

Correspondence information	Joseph T. Murray Hart, Baxley, Daniels & Holton 90 John Street - Suite 403 New York, NY 10038-3242 UNITED STATES jtm@hartbaxley.com Phone:2127917200
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**Applicant Information**

Application No	86046639	Publication date	06/10/2014
Opposition Filing Date	10/08/2014	Opposition Period Ends	10/08/2014
Applicant	Madwire Media, LLC 504 W. Eisenhower Blvd Loveland, CO 80537 UNITED STATES		

**Goods/Services Affected by Opposition**

<p>Class 035. First Use: 2013/08/23 First Use In Commerce: 2013/08/23 All goods and services in the class are opposed, namely: Inbound digital marketing services; search engine ad placement services; socialmedia branding services, namely, consulting, development, management and marketing of brands for social media businesses; mobile advertising services; digital advertisement targeting and optimization; website visitor identification and targeting marketing services; marketing services, namely, user conversion analysis services and user conversion optimization services; e-commerce marketing services; local digital marketing services; business monitoring and consulting services, namely, website analytic services to provide strategy and insight for the understanding and predicting of consumers, businesses, and market trends and actions; Business monitoring services, namely, inbound website traffic analytic services to provide details about user click traffic or visits to the web site; Inboundwebsite lead generation services, namely, tracking and scoring potential customer leads generated from inbound website traffic and digital advertisements; Business monitoring services, namely, inbound website traffic monitoring services to provide details about user click traffic or visits to the web site, namely, identifying and reporting website traffic by internet protocol address, location and other digital identifier; Inbound internet protocol address correlation services for business purposes, namely, identifying, tracking, reporting, differentiating and correlating internet protocol addresses accessing a website with existing or potential customers and undesired website traffic; Marketing services, namely, displaying and reporting metrics as it relates to fraudulent</p>
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clicks originated from search engines where ads are displayed for the purpose of generating inbound traffic; Marketing services, namely, internet protocol address exclusion and filtering services generated from paidsearch, search-engine-optimization, social media and any other means delivered to drive traffic; Advertising and marketing services, namely, promoting the goods and services of others; Business marketing services; Creative marketing designservices; Direct marketing advertising for others; Marketing consulting; Marketing services, namely, promoting or advertising the goods and services of others;Marketing, promotional and advertising services provided by mobile telephone connections; On-line advertising and marketing services; and Providing advertising, marketing and promotional services, namely, development of advertising campaigns for web pages and internet businesses

## Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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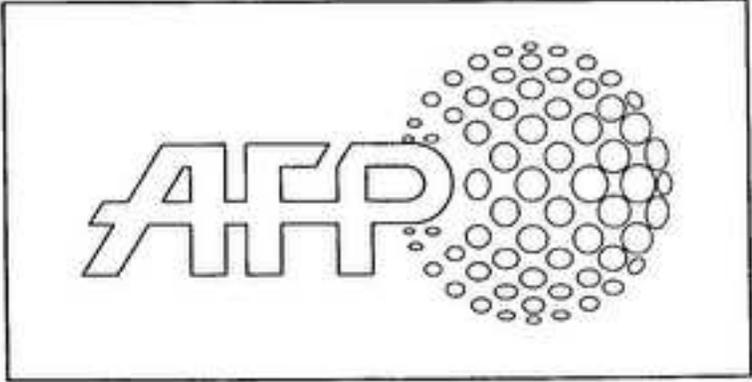
## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4189751	Application Date	12/01/2011
Registration Date	08/14/2012	Foreign Priority Date	NONE
Word Mark	AFP		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2009/01/00 First Use In Commerce: 2009/01/00 Downloadable software in the nature of a mobile application for use in uploading, storing, retrieving, downloading, transmitting, reading and viewing digital content in the nature of text, images, sounds, videos, still graphics, animated graphics, and multi-media production featuring current event news and commentary</p> <p>Class 038. First use: First Use: 1967/01/15 First Use In Commerce: 1967/01/15 News wire services, namely, news agency services for the electronic transmission of news items to news reporting organizations and others; News agencies, namely, the transmission of news items to news reporting organizations and others; Transmission of news via satellite, cable and via a global computer network</p> <p>Class 041. First use: First Use: 1967/01/15 First Use In Commerce: 1967/01/15 Media production services for others, namely, writing of texts other than publicity texts, production of image, sound and video in the nature of film and videoproduction; Media production services for others, namely, preparation of special effects for film and video, particularly still and animated graphics; Multimedia production services</p>		

