

ESTTA Tracking number: **ESTTA641447**

Filing date: **11/26/2014**

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	BFF Biz, LLC
Granted to Date of previous extension	11/30/2014
Address	1026 4th Street Kirkland, WA 98033 UNITED STATES

Correspondence information	Jennifer L. Jolley Perkins Coie LLP 1201 Third Ave, Ste 4900 Seattle, WA 98101 UNITED STATES pctrademarks@perkinscoie.com, jjolley@perkinscoie.com, bbarera@perkinscoie.com Phone:206-359-6479
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Applicant Information

Application No	86154514	Publication date	06/03/2014
Opposition Filing Date	11/26/2014	Opposition Period Ends	11/30/2014
Applicant	Ross, Dr. Shirley 601 N. Owen St. Alexandria, VA 22304 UNITED STATES		

Goods/Services Affected by Opposition

Class 045. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Retail book stores specializing in antiquarian, out of print or hard to find, exceptionally handsome, or specialized scholarly books, including phone or emailed consultation with staff on choice of books and book searches
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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.	4646762	Application Date	09/10/2013
Registration Date	11/25/2014	Foreign Priority Date	NONE
Word Mark	BOOKS I LOVE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2013/11/24 First Use In Commerce: 2013/11/24 Downloadable mobile applications for book recommendations and reviews, and providing information for discovery of new books

U.S. Application No.	86060267	Application Date	09/10/2013
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	BOOKS I LOVE
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Design Mark	
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 0 First Use In Commerce: 0 Entertainment services, namely, providing on-line book reviews and recommendations, and information for discovery of new books; providing an interactive web site featuring customized book recommendations for entertainment purposes Class 042. First use: First Use: 0 First Use In Commerce: 0 Providing customized web pages featuring user-defined reader profiles, book reviews and recommendations, and information for discovery of new books

Attachments	86975647#TMSN.png(bytes) 86060267#TMSN.png(bytes) Notice of Opposition.pdf(47041 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	/jennifer l jolley/
Name	Jennifer L. Jolley
Date	11/26/2014

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

BFF BIZ, LLC

Opposer,

v.

Shirley Ross,

Applicant.

Opposition No.:

NOTICE OF OPPOSITION

Mark: BOOKS TO GIVE * BOOKS TO LOVE

Serial No.: 86/154,514

Filing Date: December 30, 2013

CE Trademark LLC ("Opposer") believes that it will be damaged by registration of the BOOKS TO GIVE * BOOKS TO LOVE trademark ("Applicant's Mark"), in International Class 45, for use in connection with "retail book stores specializing in antiquarian, out of print or hard to find, exceptionally handsome, or specialized scholarly books, including phone or emailed consultation with staff on choice of books and book searches" ("Applicant's Services") as identified in Application Serial No. 86/154,514 ("Application"), and hereby opposes the Application. As grounds for its opposition, Opposer alleges as follows:

I. PARTIES

1. Opposer is a Washington Limited Liability Company.
2. On information and belief, Applicant Shirley Ross ("Applicant") is an individual residing in Alexandria, Virginia.

II. OPPOSER'S MARKS

3. Opposer provides digital book recommendation and review services that allow users to share recommendations digitally, such as via mobile applications, email or social networks, and provides access to a library of books under its BOOKS I LOVE mark ("Opposer's Mark").

4. Opposer owns the Registration No. 4646762 for the mark BOOKS I LOVE for “downloadable mobile applications for book recommendations and reviews, and providing information for discovery of new books” in Class 9 (“Opposer’s Registration”).
5. Opposer owns pending application Serial No. 86060267 for the mark BOOKS I LOVE for “entertainment services, namely, providing on-line book reviews and recommendations, and information for discovery of new books; providing an interactive web site featuring customized book recommendations for entertainment purposes” in Class 41, and “providing customized web pages featuring user-defined reader profiles, book reviews and recommendations, and information for discovery of new books” in Class 42 (“Opposer’s Application”). The Notice of Allowance was issued for Opposer’s Application on April 22, 2014.
6. Opposer began using its mark in interstate commerce at least as early as November 24, 2013.
7. Opposer’s Registration and Application were filed on September 10, 2013, creating statutory constructive use priority at least as early as that date.
8. Copies of Opposer’s Registration and Application from the USPTO’s on-line records and showing status and title for Opposer’s Registration and Application, are attached hereto at **Exhibit A**.

III. APPLICANT'S MARK AND APPLICATION

9. The Application was filed on December 30, 2013 ("Filing Date").
10. Applicant’s Filing Date is after Opposer’s constructive use priority date.
11. Applicant’s Filing Date is after Opposer’s date of first use.
12. The Application was filed based on Applicant's intent to use Applicant’s Mark with Applicant’s Services in the United States.
13. The Application was published for opposition on June 3, 2014.
14. This Notice of Opposition is timely because Opposer was granted extensions of time to oppose the Application on June 27, 2014 and September 26, 2014. Because the November

30, 2014 final deadline to oppose the Application falls on a weekend, the final deadline to oppose is December 1, 2014.

IV. CLAIMS

PRIORITY AND LIKELIHOOD OF CONFUSION

15. Opposer's Mark is distinctive for Opposer's Services.
16. Opposer owns Opposer's Mark for use with Opposer's Services.
17. Opposer's constructive use priority date is prior to the Applicant's filing date.
18. Applicant's Mark subsumes Opposer's Mark and creates a closely similar commercial impression.
19. Opposer's Services and Applicant's Services overlap and are related.
20. Opposer's Services and Applicant's Services are likely to travel in similar trade channels and be used by overlapping consumers.
21. Applicant's Mark so resembles Opposer's Mark as to be likely to cause confusion, to cause mistake, or to deceive with consequent injury to Opposer, the trade, and to the public.
22. The registration of Applicant's Mark with Applicant's Services would prevent Opposer from exercising exclusive control over the goodwill and reputation associated with Opposer's Mark. Therefore, the registration of Applicant's Mark with Applicant's Services would damage and injure Opposer.
23. Opposer will also be damaged by the registration of Applicant's Mark with Applicant's Services because such registration will support statutory rights for Applicant in violation and derogation of Opposer's prior, superior, and exclusive rights in Opposer's Mark.

