

ESTTA Tracking number: **ESTTA656262**

Filing date: **02/17/2015**

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	inGENEus Marcom, LLC
Granted to Date of previous extension	02/18/2015
Address	5150 E Ponce de Leon Ave Apt T Stone Mountain, GA 30083 UNITED STATES

Correspondence information	Isaac Wise inGENEus Marcom, LLC 5150 E Ponce de Leon Ave Apt T Stone Mountain, GA 30083 UNITED STATES ingeneusmkt@gmail.com Phone:3154087140
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**Applicant Information**

Application No	86063390	Publication date	10/21/2014
Opposition Filing Date	02/17/2015	Opposition Period Ends	02/18/2015
Applicant	Joyner, Ronnika A. 1303 Briarlake CT NE Atlanta, GA 30345 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 035. First Use: 2012/08/11 First Use In Commerce: 2012/08/11 Opposed goods and services in the class: marketing services; public relations; branding services, namely, consulting, development, management and marketing of brands for businesses and/or individuals
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**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/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	INGENEUS		
Goods/Services	Services as classified under Trademark Class 35: Advertising, marketing and promotional services; Public relations services; Market re-		

	search
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Attachments	Ingeneus Marcom, LLC vs Ronnika Joyner - Notice of Opposition - 86063390.pdf(80719 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 USPS Express Mail Post Office to Addressee on this date.

Signature	/Isaac Wise/
Name	Isaac Wise
Date	02/17/2015

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

In the matter of Application Serial No. 86063390 for the service mark “INGENEUS”, filed on September 12, 2013 and published in the Official Gazette on September 5, 2014.

**Ingeneus Marcom, LLC vs Ronnika Joyner**  
Opposer: Ingeneus Marcom, LLC  
Applicant: Ronnika Joyner

**Opposition No.:**  
Mark: “INGENEUS”

**NOTICE OF OPPOSITION**

Ingeneus Marcom, LLC (branded as Ingeneus MKT) is a limited liability company that exists and is organized by the state of Georgia, and provides marketing communication services in primarily the Entertainment industry. Ingeneus Marcom, LLC (hereafter “Opposer” or “Opposer Ingeneus Marcom”) has direct and personal stake in the outcome of this opposition, and believes it is or will be damaged by registration on the Principle Register of the mark “INGENEUS” as shown in Application No. 86063390, filed by Ronnika Joyner (hereafter “Applicant”).

Opposer could be denied potential sponsors and business partners due to confusion, as well as other patrons who may support the Applicant believing its affiliated with the Opposer.

As grounds for opposition it is alleged that:

1. Opposer Ingeneus Marcom is the senior user and proprietary rights owner of the mark “INGENEUS” and has priority of use under U.S. Common Law. Opposer is now and for several years been engaging in services classified under Trademark Class 35 such as: advertising, marketing, public relations services, and promotional services.

2. Applicant is a former member of the Opposer, and was recognized by Georgia’s Secretary of State as a member of the Opposer at the time the mark was filed. Applicant filed for

the service mark fully aware of the Opposer's existence, and verbally stated that she was filing the service mark for the Opposer (Applicant was a member at that time).

3. The service mark, "INGENEUS" did not exist on August 11, 2012. Thus, according to the definition of "date of first use anywhere" and "date of first use in commerce" outlined in Trademark Manual of Examining Procedure (T.M.E.P.) § 903.01 and 903.02, Applicant erroneously and falsely listed August 11, 2012 as the "first use date" and the "first use in commerce" date. Opposer Ingeneus Marcom requests that Applicant provides proof or documentation of using the mark in commerce or anywhere, on or prior to 8/11/12 in a capacity separate from the Opposer.

4. Section 7(c) of the Lanham Act, establishes that the Applicant did not have "constructive use" when filing the service mark, as the Opposer had established and used that mark in commerce more than 12 months prior to Applicant's filing date.

Claim 1: Likelihood of Confusion under Lanham Act § 2(d)

5. Opposer repeats and re-alleges each and every allegation contained in paragraphs 1 – 4, inclusive, as if fully recited in this paragraph.

6. Both parties are using the mark, "INGENEUS" while practicing marketing-related services listed under Trademark Class 35, in the same market. As aforementioned, the most prominent reason is Applicant's connection to the Opposer, the source of the mark.

7. Applicant purloined Opposer's digital assets (social media, website, domain) along with other intellectual property, and appropriated the mark from fellow equal in equity members of Opposer Ingeneus Marcom after not receiving written or verbal authorization to use the mark; "INGENEUS" in any capacity separate from the Opposer. Applicant then went on to start

Ingeneus PR, LLC in 2014, eighteen (18) months after the Opposer Ingeneus Marcom was established.

8. As stated, Applicant purloined the Opposer's website and social media which was supported by the constituents of all members of the Opposer and currently contains content belonging to the Opposer. The following is the LinkedIn profile URL of Ingeneus PR, LLC: [www.linkedin.com/company/ingeneus-marcom-llc](http://www.linkedin.com/company/ingeneus-marcom-llc). This is likely to cause confusion to the public. In addition, Applicant publicizes that Ingeneus PR was founded in 2012, which is the same year as the Opposer, further strengthening the likelihood of confusion.

9. As set forth in Paragraphs 5-8 above, Applicant's INGENEUS mark has and is likely to cause confusion with Opposer Ingeneus Marcom's prior and current INGENEUS mark, in violation of §2(d) of the Trademark (Lanham) Act.

Opposer Ingeneus Marcom requests that the registration of the mark sought to be registered and filed by Applicant, INGENEUS of Application No. 86063390, be denied so that the Opposer can file the mark and that this opposition be sustained.

Ingeneus Marcom, LLC  
By: /Isaac N. Wise/  
Isaac N. Wise  
5150 E Ponce De Leon Ave Apt T  
Stone Mountain, GA 300083

Dated: February 17, 2015

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **NOTICE OF OPPOSITION** is being served on February 17, 2015, by deposit to the United States Postal Service, Priority Express Mail, in an envelope addressed to Applicant at the address given on the TSDR website:

JOYNER, RONNIKA A.  
1303 BRIARLAKE CT NE  
ATLANTA, GA 30345  
UNITED STATES

/Isaac N. Wise/  
Isaac N. Wise