

ESTTA Tracking number: **ESTTA655305**

Filing date: **02/11/2015**

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	Valery Sigal Elo
Granted to Date of previous extension	02/11/2015
Address	13603 Marina Pointe Dr., Apt. 407 Marina Del Rey, CA 90292 UNITED STATES
Party who filed Extension of time to oppose	ValeriySigal
Relationship to party who filed Extension of time to oppose	The name "Valery" can be spelled out different ways. It is spelled "Valery" on the Opposer's identity documentation.

Attorney information	Yulia Dovgaya Neifeld IP Law, PC 4813-B Eisenhower Ave. Alexandria, VA 22304 UNITED STATES ydovgaya@neifeld.com
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**Applicant Information**

Application No	86205810	Publication date	10/14/2014
Opposition Filing Date	02/11/2015	Opposition Period Ends	02/11/2015
Applicant	Elo, Inc. #111 Burlington, VT 05401 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: On-line social networking services
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**Grounds for Opposition**

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

## Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	ELLO		
Goods/Services	Internet services		

Related Proceedings	N/A
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Attachments	NoticeOfOpposition_PRIM0010-1_2-11-2015.pdf(1105422 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	/YuliaDovgaya/
Name	Yulia Dovgaya
Date	02/11/2015

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

In the matter of Trademark Application No. 86/205,810  
Applicant: Ello, Inc.  
Filing Date: February 27, 2014  
Mark: ELLO

Published in the Official Gazette on October 14, 2014

VALERY SIGAL,	)	
	)	
Opposer,	)	
	)	
vs.	)	Opposition No. _____
	)	
ELLO, INC.	)	
	)	
Applicant.	)	

**NOTICE OF OPPOSITION**

Opposer, Valery Sigal, is a permanent resident of the United States having residential address at 13603 Marina Pointe Dr., Apt. 407, Marina Del Rey, California 90292. Opposer owns and operates company Ello, which provides internet services, including, but not limited to, open access to music videos of international performers (collectively referred to hereinafter as “Opposer’s Goods and Services”). As a publicly accessible internet channel, Ello became available for users in the United States at least as early as in September of 2010. Opposer believes that it would be damaged by registration of the trademark ELLO (“Applicant’s Mark”), depicted in U.S. Application Serial No. 86/205,810 (the “Application”), filed on February 27, 2014, by Ello, Inc. (the “Applicant”), a Vermont corporation whose address of record in the Application is #111 47 Maple Street, Burlington, Vermont 05401, United States. Accordingly, Opposer, by and through its attorneys, hereby opposes registration of Applicant’s Mark, and as grounds for opposition alleges as follows:

1. Since its inception in 2010, Opposer has been committed to innovation in internet and broadcasting services. Opposer and Opposer’s Goods and Services are well-known and well-

recognized in the telecommunication and entertainment industries.

2. Opposer adopted and began using its common law trademark ELLO at least as early as September of 2010. This mark has been continuously used in the United States since aforementioned time, and, through extensive consumers' use, advertising and promotion, Opposer's ELLO common law trademark has come to represent a goodwill and a significant amount of value now owned by Opposer.

3. In addition, Opposer is owner of trademark application filed in Ukraine on November 21, 2013, which has been granted.

4. On February 27, 2014, Applicant filed the Application to register Applicant's Mark in the USPTO for "[o]n-line social networking services" in International Class 045 (referred to herein as "Applicant's Goods and Services"). A true copy of the February 27, 2014 Application filing for U.S. Serial No. 86/205,810 is attached as Exhibit 1.

5. The Application states that the Applicant has intent to use the mark in commerce in the United States. Opposer's rights in Opposer's Mark arose prior to any alleged Applicant's intent to use Applicant's Mark.

6. Opposer's use of Opposer's Mark has been valid and continuous since any effective date of Applicant's Mark and has not been abandoned.

7. Opposer's Mark is distinctive and famous, with such fame arising prior to any alleged rights of Applicant in the mark hereby opposed.

8. Applicant seeks to register Applicant's Mark in connection with Applicant's Goods and Services that are related in nature to goods and services that Opposer offers under Opposer's Mark.

9. Applicant's use and application to register Applicant's Mark are without Opposer's consent.

10. Applicant is not the rightful owner of the applied for Applicant's Mark ELLO in the opposed Application.

11. Applicant was not, at the time of filing its application for registration, the rightful owner of the applied for mark ELLO in the opposed Application.

### **COUNT I**

#### **(Likelihood of Confusion)**

12. Opposer realleges and incorporates herein by reference the matters alleged in

Paragraphs 1 through 11.

13. There is no issue as to priority. Applicant acquired no rights in the Opposed Application before Opposer acquired rights in Opposer's Mark.

14. Applicant's Mark so resembles Opposer's Mark in sound, sight, meaning and commercial impression as to be likely, when applied to Applicant's Goods and Services, to cause confusion, mistake or deception by causing the public to believe that Applicant's Goods and Services originate from, or are otherwise sponsored or endorsed by Opposer in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), with consequent damage to Opposer and the public within the meaning of 15 U.S.C. § 1063(a).

