

ESTTA Tracking number: **ESTTA648002**

Filing date: **01/02/2015**

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	Solveve, L.L.C.		
Entity	limited liability company	Citizenship	North Carolina
Address	69 McAdenville Road Belmont, NC 28012 UNITED STATES		

Attorney information	William B. Cannon 301 Fayetteville St., Ste. 1400 Raleigh, NC 27601 UNITED STATES trademarks@parkerpoe.com Phone:9198354654		
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Applicant Information

Application No	86345664	Publication date	12/16/2014
Opposition Filing Date	01/02/2015	Opposition Period Ends	01/15/2015
Applicant	Solveve One, LLC 22375 Broderick Drive, Suite 255 Dulles, VA 20166 UNITED STATES		

Goods/Services Affected by Opposition

Class 037. First Use: 2008/07/31 First Use In Commerce: 2008/07/31 All goods and services in the class are opposed, namely: Computer installation and repair
Class 042. First Use: 2008/07/31 First Use In Commerce: 2008/07/31 All goods and services in the class are opposed, namely: Business technology software consultation services; Computer network configuration services; Computer network design for others; Computer services, namely, remote management of the information technology (IT) systems of others; Computer services, namely, remote management of computers and computer networks, information technology systems and computer software applications for others; Computer software consulting; Computer system design services; Computer technology support services, namely, help desk services; Design and development of wireless computer networks; Design of computer hardware, integrated circuits, communications hardware and software and computer networks for others; Monitoring of computer systems by remote access to ensure proper functioning; Monitoring the computer systems of others for technological purposes and providing backup computer programs and facilities; Planning, design and implementation of computer technologies for others; Planning, design and management of information technology systems; Technical support services, namely, technical administration of servers for others and troubleshooting in the nature of diagnosing server problems; Technical support, namely, monitoring technological functions of computer network systems

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.	86397492	Application Date	09/17/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SOLVERE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 040. First use: First Use: 2004/09/24 First Use In Commerce: 2004/09/24 Custom fabrication and production of electrical control panels</p> <p>Class 042. First use: First Use: 2003/08/29 First Use In Commerce: 2003/08/29 Engineering; engineering services in the field of computer networks and control systems; computer programming; computer system analysis; computer system design services; computer software development; computer network design for others; computer network configuration services; integration of computer systems and networks; information technology consulting services; planning, design and management of information technology systems; engineering design services; engineering and design of electrical control panels</p>		

Attachments	86397492#TMSN.png(bytes) Solve Notice of Opposition.pdf(16983 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	/William B. Cannon/
Name	William B. Cannon
Date	01/02/2015

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

In the matter of Application Serial Number: 86345664
Published: December 16, 2014

_____)	
Solvere, L.L.C.)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
Solvere One, LLC)	
)	
)	
Respondent.)	
_____)	

NOTICE OF OPPOSITION

Solvere, L.L.C., a North Carolina limited liability company with an address of 69 McAdenville Road, Belmont, NC 28012 (“Opposer”), believes that it would be damaged by registration of the mark SOLVERE ONE in International Classes 37 and 42, as shown in Application Serial No. 86345664, filed by Solvere One, LLC (“Respondent”), and hereby opposes such registration based on 15 U.S.C. § 1063(a) as follows:

A. Respondent’s SOLVERE ONE Application

1. In Application Serial No. 86345664 (“Respondent’s Application”), Respondent seeks to register the mark SOLVERE ONE (“Respondent’s Mark”) as a service mark for “computer installation and repair” in International Class 37 and “business technology software consultation services; computer network configuration services; computer network design for others; computer services, namely, remote management of the information technology (IT) systems of others; computer services, namely, remote management of computers and computer networks, information technology systems and computer software applications for others;

computer software consulting; computer system design services; computer technology support services, namely, help desk services; design and development of wireless computer networks; design of computer hardware, integrated circuits, communications hardware and software and computer networks for others; monitoring of computer systems by remote access to ensure proper functioning; monitoring the computer systems of others for technological purposes and providing backup computer programs and facilities; planning, design and implementation of computer technologies for others; planning, design and management of information technology systems; technical support services, namely, technical administration of servers for others and troubleshooting in the nature of diagnosing server problems; technical support, namely, monitoring technological functions of computer network systems” in International Class 42 (collectively, “Respondent’s Services”).

2. Respondent’s Application claims a first-use date in Classes 37 and 42 of July 31, 2008.

3. Respondent’s Mark was published in the *Official Gazette* on December 16, 2014.

4. On December 17, 2014, Opposer requested, and was granted by the Board, a thirty-day extension of time to oppose Respondent’s Application. Opposer’s deadline to oppose Respondent’s Application is February 14, 2015. This Notice of Opposition is therefore timely filed.