V. REQUEST FOR RELIEF

WHEREFORE, Opposer respectfully requests that its opposition be sustained and that the Application be denied and refused registration. This Notice of Opposition is filed according to the rules governing electronic submissions to the Trademark Trial and Appeal Board, including payment of the requisite \$300 fee (\$300 per Class).

DATED: November 26, 2014

CERTIFICATE OF SERVICE

I hereby certify that this NOTICE OF OPPOSITION is being deposited with the United Parcel Service with sufficient postage on November 26, 2014, in an envelope addressed to Shirley Ross, 601 N. Owen St., Alexandria, VA 22304-2251

Signature: /Sachiko Crowder/
Sachiko Crowder

Respectfully submitted,

PERKINS COIE LLP

By: /Jennifer L. Jolley/
Jennifer L. Jolley
Attorneys for Opposer
1201 Third Avenue, Suite 4900
Seattle, Washington 98101-3099

EXHIBIT A

Attorney Name: Jennifer L Jolley
Attorney Primary Email pctrademarks@perkinscoie.com
Address:

Docket Number: 110289-4000.
Attorney Email Yes
Authorized:

Correspondent

Correspondent Name/Address: JENNIFER L JOLLEY
PERKINS COIE LLP
1201 3RD AVE STE 4900
SEATTLE, WASHINGTON 98101-3099
UNITED STATES

Phone: 206-359-8000

Fax: 206-359-7479

Correspondent e-mail: pctrademarks@perkinscoie.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 25, 2014	REGISTERED-PRINCIPAL REGISTER	
Oct. 21, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Oct. 20, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Oct. 08, 2014	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Oct. 07, 2014	STATEMENT OF USE PROCESSING COMPLETE	61813
Sep. 18, 2014	USE AMENDMENT FILED	61813
Oct. 07, 2014	EXTENSION 1 GRANTED	61813
Sep. 18, 2014	EXTENSION 1 FILED	61813
Oct. 07, 2014	DIVISIONAL PROCESSING COMPLETE	
Sep. 18, 2014	DIVISIONAL REQUEST RECEIVED	
Oct. 02, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	61813
Sep. 18, 2014	TEAS REQUEST TO DIVIDE RECEIVED	
Sep. 18, 2014	TEAS EXTENSION RECEIVED	
Sep. 18, 2014	TEAS STATEMENT OF USE RECEIVED	
Apr. 22, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Feb. 25, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 25, 2014	PUBLISHED FOR OPPOSITION	
Feb. 05, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 21, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	70997
Jan. 21, 2014	ASSIGNED TO LIE	70997
Dec. 21, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 21, 2013	EXAMINER'S AMENDMENT ENTERED	88888
Dec. 21, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Dec. 21, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Dec. 21, 2013	EXAMINERS AMENDMENT -WRITTEN	76137
Dec. 19, 2013	ASSIGNED TO EXAMINER	76137
Sep. 18, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 13, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Oct. 20, 2014

Generated on: This page was generated by TSDR on 2014-11-26 12:51:07 EST

Mark: BOOKS I LOVE

BOOKS I LOVE

US Serial Number: 86060267

Application Filing Date: Sep. 10, 2013

Register: Principal

Mark Type: Service Mark

Status: A first request for extension of time to file a Statement of Use has been granted.

Status Date: Oct. 07, 2014

Publication Date: Feb. 25, 2014

Notice of Allowance Date: Apr. 22, 2014

Mark Information

Mark Literal Elements: BOOKS I LOVE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "BOOKS"

Related Properties Information

Claimed Ownership of US Registrations: 86975647

Registrations:

Parent Of: 86975647

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Entertainment services, namely, providing on-line book reviews and recommendations, and information for discovery of new books; providing an interactive web site featuring customized book recommendations for entertainment purposes

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(b)

For: Providing customized web pages featuring user-defined reader profiles, book reviews and recommendations, and information for discovery of new books

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: BFF Biz, LLC

Owner Address: 1026 4th Street
Kirkland, WASHINGTON 98033
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: WASHINGTON

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jennifer L Jolley **Docket Number:** 110289-4000.
Attorney Primary Email Address: pctrademarks@perkinscoie.com **Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: JENNIFER L JOLLEY
PERKINS COIE LLP
1201 3RD AVE STE 4900
SEATTLE, WASHINGTON 98101-3099
UNITED STATES
Phone: 206-359-8000 **Fax:** 206-359-7479
Correspondent e-mail: pctrademarks@perkinscoie.com **Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 08, 2014	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Oct. 08, 2014	CORRECTED NOA E-MAILED	
Oct. 07, 2014	EXTENSION 1 GRANTED	61813
Sep. 18, 2014	EXTENSION 1 FILED	61813
Oct. 07, 2014	DIVISIONAL PROCESSING COMPLETE	
Sep. 18, 2014	DIVISIONAL REQUEST RECEIVED	
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Sep. 13, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: MEIER, SHARON A **Law Office Assigned:** LAW OFFICE 112

File Location

Current Location: DIVISIONAL UNIT **Date in Location:** Oct. 07, 2014