### **COUNT II**

#### **(False Suggestion of Connection)**

15. Opposer realleges and incorporates herein by reference the matters alleged in Paragraphs 1 through 14.

16. Applicant's Mark so resembles Opposer's Mark that when applied to Applicant's Goods and Services, Applicant's Mark is likely to falsely suggest a connection with Opposer and the goods and services offered by Opposer in violation of Section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a), with consequent damage to Opposer and the public within the meaning of 15 U.S.C. § 1063(a).

### **COUNT III**

#### **(Dilution)**

17. Opposer realleges and incorporates herein by reference the matters alleged in paragraphs 1 through 14.

18. Applicant's Mark causes dilution of the distinctive quality of Opposer's Mark, which is famous and recognized by the general public, in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c), with consequent damage to Opposer and the public within the meaning of 15 U.S.C. § 1063(a).

### **REQUEST FOR RELIEF**

19. For the foregoing reasons, among others, Opposer believes that it would be damaged by the registration of Applicant's Mark. Accordingly, Opposer respectfully requests that this opposition be sustained and registration of Applicant's Mark be denied. The required

fee for the filing of this Notice of Opposition is submitted herewith. If any additional fees are due, please charge said fees to Deposit Account No: 50-2106.

Dated: February 11, 2015

Respectfully submitted,

/s/ Yulia A. Dovgaya  
Attorney for Opposer

Yulia A. Dovgaya  
Neifeld IP Law, PC  
4813-B Eisenhower Avenue  
Alexandria, VA 22304  
(703) 415-0012 ext. 106  
Ydovgaya@neifeld.com

**CERTIFICATE OF SERVICE**

I, Yulia A. Dovgaya, an attorney, hereby certify that on today's date I caused a copy of the foregoing Notice of Opposition to be served upon counsel for Applicant via First Class Mail and e-mail, at the following address:

Tsan Abrahamson  
2. Cobalt LLP  
918 Parker Street  
Building A21  
Berkeley, CALIFORNIA 94710  
UNITED STATES  
[\[trademarks@cobaltlaw.com\]](mailto:trademarks@cobaltlaw.com)

Dated: February 11, 2015

Respectfully submitted,

/s/ Yulia A. Dovgaya  
Attorney for Opposer

Yulia A. Dovgaya  
Neifeld IP Law, PC  
4813-B Eisenhower Avenue  
Alexandria, VA 22304  
(703) 415-0012 ext. 106  
Ydovgaya@neifeld.com

# Exhibit 1

Generated on: This page was generated by TSDR on 2015-02-11 11:26:04 EST

Mark: ELLO

# ELLO

US Serial Number: 86205810

Application Filing Date: Feb. 27, 2014

Register: Principal

Mark Type: Service Mark

Status: A request for an extension of time to file an opposition has been filed with the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Nov. 13, 2014

Publication Date: Oct. 14, 2014

## Mark Information

Mark Literal Elements: ELLO

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

## 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: On-line social networking services

International Class(es): 045 - 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: Ello, Inc.

Owner Address: #111  
47 Maple Street  
Burlington, VERMONT 05401  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Tsan Abrahamson

Attorney Primary Email Address: [trademarks@cobaltlaw.com](mailto:trademarks@cobaltlaw.com)

Attorney Email Authorized: Yes

### Correspondent

Correspondent Name/Address: Tsan Abrahamson  
Cobalt LLP  
918 Parker Street  
Building A21  
Berkeley, CALIFORNIA 94710

UNITED STATES

Phone: 510-841-9800

Fax: 510-295-2401

Correspondent e-mail: [trademarks@cobaltlaw.com](mailto:trademarks@cobaltlaw.com)

Correspondent e-mail Yes  
Authorized:

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Nov. 14, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Nov. 14, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Nov. 13, 2014	EXTENSION OF TIME TO OPPOSE RECEIVED	
Oct. 14, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 14, 2014	PUBLISHED FOR OPPOSITION	
Sep. 24, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 09, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	70138
Sep. 08, 2014	ASSIGNED TO LIE	70138
Aug. 25, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 01, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 31, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 31, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 10, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 10, 2014	NON-FINAL ACTION E-MAILED	6325
Jun. 10, 2014	NON-FINAL ACTION WRITTEN	77300
Jun. 05, 2014	ASSIGNED TO EXAMINER	77300
Mar. 11, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 03, 2014	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

TM Attorney: CLAYTON, CHERYL A

Law Office Assigned: LAW OFFICE 102

### File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Sep. 08, 2014

## Proceedings

### Summary

Number of Proceedings: 1

### Type of Proceeding: Extension of Time

Proceeding Number: [86205810](#)

Filing Date: Nov 13, 2014

Status: Not Instituted

Status Date: Nov 13, 2014

Interlocutory Attorney:

### Defendant

Name: Ello, Inc

Correspondent Address: Tsan Abrahamson  
Cobalt LLP  
Building A21 918 Parker Street  
Berkeley CA , 94710

### Associated marks

Mark	Application Status	Serial Number	Registration Number
ELLO	Request For Extension of Time to File Opposition	<a href="#">86205810</a>	