B. Opposer’s Rights in the SOLVERE Mark

5. Opposer is an engineering and technology company located in Belmont, North Carolina. Opposer was formed in 2003 and has been operated continuously since that time.

6. Opposer provides a broad array of services, including computer services, computer programming, software services, consulting services, engineering services, integration

services, network configuration services, fabrication services, and information technology services.

7. Since 2003, has promoted and marketed its services using the SOLVERE mark, alone and/or together with other words or designs (collectively, “Opposer’s Mark”). Opposer has spent substantial amounts of time, money and effort in developing and marketing goods and services under Opposer’s Mark throughout the United States. As a result, Opposer has built up extensive goodwill in, and owns extensive common law rights to, Opposer’s Mark.

8. Opposer also has filed a federal trademark application, Ser. No. 86397492 (“Opposer’s Application”), covering “custom fabrication and production of electrical control panels” in Class 40 and “engineering; engineering services in the field of computer networks and control systems; computer programming; computer system analysis; computer system design services; computer software development; computer network design for others; computer network configuration services; integration of computer systems and networks; information technology consulting services; planning, design and management of information technology systems; engineering design services; engineering and design of electrical control panels” in Class 42 (“Opposer’s Services”).

C. Priority

9. There is no issue as to priority. Upon information and belief, Respondent acquired no rights in Respondent’s Mark in the United States prior to July 31, 2008, the first-use-date cited in Respondent’s Application. Opposer, on the other hand, has continuously used Opposer’s Mark in association with Opposer’s Services in Class 40 since September 24, 2004 and in Class 42 since August 29, 2003.

D. Likelihood of Confusion

10. Respondent's SOLVERE ONE mark is confusingly similar to Opposer's SOLVERE mark.

11. The marks "SOLVERE" and "SOLVERE ONE" are nearly identical. They share the same dominant word "SOLVERE" and differ only by the inclusion of the word "ONE" in Respondent's Mark.

12. The inclusion of the word "ONE" in Respondent's Mark does not materially distinguish Respondent's Mark from Opposer's Mark.

13. Respondent's Mark and Opposer's Mark convey an identical or highly similar commercial impression.

14. Furthermore, Respondent's Mark is or will be used in connection with services that are substantially similar to and/or overlap with the services Opposer provides under Opposer's Mark.

15. Respondent's Services offered under Respondent's Mark may be marketed to the same potential purchasers in the same relevant markets as Opposer's Services are offered under Opposer's Mark.

16. Respondent's Services offered under Respondent's Mark may be provided through the same channels of trade as those used by Opposer to provide Opposer's Services.

17. Because of the strong similarity among the marks, services, relevant customers and markets, and channels of distribution, there is a strong likelihood of confusion between Opposer's Mark and Respondent's Mark.

18. Respondent's use and registration of Respondent's Mark would be likely to falsely suggest a connection with Opposer and Opposer's Mark. Any deficiency in Respondent's Services would reflect upon and seriously injure Opposer's reputation.

19. Respondent's Mark so resembles the senior marks of Opposer that it is likely, when used in connection with Respondent's Services, to cause confusion, to cause a mistake, or to deceive. Registration of Respondent's Mark for Respondent's Services is therefore likely to cause damage and injury to Opposer and is barred under 15 U.S.C. § 1052(d).

F. Conclusion

20. Therefore, Opposer prays that Respondent's application, Ser. No. 86345664, be rejected in total.

21. In addition, Opposer prays for such further or alternative relief as the Board may find appropriate.

Opposer respectfully submits this Notice of Opposition, along with the \$300 filing fee, on January 2, 2015.

PARKER POE ADAMS & BERNSTEIN LLP

/signature on electronic submission form/

By: William B. Cannon
N.C. Bar No. 33849
Attorney for Opposer
301 Fayetteville Street, Suite 1400
Raleigh, North Carolina 27601
Telephone: 919-835-4654

CERTIFICATE OF SERVICE

I hereby certify that on this day I caused a true and correct copy of the foregoing NOTICE OF OPPOSITION to be served upon Counsel for Respondent Solvere One, LLC via first class US Mail, addressed as follows:

Kevin Oliveira
Odin, Feldman & Pittleman, PC
1775 Wiehle Ave, Ste. 400
Reston, VA 20190-5159

This the 2nd day of January, 2015.

PARKER POE ADAMS & BERNSTEIN LLP

/signature on electronic submission form/

By: William B. Cannon
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