U.S. Registration	4093684	Application Date	06/22/2011
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No.			
Registration Date	01/31/2012	Foreign Priority Date	NONE
Word Mark	AFP		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2009/01/00 First Use In Commerce: 2009/01/00 Downloadable software in the nature of a mobile application for use in uploading, storing, retrieving, downloading, transmitting reading and viewing digital content in the nature of stories and videos featuring current event news and commentary</p> <p>Class 016. First use: First Use: 1967/01/15 First Use In Commerce: 1967/01/15 Books in the field of national and international current event news; Stationery, photographic prints, Calendars</p> <p>Class 038. First use: First Use: 1967/01/15 First Use In Commerce: 1967/01/15 News wire services, namely, news agency services for the electronic transmission of news items to news reporting organizations; News agencies, namely, the transmission of news items to news reporting organizations; Transmission of news via satellite, cable and via a global computer network</p> <p>Class 041. First use: First Use: 1967/01/15 First Use In Commerce: 1967/01/15 News agencies, namely, gathering and dissemination of news; Providing online web sites featuring general, international and local current event news and information in the fields of politics, policy, sports, entertainment, arts, leisure, and travel; Media production services for others, namely, video and film production; On-line journals, namely, blogs featuring general, international and local current event news and information in the fields of politics, policy, sports, entertainment, arts, leisure, and travel; Conducting workshops and seminars in the field of journalism and news gathering; Organization of educational or entertainment competitions in the field of journalism, namely, Providing recognition and incentives by the way of awards and contests to demonstrate excellence in the field of journalism, Entertainment in the nature of journalism writing competitions</p>		

U.S. Registration No.	2873090	Application Date	11/09/2000
Registration Date	08/17/2004	Foreign Priority Date	NONE
Word Mark	AFP		

Design Mark	
Description of Mark	The rectangle is dark blue, the lettering is white, and the circular shapes are light blue.
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0  [ Devices and instruments, namely, photographic cameras, computer hardware, and computer software in the field of weighing, measurement, signaling, control, inspection, assistance, and repair of photographic images; devices for recording transmission, reproduction of sound, data or images, namely; blank magnetic computer tapes; audio discs featuring news events; data processors; computers; audiovisual devices and instruments, for telecommunications, namely, television sets, tape recorders, VCR's, radios, movie projectors, antennas, parabolic antennas; motion picture film about news events; blank audiovisual tapes and blank audio cassettes; blank video cassettes; blank magnetic computer tapes; optical discs; audio and visual compact discs featuring news events, multimedia software recorded on CD ROMS featuring news events; software for use in caption, storage and supply of data in the field of news information ]</p> <p>Class 016. First use: First Use: 0 First Use In Commerce: 0  Products made of paper and cardboard, namely, [ copybooks, ] photograph albums, [ folders, printed matter, namely, newspapers, manuals and handbooks, all ] in the field of general national, general international, business and sports news; [ computer program manuals in the field of caption, storage and supply of data in the field of news information; books, periodicals, and magazines all in the field of general national, general international, business and sports news; children's books, newspapers in the field of sport, economic and general news, photographs mounted and unmounted, paper, namely, computer paper, copy paper, carbon paper, construction paper, loose leaf paper, note paper, notebook paper, newsprint paper, or cardboard, ] stationery, [ electric and non-electric typewriters, non-furniture office articles, namely, posters, ] calendars, [ paper bags, pens, and notepads, printed instruction and teaching materials in the field of journalism, printing fonts, mounts for X-ray negatives for non-medical purposes, postcards, posters, ] self adhesive printed labels [ and self adhesive address labels ]</p> <p>Class 020. First use: First Use: 0 First Use In Commerce: 0  [ Picture frames ]</p> <p>Class 038. First use: First Use: 0 First Use In Commerce: 0  [ Telecommunications connections to various computer networks; radio, telegraph and telephone communications and cable television transmission; radio broadcast and televised programs broadcasting; telecommunications by telemetric services;] data transmission by computer; electronic transmission of messages; [ telegram transmission; program broadcast by radio, television, cable, hertz waves and satellites; ] communication by computer terminals and fibre optic networks, namely, computer aided transmission of messages and images by electronic mail; electronic transmission of data, text, sound, images by national and international communication networks; transmission services for visual or</p>

	<p>sound information and data combined in databases via computer terminals [; providing multiple-user access to worldwide computer network ]</p> <p>Class 040. First use: First Use: 0 First Use In Commerce: 0</p> <p>[ Photo composition services ]</p> <p>Class 041. First use: First Use: 0 First Use In Commerce: 0</p> <p>News agency services, namely, gathering and dissemination of news; news analysis and features distribution services, namely, providing information, commentary and general news articles; [ training, namely, classes, seminars, and distance learning in the fields of journalism, entertainment related news events, radio or television entertainment related to news events; production of audio and visual cassettes, CD ROMS, audio, video and compact discs; productions of motion picture films, television movies, television programs, phonograms, videotapes and compact discs; rental of film video cassettes, compact discs and phonographic recordings; rental of movie projection devices; ] organization of educational or entertainment competition in the nature of journalism; arranging and conducting educational colloquiums, conferences and congresses for news information purposes; organization of exhibitions for cultural and educational purposes [; library services, namely, providing temporary loan of books ]</p> <p>Class 042. First use: First Use: 0 First Use In Commerce: 0</p> <p>[ Legal services; computer programming for others, design of computer software for others; professional consultations and drawing in the field of journalism, printing offset printing, leasing of access time to a database server center hosting information data, database development services, desktop publishing for others; correspondence exchange services in the field of information; ] reporter services about news information; [ weather information services, namely, weather forecasting; ] feature articles in the field of news information, printing of books and magazines</p>
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Attachments	<p>85484697#TMSN.png( bytes )</p> <p>85352605#TMSN.png( bytes )</p> <p>76163102#TMSN.png( bytes )</p> <p>NoticeOfOpposition-AFPvMadwireMedia.pdf(22456 bytes )</p>
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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	/JosephTMurray/
Name	Joseph T. Murray
Date	10/08/2014

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

*In the Matter of Application No. 86/046639 AFP  
published in an Official Gazette on June 10, 2014*

Agence France Presse,

Opposer,

Opposition No. \_\_\_\_\_

v.