### Potential Opposer(s)

Name: ValeriySigal

Correspondent Address: Yulia Dovgaya

Neifeld IP Law, PC  
4813-B Eisenhower Ave.  
Alexandria VA , 22304  
UNITED STATES

Correspondent e-mail: [ydovgaya@neifeld.com](mailto:ydovgaya@neifeld.com)

**Prosecution History**

<b>Entry Number</b>	<b>History Text</b>	<b>Date</b>	<b>Due Date</b>
1	INCOMING - EXT TIME TO OPPOSE FILED	Nov 13, 2014	
2	EXTENSION OF TIME GRANTED	Nov 13, 2014	
3	INCOMING - EXT TIME TO OPPOSE FILED	Dec 15, 2014	
4	EXTENSION OF TIME GRANTED	Dec 15, 2014	

# Trademark/Service Mark Application, Principal Register

Serial Number: 86205810

Filing Date: 02/27/2014

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	86205810
<b>MARK INFORMATION</b>	
*MARK	<a href="#">ELLO</a>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	ELLO
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	Ello, Inc.
INTERNAL ADDRESS	#111
*STREET	47 Maple Street
*CITY	Burlington
*STATE (Required for U.S. applicants)	Vermont
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	05401
<b>LEGAL ENTITY INFORMATION</b>	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Delaware
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
INTERNATIONAL CLASS	045

<b>*IDENTIFICATION</b>	On-line social networking services, namely services for online communication, instant messaging, text communication, blogging, posting messages and media, video communication, audio communication, providing mobile and computer based applications; providing an online social network
<b>FILING BASIS</b>	SECTION 1(b)
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	Craig Neugeboren
<b>ATTORNEY DOCKET NUMBER</b>	1304.300.US (KKO-ELLO)
<b>FIRM NAME</b>	Neugeboren O'Dowd PC
<b>INTERNAL ADDRESS</b>	Suite 200
<b>STREET</b>	1227 Spruce Street
<b>CITY</b>	Boulder
<b>STATE</b>	Colorado
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	80302
<b>PHONE</b>	7205364900
<b>EMAIL ADDRESS</b>	craig@neugeborenlaw.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>OTHER APPOINTED ATTORNEY</b>	Sean R. O'Dowd
<b>CORRESPONDENCE INFORMATION</b>	
<b>NAME</b>	Craig Neugeboren
<b>FIRM NAME</b>	Neugeboren O'Dowd PC
<b>INTERNAL ADDRESS</b>	Suite 200
<b>STREET</b>	1227 Spruce Street
<b>CITY</b>	Boulder
<b>STATE</b>	Colorado
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	80302
<b>PHONE</b>	7205364900
<b>EMAIL ADDRESS</b>	craig@neugeborenlaw.com;docket@neugeborenlaw.com

<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>NUMBER OF CLASSES</b>	1
<b>FEE PER CLASS</b>	325
<b>*TOTAL FEE DUE</b>	325
<b>*TOTAL FEE PAID</b>	325
<b>SIGNATURE INFORMATION</b>	
<b>SIGNATURE</b>	/PAUL BUDNITZ/
<b>SIGNATORY'S NAME</b>	Paul Budnitz
<b>SIGNATORY'S POSITION</b>	Manager
<b>DATE SIGNED</b>	02/26/2014

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## Trademark/Service Mark Application, Principal Register

**Serial Number: 86205810**

**Filing Date: 02/27/2014**

### To the Commissioner for Trademarks:

**MARK:** ELLO (Standard Characters, see [mark](#))

The literal element of the mark consists of ELLO.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Ello, Inc., a corporation of Delaware, having an address of

#111,

47 Maple Street

Burlington, Vermont 05401

United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 045: On-line social networking services, namely services for online communication, instant messaging, text communication, blogging, posting messages and media, video communication, audio communication, providing mobile and computer based applications; providing an online social network

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant's current Attorney Information:

Craig Neugeboren and Sean R. O'Dowd of Neugeboren O'Dowd PC

Suite 200

1227 Spruce Street

Boulder, Colorado 80302

United States

The attorney docket/reference number is 1304.300.US (KKO-ELLO).

The applicant's current Correspondence Information:

Craig Neugeboren

Neugeboren O'Dowd PC

Suite 200

1227 Spruce Street

Boulder, Colorado 80302

7205364900(phone)

craig@neugeborenlaw.com;docket@neugeborenlaw.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

### **Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

### **Declaration Signature**

Signature: /PAUL BUDNITZ/ Date: 02/26/2014

Signatory's Name: Paul Budnitz

Signatory's Position: Manager

RAM Sale Number: 86205810

RAM Accounting Date: 02/27/2014

Serial Number: 86205810

Internet Transmission Date: Thu Feb 27 11:21:53 EST 2014

TEAS Stamp: USPTO/BAS-75.151.81.45-20140227112153376

479-86205810-50049a9b0102781fc85c59cf39c

6cef5f92fc2b4118a8ef3913fbc972ab37fc63-C

C-10704-20140226145400219596

ELLO