Madwire Media, LLC,

Applicant.

Commissioner for Trademarks  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Agence France Presse (“Opposer”), a corporation organized and existing under the laws of France, with its principal office at 13 Place de la Bourse, 75002 Paris, France, believes it will be damaged by registration of the mark AFP as shown in the above-identified application for service mark registration and hereby opposes same in its entirety. Said application was published in an Official Gazette of the United States Patent and Trademark Office on June 10, 2014.

The grounds for opposition are as follows:

1. Applicant seeks to register a mark AFP for:

inbound digital marketing services; search engine ad placement services; social media branding services, namely, consulting, development, management and marketing of brands for social media businesses; mobile advertising services; digital advertisement targeting and optimization; website visitor identification and targeting marketing services; marketing services, namely, user conversion analysis services and user conversion optimization services; e-commerce marketing services; local digital marketing services; business monitoring and

consulting services, namely, website analytic services to provide strategy and insight for the understanding and predicting of consumers, businesses, and market trends and actions; Business monitoring services, namely, inbound website traffic analytic services to provide details about user click traffic or visits to the web site; Inbound website lead generation services, namely, tracking and scoring potential customer leads generated from inbound website traffic and digital advertisements; Business monitoring services, namely, inbound website traffic monitoring services to provide details about user click traffic or visits to the web site, namely, identifying and reporting website traffic by internet protocol address, location and other digital identifier; Inbound internet protocol address correlation services for business purposes, namely, identifying, tracking, reporting, differentiating and correlating internet protocol addresses accessing a website with existing or potential customers and undesired website traffic; Marketing services, namely, displaying and reporting metrics as it relates to fraudulent clicks originated from search engines where ads are displayed for the purpose of generating inbound traffic. Marketing services, namely, internet protocol address exclusion and filtering services generated from paid search, search-engine-optimization, social media and any other means delivered to drive traffic; Advertising and marketing services, namely, promoting the goods and services of others; Business marketing services; Creative marketing design services; Direct marketing advertising for others; Marketing consulting; Marketing services, namely, promoting or advertising the goods and services of others; Marketing, promotional and advertising services provided by mobile telephone connections; On-line advertising and marketing services; and Providing advertising, marketing and promotional services, namely, development of advertising campaigns for web pages and internet businesses (hereinafter "Applicant's Goods") in International Class 035.

2. Opposer is owner of United States Trademark and Service Mark Registration Nos. 4189751 AFP, 4093684 AFP and 2873090 AFP and Design that collectively cover similar and complementary goods and services, including, but not limited to:

Downloadable software in the nature of a mobile application for use in uploading, storing, retrieving, downloading, transmitting, reading and viewing digital content in the nature of text, images, sounds, videos, still graphics, animated graphics, and multi-media production featuring current event news and commentary;

News wire services, namely, news agency services for the electronic transmission of news items to news reporting organizations and others; News agencies, namely, the transmission of news items to news reporting

organizations and others; Transmission of news via satellite, cable and via a global computer network;

Telecommunications connections to various computer networks; radio, telegraph and telephone communications and cable television transmission; radio broadcast and televised programs broadcasting; telecommunications by telemetric services; data transmission by computer; electronic transmission of messages; telegram transmission; program broadcast by radio, television, cable, hertz waves and satellites; communication by computer terminals and fibre optic networks, namely, computer aided transmission of messages and images by electronic mail; electronic transmission of data, text, sound, images by national and international communication networks; transmission services for visual or sound information and data combined in databases via computer terminals; providing multiple-user access to worldwide computer network;

Media production services for others, namely, writing of texts other than publicity texts, production of image, sound and video in the nature of film and video production; Media production services for others, namely, preparation of special effects for film and video, particularly still and animated graphics; Multimedia production services.

3. As a result of continuous and extensive use by Opposer of the marks AFP and AFP & Design, its marks have become and continue to function as valuable business and marketing assets of Opposer and serve to indicate to the trade and consuming public products and services originating exclusively from Opposer.

4. Applicant's Mark AFP is confusingly similar to Opposer's marks AFP and AFP & Design and use thereof by Applicant is likely to cause confusion, deception and mistake as to the source of Applicant's and Opposer's respective goods and services. Therefore, Applicant's Mark should be denied registration under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

5. Opposer believes it will be damaged by registration of Applicant's Mark.

WHEREFORE, Opposer respectfully requests that this Opposition be sustained and that Applicant's mark AFP be denied registration.

Respectfully submitted,

Dated: October 8, 2014

HART, BAXLEY DANIELS & HOLTON  
*Attorneys for Opposer*

By:           /Joseph T. Murray/            
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